

**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 2 –
Rural, Rural Residential
and Lifestyle, Gibbston
Character Zone,
Indigenous Vegetation
and Biodiversity, and
Wilding Exotic Trees

**REPLY OF CRAIG ALAN BARR
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL
CHAPTER 22 – RURAL RESIDENTIAL AND RURAL LIFESTYLE**

3 June 2016

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1. INTRODUCTION

1.1 My name is Craig Barr. I prepared the section 42A report for the Rural Residential and Rural Lifestyle Chapter of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 7 April 2016.

1.2 I have reviewed the evidence and submissions filed by other expert witnesses and submitters both in advance of and during the Rural hearing, and attended the hearing except on 25 May 2016 where I was provided with a report of the information from submitters and counsel presented on that day.

1.3 This reply evidence covers the following issues:

- (a) Matters deferred to the Hearing on Rezoning;
- (b) Chapter structure and drafting;
- (c) Residential density in the Rural Lifestyle Zone;
- (d) Allowing more than one Residential Unit within a Building Platform
- (e) Visitor Accommodation, community activities and commercial activities;
- (f) Rule 22.4.3.3 Building Platforms;
- (g) Amenity within the zones;
- (h) Rule 22.5.3 Building Size;
- (i) Colour of permitted Buildings;
- (j) Rural Residential Sub Zone: Bobs Cove;
- (k) Informal Airports;
- (l) Home occupation; and
- (m) Fire fighting water supply.

1.4 Where I am recommending changes to the provisions as a consequence of considering submitter evidence and the hearing of evidence and submissions before the Panel, I have included those changes in **Appendix 1 (Revised Chapter)**. I have also attached a section 32AA evaluation in **Appendix 2**.

2. MATTERS DEFERRED TO THE HEARING ON REZONING

2.1 I maintain my opinion held in the s42A report that the request by Lake Hayes Cellar Limited (#767) for rezoning from Rural to Rural Residential, and the introduction of a 'commercial overlay' rules is best addressed within the rezoning hearings. The requested 'commercial overlay' provisions are to do with a zone that effectively does not exist in the notified PDP. However, in terms of the merits I do question the appropriateness of rezoning an activity that is contemplated under the PDP Rural Zone framework (being winery buildings associated with viticulture) to Rural Residential, and then, to avoid the non-complying status, creating a new suite of rules. For these reasons, from a section 32 perspective I question the merits of the relief sought *but* consider that it should in substance be considered at the rezoning hearing.

3. RESIDENTIAL DENSITY IN THE RURAL LIFESTYLE ZONE

3.1 Submitters represented by Mr Fergusson¹ support the concept of increasing the density of the Rural Lifestyle Zone to 1ha, with no minimum allotment size. In addition, submitters represented by Mr Farrell² seek a similar change to Rule 22.5.12.3 so that on sites of two hectares you can have two residential units on average.

3.2 Mr Farrell relies upon PDP Strategic Direction Objective 3.2.6.1 to ensure a mix of housing opportunities to support the submitters' position. I consider that this is taking a very ambitious view of that objective because the PDP, as notified, provided a mix of housing including rural living at a density of one residential unit every 2 ha. I therefore do not accept Mr Farrell's argument that increasing density further accords with the objective.

3.3 I also disagree with Mr Fergusson where he states in the written evidence, that he considers all the Rural Lifestyle Zones throughout

1 Darby Planning LP (#608) , Soho Ski Area Ltd (#610) , Treble Cone Investments Ltd (#613), Mount Christina Ltd (#764), Lake Hayes Ltd (#763), Lake Hayes Cellar Ltd (#767), Hansen Family Partnership (#751).

2 G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave Finlin, and Sam Strain (534 and 535), Wakatipu Equities limited (515), Slopehill Joint Venture (537), G W Stalker Family Trust (535) , Cook Adam Trustees limited/C & M Burgess (669), Slopehill Properties limited (854), D & M Columb (624), Real Journeys Limited (621/1341), Te Anau Developments Limited (607/1342), Cardrona Alpine Resort Limited (615), Queenstown Water Taxis Ltd (658), Ngai Tahu Tourism Limited (716).

the District can absorb a density of 1ha. This does not just include the Rural Lifestyle areas within the Wakatipu Basin where additional submissions from landowners, legal counsel and landscape evidence were submitted. I consider that accepting a higher density such as that proposed would require a greater emphasis on managing the adverse effects of contemplated development. In addition, many of the Rural Lifestyle zoned areas are located amidst the Outstanding Natural Landscape (**ONL**) area.³ On this basis I consider that the PDP framework of a permitted building regime may not suit the nature and density of residential development that these submitters are requesting.

3.4 I note in paragraph 3.2 (f) of Ms Pfluger's evidence (representing the same submitters as Mr Fergusson) where she states that some of the Rural Lifestyle Zoned areas have the capacity to absorb a higher density of residential units than one per 2 ha. This is contrary to Mr Fergusson's evidence that he considers the increased density can be applied district wide.

3.5 I consider that the majority of submitters seeking a higher density across the entire Rural Lifestyle zone have not provided expert evidence that supports this density district wide. I also refer to and rely on the evidence of Dr Read where she supports the retention of a density of 2 ha.

3.6 Having considered the expert landscape evidence presented by the submitters, I consider that there could be areas where a higher density could be appropriate as the environment has capacity to absorb such development. However, overall, I do not support a higher density in the Rural Lifestyle zone and also do not support the notion that a 65 metre separation of buildings is a suitable benchmark for privacy.⁴ In addition I do not think a benchmark or development expectation such as this would maintain rural living character within the Rural Lifestyle Zones, and I consider it would compromise the District's landscape quality overall.

3 For example at Mt Barker, Makarora, Wyuna.

4 As suggested by Landscape Architect Mr Stephen Skelton.

3.7 In conclusion, I consider that these submitters have primarily focused their perspective of the Wakatipu Basin, in particular the south-eastern extent. I note that the majority of these landholdings are subject to rezoning requests. Overall, I consider the density of the Rural Lifestyle should be retained as notified.

4. ALLOWING MORE THAN ONE RESIDENTIAL UNIT WITHIN A BUILDING PLATFORM

4.1 Mr Goldsmith's submission for Arcadian Triangle Limited (#497) and Mr McDonald and Geddes for several submitters⁵ request that it be a permitted activity to allow more than one residential unit within a building platform in the Rural Zone⁶ and Rural Lifestyle Zone. Mr Goldsmith suggests a policy framework and if necessary a prohibited status to ensure building platforms are not further subdivided. However, Mr McDonald appeared reluctant to accept the preclusion of the ability to further subdivide a building platform containing two residential units in the future.

4.2 Mr McDonald's submission also focussed on where this could be appropriate and suggested the 'river flats' would be an appropriate area. Mr McDonald did not provide any landscape evidence, and I therefore do not accept or support his submission on that matter. I do agree in part with Mr Goldsmith where he expressed concern at the limitations associated with accommodation options and the efficient use of land.

4.3 A relevant matter associated with the number of Residential Units within a building platform that is not discussed by Mr Goldsmith, and which I now raise, is the effect of the accumulation of living arrangements through Residential Flats. A Residential Flat sits within the definition of Residential Unit, therefore, if two Residential Units are allowed, there would be an expectation that a Residential Flat would be established with each Residential Unit. Therefore, within a single building platform that has two Residential Units there could be four separate living arrangements. From an effects perspective this

5 Hutchinson (228), Gallagher (534), Sim (235) McDonald Family Trust (411).

6 Refer to the Reply for Chapter 21.

could go well beyond what was contemplated when the existing building platforms in the Rural General Zone were authorised.

4.4 Mr Goldsmith criticised the size of a Residential Flat as provided in the definition, that the 70m² area is arbitrary and of an urban context that is out of place in a rural area. I recommend that in the Rural Zone and Rural Lifestyle Zone the size of a Residential Flat is increased from 70m² to 150m². This is considered to effectively provide for a wider range of opportunities for accommodation. A 150m² residential building could easily provide 4 bedrooms and ample living area. I also note that accessory building(s) associated with Residential Flats are excluded from the area required in the definition. Therefore, the 150m² can be dedicated to 'living' areas of the Residential Flat.

4.5 I also consider that this method is efficient and effective for the following reasons:

- (a) the PDP rules would require a non-complying activity resource consent to subdivide a Residential Flat from a Residential Unit, therefore there are robust processes in place to prevent unintended outcomes and precedent issues can be dealt with;
- (b) the development contribution for a Residential Flat is only 50% the development contribution for a Residential Unit. Therefore, it is more efficient for landowners if the Council (through a district plan) encourage Residential Flats instead of multiple residential units;
- (c) the only changes required to the PDP provisions is an amendment to the definition of Residential Flat, therefore reducing any potential complexities associated with controlling multiple Residential Units within a single building platform; and
- (d) allowing additional Residential Units as part of the PDP submission process could be likely to create a disconnect between the approval in principal and conditions registered on the computer freehold register and the potential desire to

establish separate driveways and curtilage areas. This is less likely to happen under the use of Residential Flats.

- 4.6 An amended definition of Residential Flat is included in **Appendix 1** and a s32AA evaluation is attached at **Appendix 2** of my Rural Reply evidence.

5. VISITOR ACCOMMODATION, COMMUNITY ACTIVITIES AND COMMERCIAL ACTIVITIES

- 5.1 I agree with Submitter 764 (Hadley) represented by Mr Vivian that the reference to intensive visitor accommodation within the visitor accommodation subzones is not appropriate, specifically, in Policy 22.2.2.4. Although these areas contemplate visitor accommodation, the scale and intensity should be commensurate with the zone it is located within. I recommend the word 'intensive' is removed, and I have made this change in the Revised Chapter in **Appendix 1**.

6. RULE 22.4.3.3 BUILDING PLATFORMS AS A DISCRETIONARY ACTIVITY

- 6.1 On 18 May 2016 the Panel identified a potential issue with Rule 22.4.3.3 in that it does not specify the size parameters between 70m² and 1000m² typically associated with a building platform.⁷
- 6.2 Rule 22.4.3.3 (Rural Lifestyle Zone) provides the opportunity to apply for a discretionary activity land use resource consent, for the identification of a building platform. The rule provides the opportunity to secure a 'development right' in situations where a site does not have a building platform registered on the computer freehold register. Under the ODP the only method to identify a building platform is through a subdivision. This matter is discussed in the section 32 report for Chapter 22 at page 42.
- 6.3 A discretionary activity status ensures the Council has the ability to assess the potential broad spectrum of issues that could arise for applications under this rule. In addition to matters such as servicing, access, landscape and amenity matters and natural hazards, an

7 For example, refer to Rule 21.4.9 of the Rural Zone Chapter.

analysis could be required to ensure the proposed residential building platform would not undermine the overall density and resultant activity status of any previous subdivision approvals. In particular in the context of a controlled activity subdivision requiring a 2 hectare average.

6.4 A number of submissions have identified that when the rule is read in isolation, it could be misconstrued that a discretionary activity resource consent regime is proposed similar to the Rural Zone. This is not the intention of Rule 22.4.3.3 in this instance. The fundamental residential development rights of the Rural Lifestyle Zone are set out in the Subdivision Chapter and corresponding density standards in Rule 22.5.12. The recommended revised chapter attached to the Rural Lifestyle s42A report adds a clarification point to ensure that the rule does not apply where a residential building platform is proposed through Subdivision Rule 27.5.1.1, therefore removing the duplication of resource consents where a residential building platform is proposed through a subdivision.

6.5 Rule 22.4.3.3 as recommended in the S42a report is:

22.4.3.3 The identification of a building platform for the purposes of a residential unit except where identified by Rule 27.5.1.1.

6.6 The area parameters were omitted intentionally because primarily and in most instances the identification of a building platform will be undertaken through Rule 27.5.1.1 of the Subdivision Chapter, which specifies the 70m² to 1000m² size range. It is considered unlikely that an application for land use consent would seek to create a building platform through Rule 22.4.3.3 that exceeds 1000m², or identifies a building platform over the entire site. This is particularly the case given that the Council has unrestricted discretion and can seek certainty over the location of future buildings to ensure that matters such as rural amenity and character, hazards, reverse sensitivity and servicing are appropriately managed.

6.7 To provide clarification and certainty to address the issue raised by the Panel, the rule could be improved by including the size

parameters in Rule 27.5.1.1 so that it is consistent with the expectations associated with the size of building platforms in the Rural Lifestyle Zone. This matter is associated with clarity and not considered to be a substantial change.

- 6.8** The suggested modification to Rule 22.4.3.3 is set out below (in red type) and is shown in **Appendix 1**:

22.4.3.3 *The identification of a building platform not less than 70m² and not greater than 1000m² for the purposes of a residential unit except where identified by Rule 27.5.1.1.*

- 6.9** Rule 22.4.3.2 permits the exterior alteration of buildings located outside of a building platform not exceeding 30% of the ground floor area of the existing building in any ten year period. The Panel sought clarity that this applies to extensions of buildings only where there is no registered building platform and that this extension is not about allowing buildings going outside of a building platform. I confirm that this is the intent and upon reflection of the submissions I now appreciate the submission of the New Zealand Institute of Architects and Southern Women in Architecture (#238), who opposed this rule on the basis building should be discouraged to locate outside of building platforms.

- 6.10** I recommend the revised wording above. I consider that this matter is related to clarity however if the Panel consider that this is a substantive change I consider that there is scope with Submission 238 to do so.

- 6.11** The construction and exterior alteration of buildings are permitted:

Rule 22.4.3.2

*Where there is not an approved building platform on the site
~~the~~ exterior alteration of buildings located outside of a building platform not exceeding 30% of the ground floor area of the existing building in any ten year period.*

7. AMENITY WITHIN THE ZONES

7.1 Submitter 674 (Hadley) represented by Mr Vivian requests that there is more attention paid to recognising the management of amenity within the zones, and not just the effects of activities within the zone on the wider Rural Zoned Landscape. I agree to a point, and recommend amendments to Objective 22.2.1 and Policies 22.2.1.3 and 22.2.1.5. Recommended changes are set out in **Appendix 1**.

7.2 Mr Vivian also requests that an objective and two policies are included to safeguard the life supporting capacity of water, with particular focus on Lake Hayes and Mill Creek. I recommend that these provisions are not accepted as there are other standards in the ODP, such as the (operative) Earthworks Chapter, and in the relevant Otago Regional Council Regional Plan: Water, which address these issues. In addition there has not been any evidence tabled setting out why this area deserves special attention compared to other areas.

7.3 I accept the reintroduction of a 15 metre setback of buildings in the Rural Residential Zone north of Lake Hayes (Rule 22.5.5). This Rule was included in the notified version and was unintentionally recommended to be removed in the s42a report. I recommend this rule is reinstated and this is set out in **Appendix 1**.

8. RULE 22.5.3 BUILDING SIZE

8.1 Mr Goldsmith for Arcadian Triangle Ltd (#497) is one of many submitters that had concerns with Rule 22.5.3 requiring a restricted discretionary activity resource consent to construct a single building over 500m². I also note that Dr Read in her evidence suggests that the matter could be addressed through volume, and as a response, Mr Goldsmith on behalf of Arcadian Triangle Ltd entertained the idea of making some parts of a building a certain height and, once it is over a certain size, other parts of the building being a lower height.

8.2 I consider that this would unnecessarily complicate the rule, which is intended to give the Council the ability to take a closer look at buildings over a certain size. This is to ensure that, while taking into

account the expectations of development in that location, the bulk of the building does not appear incongruous and have adverse effects in terms of the amenity of the immediate locality or any wider landscape effects. I also note that Ms Pfluger supports the 500m² size limit for buildings.

8.3 I do appreciate that the ODP requires resource consent for equivalent activities but as a controlled activity. Therefore, currently there is a higher level of intervention generally across the zone, but the consequences for the applicant are less as the controlled status means that a consent must be granted. I consider that the rule should be retained in its current form and if changes are considered necessary, to lessen the impact on future applicants, the activity status should be changed from restricted discretionary to controlled. This would give submitters assurance that future applications would obtain resource consent, while still giving the Council control over the bulk and visual prominence of buildings. However, I continue to recommend in the first instance that the restricted discretionary status, as notified, is retained.

9. COLOUR OF PERMITTED BUILDINGS

9.1 Mr Fergusson's evidence⁸ pursues the inclusion of schist in the permitted materials that cannot be measured by way of light reflectance value. I consider that the revised wording set out in the s42A report includes schist. I disagree with Mr Fergusson that the rule introduces uncertainty. As set out in the s42A report I am reluctant to list a range of materials because over the life of the district plan there will almost certainly be other materials that come onto the market and it would be ineffective and inefficient if these materials required a resource consent because they were not listed. I prefer the drafting in the s42A because while it does place discretion at the benefit of the Council, it allows the Council to accept a range of materials and not be hamstrung by the rule. I consider that including only schist or a range of materials is short-sighted.

⁸ Darby Planning LP (#608) , Soho Ski Area Ltd (#610) , Treble Cone Investments Ltd (#613), Mount Christina Ltd (#764), Lake Hayes Ltd (#763), Lake Hayes Cellar Ltd (#767), Hansen Family Partnership (#751).

10. RURAL RESIDENTIAL SUB ZONE: BOBS COVE

- 10.1** Mr Wells for Glentui Heights Ltd (#694) presented a revised set of provisions that retain the sub zone, but seek to modify a number of provisions. I generally consider that the anticipated environmental outcomes (as set out in **Appendix 1** at Objectives 22.2.6 and 22.2.7) should be retained, including the emphasis on ecological matters/indigenous biodiversity. However I do acknowledge that Mr Wells' provisions make reference to a 'development plan' that does not appear to exist, at least in a statutory manner within the body of the PDP (or ODP).
- 10.2** Having reviewed the changes requested I am not satisfied that the provisions should be amended. In particular I am not satisfied whether Rule 22.5.30 that requires landscaping in association with the approval of subdivision, has been given effect to. I recommend the provisions are retained as set out in **Appendix 1**.

11. INFORMAL AIRPORTS

- 11.1** Some submitters seek that informal airports be prohibited activities (Christine Byrch #243) while other submitters (Hadley (#674)) seek that they are retained as discretionary in the Rural Lifestyle Zone and made non-complying in the Rural Residential Zone. I consider the discretionary activity status is appropriate. The circumstances of an application including the site, proximity to neighbouring properties, and the nature and scale of the activity will influence the appropriateness and ultimate outcome of the application.

12. HOME OCCUPATION

- 12.1** Submitter 127 (Simon Chisolm) seeks the ability to undertake meat processing and sought an exemption to the list of prohibited activities. The s42A report recommended this submission point be accepted. Upon further consideration and after questioning from Panel I consider that generally Home Occupations are exempt from these activities because while the identified activities in Rule 22.4.17 has

the potential to be noxious, the nature and scale of these activities associated with Home Occupation is limited.

12.2 The same issue is also relevant for Temple Peak Limited (#486) who note that as part of farming activities, undertaking maintenance work on motor vehicles is permitted in the Rural Zone, but prohibited in the Rural Lifestyle Zone, despite these environments being the same (in the case of Temple Peak's land). An issue raised by the Panel was that motor body repair might not fall within the definition of farming. I consider that if it didn't fall within the definition of farming then it is the same as a residential activity where a person would be maintaining or repairing their motor vehicle at home.

12.3 I recommend that a point of clarification is made that these activities undertaken as part of a residential activity (not commercial) or as a Home Occupation are exempt from the prohibited status, and are permitted activities within the ambit of the range of activities for Home Occupations. This recommended change is set out in Revised Chapter in **Appendix 1**.

13. FIRE FIGHTING AND WATER SUPPLY

13.1 I maintain my recommendation set out in my s42A report that the best method to manage firefighting in the Rural Lifestyle Zone is via the conditions of resource consents. I also maintain that the proposed rule presented in the s42A report is more appropriate than that requested by the New Zealand Fire Service because it is more certain and practicable to administer. I also reaffirm my evidence given at the hearing when asked by the Panel on 3 May that the proposed rules in the Rural Residential Zone could be applied across the Rural Zone and Gibbston Character Zone if it is their desire to do so.

13.2 Related to managing fire and the risk to people and property, is Policy 22.2.1.7 and new recommended policy 22.2.1.8.

13.3 Policy 22.2.1.7 is:

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

13.4 The panel questioned whether the policy should reflect two aspects rather than only fire, and suggested whether the desire for the retention of indigenous vegetation and planting can also create fire risk. I consider that this matter is the intent of the policy, the policy as phrased does not limit the decision maker to existing vegetation but vegetation generally. Therefore any vegetation that is proposed to be planted or proposed to be retained, as well as vegetation that just happens to be on the application site, is applicable.

13.5 I do not consider the policy needs to be modified. However if the Panel seek to do so there is likely to be scope from the comprehensive submission from the New Zealand Fire Service (#438).

13.6 New recommended policy 22.2.1.8 introduced in the s42A report is:

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

13.7 The policy is recommended to provide a basis for the new rule recommended for the Rural Residential Zone (21.5.x on Page 21-11). The Panel sought clarification to address how this policy will be given effect to. I consider that this policy would be given effect to through new Rule 21.5.x, associated with buildings in the Rural residential Zone that are otherwise permitted, and through Rule 22.4.3 that provides the opportunity to apply for a discretionary activity status land use consent to identify a building platform in the Rural Lifestyle Zone.

13.8 In the case of subdivision activities I consider that this matter would be addressed by Subdivision Policy 27.2.5.7 '*Ensure water supplies are of a sufficient capacity, including firefighting requirements, and of*

a potable standard, for the anticipated land uses on each lot of development'.

14. CONCLUSION

14.1 Overall, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.



Craig Barr
Acting Policy Planning Manager
3 June 2016

APPENDIX 1
22 RURAL RESIDENTIAL AND RURAL LIFESTYLE REVISED CHAPTER

RURAL RESIDENTIAL & LIFESTYLE 22

Key:

Red underlined text for additions and ~~red strike through~~ text for deletions, Appendix 1 to Craig Barr's Right of Reply, dated 3 June 2016.

Purple underlined text for additions and ~~purple strike through~~ text for deletions, Working Draft in response to the Panel's Fourth Procedural Minute, dated 13 April 2016.

Black underlined text for additions and ~~black strike through~~ text for deletions, Appendix 1 to Craig Barr's s42A report, dated 7 April 2016.

22 Rural Residential and Rural Lifestyle

22.1 Zone Purpose

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

Comment [CB1]: Submitter 238 and FS1255.38

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

Comment [CB2]: Submitter 383. Relates to clarification.

Comment [CB3]: Hadley submission. Mill Creek and ecological values. 9.1 and 9.2 Vivian submission

Rural Residential Zone

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

Rural Lifestyle Zone

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

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

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

Many of the Rural Lifestyle zones are located within sensitive parts of the district's distinctive landscapes. While residential development is anticipated within these zones, provisions are included to manage the visual prominence of buildings, control residential density and generally discourage

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commercial activities. Building location is controlled by the identification of building platforms, bulk and location standards and, where required, design and landscaping controls imposed at the time of subdivision.

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

- 22.5.6: Setback of buildings from water bodies.

22.2 Objectives and Policies

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

Comment [CB4]: Submitters 497, 513, 515, 522

Comment [CB5]: Submitter 674.

Policies

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

Comment [CB6]: Submitters 497, 513, 515, 522

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

Comment [CB7]: Submitter 238

Comment [CB8]: Submitters 497, 513, 515, 522

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

Comment [CB9]: Submitter 674

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

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

Comment [CB10]: Submitter 674

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

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

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

Comment [CB11]: Submitter 438

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

Policies

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

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

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22.2.2.3 Discourage commercial and non-residential activities, including restaurants, visitor accommodation and industrial activities, ~~so that would diminish the amenity, rural living quality and character of the Rural Residential and Rural Lifestyle zones are not diminished and the vitality of the District's commercial zones is not undermined.~~ **Comment [CB12]:** Submitter 764

22.2.2.4 Encourage ~~intensive~~ visitor accommodation only within the specified visitor accommodation subzone areas and control the scale and intensity of these activities. **Comment [CB13]:** Submitter 764

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

22.2.3 Objective - ~~Manage n~~ New development and adequately manages natural hazards risk. **Comment [CB14]:** Submitter 764

Policies

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

22.2.4 Objective - ~~Ensure n~~ New development does not exceed available capacities for servicing and infrastructure. **Comment [CB15]:** Grammar

Policies

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

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

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

Policies

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

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

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

22.2.6.2 Ensure there is open space in front of buildings that remains generally free of vegetation to avoid disrupting the open pastoral character of the area and the lake and mountain views.

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22.2.7 Objective - Bob's Cove Rural Residential Zone - ~~To maintain and enhance~~ The ecological and amenity values of the Bob's Cove Rural Residential zone are maintained and enhanced.

22.2.7.1 To ensure views of Lake Wakatipu and the surrounding landforms from the Glenorchy-Queenstown Road are retained through appropriate landscaping and the retention of view shafts.

22.2.7.2 To ensure the ecological and amenity values of Bob's Cove are retained and, where possible, enhanced through:

- appropriate landscaping using native plants;
- restricting the use of exotic plants;
- removing wilding species;
- providing guidance on the design and colour of buildings;
- maintaining view shafts from the Queenstown-Glenorchy Road.

22.3 Other Provisions and Rules

22.3.1 District Wide

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

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

22.3.2 Clarification

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

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

22.3.2.3 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant land use consent, consent notice or covenant registered on the site's computer freehold register.

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- 22.3.2.4 The Council reserves the right to ensure development and building activities are undertaken in accordance with the conditions of resource and subdivision consent through monitoring.
- 22.3.2.5 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent or subdivision.
- 22.3.2.6 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.
- 22.3.2.7 Ground floor area means any areas covered by the building or parts of the buildings and includes overhanging or cantilevered parts but does not include pergolas (unroofed), projections not greater than 800mm including eaves, bay or box windows, and uncovered terraces or decks less than 1m above ground level.
- 22.3.2.8 Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.
- 22.3.2.9 Sub zones, including the Visitor Accommodation Sub Zone, being a subset of the respective Rural Residential and Rural Lifestyle zones require that all rules applicable to the respective zone apply, unless specifically stated to the contrary.
- 22.3.2.10 In addition to Tables 1 and 2, the following standards apply to the areas specified:
- Table 3: Rural Lifestyle Deferred and Buffer Zones
- Table 4: Rural Residential Zone at Forest Hill.
- Table 5: Rural Residential Bob's Cove and Sub Zone.
- Table 6: Ferry Hill Rural Residential Sub Zone.
- Table 7: Wyuna Station Rural Lifestyle Zone.
- 22.3.2.11 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

22.3.3 Exemptions

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

[22.3.3.2](#) Internal alterations to buildings including the replacement of joinery is permitted.

Comment [CB16]: Clarification.

22.4 Rules - Activities

	Table 1: Activities Rural Residential and Rural Lifestyle Zones	Activity
22.4.1	Any other activity not listed in Tables 1-7.	NC

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	Table 1: Activities Rural Residential and Rural Lifestyle Zones	Activity
22.4.9	<p>Home Occupation activity involving retail sales limited to handicrafts or items grown or produced on the site.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Privacy on neighbouring properties. • scale and intensity of the activity. • Traffic generation, parking, access. • Noise. • Signs and Lighting. 	C
22.4.10	<p>Visitor accommodation within a visitor accommodation subzone, including the construction or use of buildings for visitor accommodation.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • The bulk and scale of buildings in the context of the scale of residential buildings in the surrounding area. • Access safety and transportation effects. • Car Parking. • Noise. • Signs and Lighting. • Landscaping to mitigate effects associated with buildings, infrastructure and car parking areas. • Where buildings are located near water bodies, ensuring the buildings are compatible with the scenic and amenity values of any waterbodies. • Whether the building will be located in an area subject to natural hazards including the effects of any mitigation to manage the location of the building. 	C
22.4.11	Visitor accommodation outside of a visitor accommodation subzone, including the construction or use of buildings for visitor accommodation.	NC D
22.4.12	Community activity.	D
22.4.13	Informal airports.	D
22.4.14	Informal Airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
22.4.15	Any building within a Building Restriction Area that is identified on the planning maps.	NC
22.4.16	Any other commercial or Industrial activity.	NC

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

Comment [CB19]: Clarification and Submitters 127 and 486

Comment [CB20]: Submitter 127

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22.5 Rules - Standards

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

Comment [CB21]: Submitter 497 and others.

Comment [CB22]: Clarification.

Comment [CB23]: Clarification and Submitter 610

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	<ul style="list-style-type: none"> The effect on open space, rural <u>living</u> character and amenity. Effects on views and outlook from neighbouring properties. Building design <u>and reasons for the size</u>. 		<p>Comment [CB24]: FS1255</p> <p>Comment [CB25]: Submitter 444.</p>
22.5.4	<p>Setback from internal boundaries</p> <p>The minimum setback of any building from internal boundaries shall be:</p> <p>22.5.4.1 Rural Residential zone - 6m</p> <p>22.5.4.2 Rural Lifestyle zone - 10m</p> <p>22.5.4.3 Rural Residential zone at the north of Lake Hayes - 15m</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> Visual dominance. The effect on open space, rural <u>living</u> character and amenity. Effects on privacy, views and outlook from neighbouring properties. Reverse sensitivity effects on adjacent properties. Landscaping. 	RD	<p>Comment [CB26]: FS 1255</p>
22.5.5	<p>Setback from roads</p> <p>The minimum setback of any building from a road boundary shall be: 40m, except in the Rural Residential zone at the north of Lake Hayes, the minimum setback from Speargrass Flat Road shall be 15m.</p> <p>22.5.5.1 Rural Lifestyle Zone: <u>20m</u></p> <p>22.5.5.2 Rural Residential Zone: 10m</p> <p>22.5.5.3 Rural Residential Zone where the road is a State Highway: <u>15m</u></p> <p>22.5.5.4 <u>Rural Residential zone at the north of Lake Hayes, the minimum setback from Speargrass Flat Road: 15m</u></p>	NC	<p>Comment [CB27]: Submitter 367</p> <p>Comment [CB28]: Submitter 719</p> <p>Comment [CB29]: Submitter 674. Unintentional exclusion made in the s42a report.</p>
22.5.6	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> Any indigenous biodiversity values. Visual amenity values. Landscape character. Open space. Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building. <p>Except this rule does not apply to the visitor accommodation sub zones.</p>	RD	

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

Comment [CB30]: Submitter 26.

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

Comment [CB31]: Submitter 438.

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

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

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

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

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

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	<p>over the area; and</p> <p>The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This landscaping plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years.</p>	
22.5.31	<p>Definitions that apply within the Bob's Cove Rural-Residential sub-zone:</p> <p><u>Development Area</u></p> <p>means all that land used for:</p> <ul style="list-style-type: none"> • Buildings; • Outdoor living areas; • Pathways and accessways, but excluding the main accessway leading from the Glenorchy-Queenstown Road to the development areas; • Private garden; and • Mown grass surfaces, but <u>excluding</u> large areas of commonly-owned mown pasture or grazed areas that are to be used for recreational purposes. <p><u>Undomesticated Area</u></p> <p>means all other land not included in the definition of "Development Area".</p>	<p>Comment [CB32]: Underlined text not associated with s42a analysis.</p> <p>Comment [CB33]: Underlined text not associated with s42a analysis.</p>
22.5.32	<p>Matters of discretion for restricted discretionary activities:</p> <p>22.5.32.1 The form and density of development (including buildings and associated accessways) are designed to:</p> <ol style="list-style-type: none"> a. compliment the landscape and the pattern of existing and proposed vegetation; and b. mitigate the visual impact of the development when viewed from Lake Wakatipu and the Glenorchy-Queenstown Road. <p>22.5.32.2 The vegetation is, or is likely to be, of sufficient maturity to effectively minimise the impact of the proposed building when viewed from Lake Wakatipu and the Glenorchy-Queenstown Road.</p> <p>22.5.32.3 The development provides for 75% of the zone to be established and maintained as undomesticated, such that there is a predominance of indigenous vegetation.</p> <p>22.5.32.4 The form of development mitigates the visual impact from Lake Wakatipu and the Glenorchy-Queenstown Road.</p> <p>22.5.32.5 Whether and the extent to which the proposed landscaping contains predominantly indigenous species (comprising a mix of trees, shrubs, and grasses) that are suited to the general area, such as red beech, native tussocks, hebes, pittosporum, coprosmas, cabbage trees, and lancewoods.</p>	

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

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

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

22.6 Rules - Non-Notification of Applications

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

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

Comment [CB34]: Submitter 719.

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

22.7 Rules - Assessment Matters

22.7.1 Controlled Activities – Natural Hazards Makarora Rural Lifestyle Zone

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

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

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

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

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

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

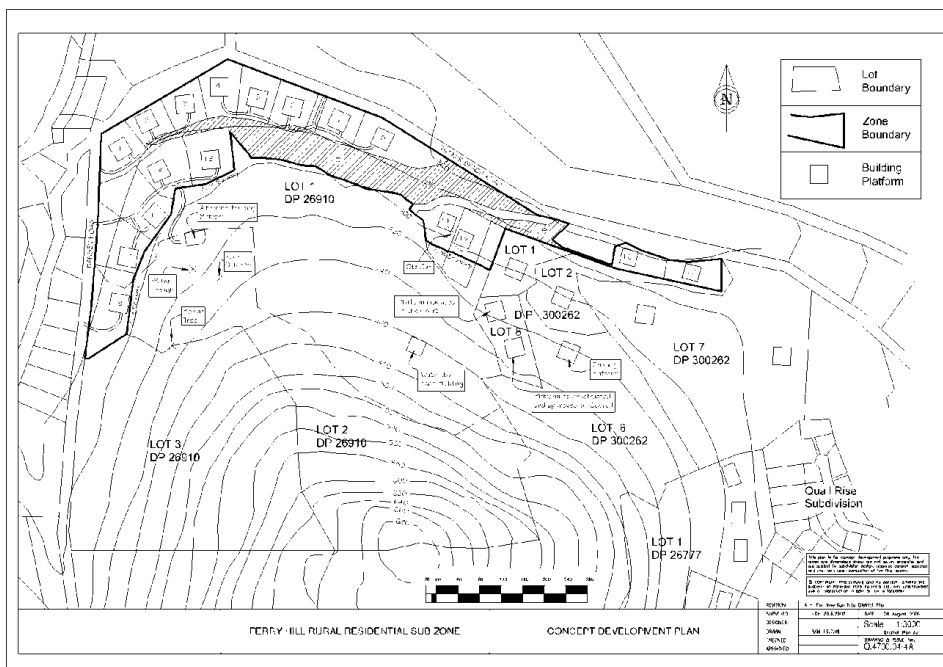
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- d. The adequacy of existing outfalls and any need for upgrading;
- e. Any need for retention basins to regulate the rate and volume of surface run-off.

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

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

22.7.2 Rural Residential Ferry Hill Sub Zone Concept Development Plan



APPENDIX 2
SECTION 32AA EVALUATION

Appendix 2

Section 32AA Assessment

Note

The relevant provisions from the Revised Chapter are set out below, showing:

- 1) Red underlined text for additions and ~~red strike through~~ text for deletions, Appendix 1 to Craig Barr's Right of Reply, dated 3 June 2016.
- 2) Purple underlined text for additions and ~~purple strike through~~ text for deletions, Working Draft in response to the Panel's Fourth Procedural Minute, dated 13 April 2016.
- 3) Black underlined text for additions and ~~black strike through~~ text for deletions, Appendix 1 to Craig Barr's s42A report, dated 7 April 2016.

Recommended Amendments to Objective 22.2.1 and Policies 22.2.1.3 and 22.2.1.5
<p>Objective 22.2.1</p> <p>Maintain and enhance The district's landscape quality, character and visual amenity values <u>are maintained and enhanced</u> while enabling rural living opportunities in areas that can <u>absorb development</u> avoid detracting from those landscapes.</p> <p>Policy 22.2.1.3</p> <p>Allow for flexibility of the density provisions, where design-led and innovative patterns of subdivision and residential development, roading and planting would enhance the character <u>and amenity</u> of the zone and the District's landscapes.</p> <p>Policy 22.2.1.5</p> <p>Maintain and enhance landscape values <u>and amenity within the zones</u> by controlling the colour, scale, location and height of permitted buildings and in certain locations or circumstances require landscaping and vegetation controls.</p>

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • The changes better direct decision makers to have regard to the amenity within the zones. Without these changes it could have been argued that internal amenity issues were not important and this is not intended to the case. 	<ul style="list-style-type: none"> • The changes provide a more effective policy basis to maintain amenity within the zones. This matter is important when considering a wide range of proposals, from density issues related to contemplated residential activity, through to community or commercial activities.

Recommended changes to Policy 22.2.2.4

Encourage intensive visitor accommodation only within the specified visitor accommodation subzone areas and control the scale and intensity of these activities.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • There is a cost to submitter 764 through deleting the word intensive (the word intensive was introduced in the s42A through submitter 764 seeking more leniency). While dedicated commercial scale visitor accommodation should be contemplated within the visitor accommodation subzones, the intensity and scale of the activity should be commensurate with the zone (as argued by #674 at the hearing). 	<ul style="list-style-type: none"> • This change will ensure the policy framework is consistent with the rules and Objective 22.2.2 	<ul style="list-style-type: none"> • While dedicated commercial scale visitor accommodation should be contemplated within the visitor accommodation subzones the intensity and scale of the activity should be commensurate with the zone. • This was one of the reasons for inserting a rule in the Rural Lifestyle Zone visitor accommodation subzone that requires the building coverage is commensurate to what would be expected with the development of a 1ha site. By setting a 10% building coverage it is effectively the same as a 1000m² building platform on a 1 ha site (Rule 22.5.13) • Therefore, the change is effective because it better reflects the policy framework of the zone and gives effect Objective 22.2.2

Recommended changes to Rule 22.4.17

Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, or any activity requiring an Offensive Trade Licence under the Health Act 1956.

Excluding activities undertaken as part of a Farming Activity, Residential Activity or a permitted Home Occupation.

Except commercial fish or meat processing where undertaken as part of a permitted home occupation in terms of Rule 22.5.7.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • This change will ensure the rule does not unintentionally 	<ul style="list-style-type: none"> • This change is effective because it improves the

	include activities that are reasonably expected components of residential activity and farming.	certainty of the rule. <ul style="list-style-type: none"> • The change is efficient because it does not unintentionally include residential and farming activities. It is not intended to prohibit the ability for people to undertake maintenance to vehicles that is not a dedicated commercial activity.
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Recommended changes to Rule 22.5.5
22.5.5.4 Rural Residential zone at the north of Lake Hayes, the minimum setback from Speargrass Flat Road: 15m

Note – this is a notified rule, that was unintentionally removed in the s42A report.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • None identified. 	<ul style="list-style-type: none"> • This change will ensure that the unintentional removal of the rule as recommended in the s42A report is corrected. 	<ul style="list-style-type: none"> • This change is effective because it will ensure that the unintentional removal of the rule as recommended in the s42A report is corrected.