

**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 13  
– Queenstown  
Mapping Annotations  
and Rezoning  
Requests

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**REBUTTAL EVIDENCE OF ROBERT BRUCE BUXTON  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**QUEENSTOWN MAPPING – GROUP 2 RURAL**

**7 July 2017**

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Attachment A: Section 32AA Evaluation in relation to Queenstown - Rural (Group 2)

## 1. INTRODUCTION

- 1.1 My full name is Robert Bruce Buxton. I am a Director of Buxton & Walker Limited, a resource management consultancy and I have been engaged by Queenstown Lakes District Council (**QLDC or Council**) to provide planning evidence and recommendations on submissions categorised as Group 2 Rural in hearing stream 13 on Stage 1 of the Proposed District Plan (**PDP**).
- 1.2 My qualifications and experience are set out in my statement of evidence in chief dated 24 May 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.
- 1.4 All references to PDP provision numbers are to the Council's Reply version of those provisions unless otherwise stated.

## 2. SCOPE

- 2.1 My rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters:
- (a) for Grant Hylton Hensman et al (361):
    - (i) Ms Alyson Hutton;
    - (ii) Mr Anthony Steel;
    - (iii) Mr Jason Bartlett;
    - (iv) Mr Michael Copeland;
    - (v) Ms Michelle Snodgrass;
    - (vi) Mr Glenn Davis;
  - (b) for Gibbston Valley Station Limited (827):
    - (i) Mr Brett Giddens;
    - (ii) Mr Andrew Carr;
  - (c) for Te Anau Developments (607):

- (i) Ms Fiona Black;
- (ii) Mr Ben Farrell;
- (d) Mr Donald Reid for Bobs Cove Developments Limited (712);
- (e) Mr Christopher Ferguson for Mt Christina Ltd (764);
- (f) Mr Nicholas Geddes for Noel Gutzewitz & J Boyd (328);
- (g) Mr Ben Farrell for Lake Wakatipu Station Ltd (478);
- (h) Mr Carey Vivian for Karen & Murray Scott, Loch Linnhe Station (447);
- (i) for Queenstown Park Ltd (**QPL**) (806) and Remarkables Park Ltd (**RPL**) (807):
  - (i) Ms Alison Dewes; and
  - (ii) Mr David Serjeant.

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

- (a) for Gibbston Valley Station (827):
  - (i) Mr Ken Gousmett;
  - (ii) Mr Gregory Hunt;
  - (iii) Mr Christopher Keys;
  - (iv) Ms Nikki Smetham;
- (b) Mr Carey Vivian for Temple Peak Ltd (486);
- (c) Mr Stephen Skelton for Bobs Cove Development (712);
- (d) Mr Carey Vivian for Cabo Ltd (481);
- (e) Mr Stephen Skelton for Mt Christina Ltd (764);
- (f) for Lake Wakatipu Station Ltd (478):
  - (i) Mr Stephen Skelton;
  - (ii) Mr Paul Faulkner;
  - (iii) Mr Anthony Steel;
- (g) Mr Ben Espie for Karen & Murray Scott, Loch Linnhe Station (447);
- (h) for QPL (806) and RPL (807):
  - (i) Mr Paul Anderson;
  - (ii) Mr John Ballingall;
  - (iii) Mr Simon Beale;
  - (iv) Mr Robert Bond;
  - (v) Mr Stephen Brown;
  - (vi) Mr Paul Faulkner;
  - (vii) Mr Robert Greenaway;
  - (viii) Mr Stephen Hamilton;

- (ix) Mr Timothy Johnson;
- (x) Mr Simon Milne;
- (xi) Mr Anthony Penny;
- (xii) Mr Alistair Porter;
- (xiii) Mr Justin Ralston;
- (xiv) Ms Rebecca Skidmore;
- (xv) Mr Rick Spear; and
- (i) Stephen Brown for RPL (807).

**2.3** My evidence has the following attachments:

- (a) **Attachment A:** Section 32AA in relation to the Rural Residential zone to include provisions for Camp Hill.

**2.4** At the time of filing this evidence, the Council's geotechnical rebuttal evidence has not been progressed to an extent that I can rely on it. Therefore my rebuttal evidence on the following submissions will be filed on Monday by way of a statement of supplementary rebuttal:

- (a) Queenstown Park Limited (806) and Remarkables Park Limited (807); and
- (b) Lake Wakatipu Station Limited (478).

### **3. MEMORANDUM OF COUNSEL DATED 31 JUNE 2017**

**3.1** I refer to the Memorandum of Counsel filed on behalf of QLDC regarding the Panel's Minute concerning annotations on maps, dated 30 June 2017. I understand this memorandum confirms the approach the Council will take in this hearing, in light of the views of the Panel relating to its jurisdiction, as expressed in its Minute dated 12 June 2017.

**3.2** For the purposes of this hearing, the following sections of my evidence in chief are on planning map annotations that relate to either 'Stages 2-4' or Volume B land:<sup>1</sup>

<sup>1</sup> See also paragraph 4.1(b), (c) and (g) of Ms Banks' strategic s42A report dated 25 May 2017. I also note that paragraphs 1.9-1.10 of my EIC record submissions seeking to rezone Stages 2-4 or Volume B land, which I have not assessed further in my EIC.

- (a) section 10, relating to the submission of Remarkables Park Limited (807) seeking the relocation of the ONL line from the Remarkables Park Special Zone.

**4. MS ALYSON HUTTON, MR ANTHONY STEEL, MR JASON BARTLETT, MR MICHAEL COPELAND, AND MS MICHELLE SNODGRASS FOR GRANT HYLTON HENSMAN, SHARYN HENSMAN & BRUCE HERBERT ROBERTSON, SCOPE RESOURCES LTD, GRANT HYLTON HENSMAN & NOEL THOMAS VAN WICHEN, TROJAN HOLDINGS LTD (361)**

- 4.1** Ms Alyson Hutton has provided planning evidence in relation to the request by the above group of submitters to rezone 63.24 hectares of land from notified Rural zone to Industrial B with specific provisions included in the zone for what they label as Industrial B – Coneburn (**IBC**). In my evidence in chief I considered there was merit in the proposed zone but raised a number of concerns. Also at the time I considered that the most suitable action to address the staged review process of the district plan, if my concerns were addressed, would be to recommend a variation alongside the review of the Industrial B zone provisions. Since then the Hearing Panel (**Panel**) has released a Minute dated 29 May 2017 advising that the submission should be addressed at Stage 1, and stating at paragraphs 5-6:

*I can foresee difficulties in this regard if a submitter seeks to rely on ODP provisions unaltered, as the entire structure of the PDP is different. ... This approach means that it is open to submitters to seek to apply a zone that is not in those presently part of Stage 1 of the PDP, but they must provide a solution that fits within the PDP.*

- 4.2** I consider that there will be inefficiencies for the submitter attempting to rewrite the zone specific to their proposal (including possibly definitions, noting that some definitions from operative zones have been suggested to be excluded from the PDP, as per Council's Right of Reply to Hearing Stream 10), if those provisions will then be reviewed again along with the ODP zone on which they were based. However, that appears to be the situation we are in. On that note I consider the proposed zone would need to be considerably reworked

by the submitter to fit within the PDP as outlined in the Panel's minute. But there are still some matters I consider need to be addressed by the submitter, as follows.

- 4.3** At paragraph 7.10, Ms Hutton advises that Mr Steel has addressed my concern regarding natural hazards. Mr Steel has referred to infrastructural matters in a general manner, but my concern remains that there is not a report on geotechnical stability on and above the site. Given that the relief would enable a reasonably intensive urban development with extensive infrastructure, I think there needs to be a good level of comfort that the site is suitable. This report would also need to cover the stability of the quarried areas, including cut slopes and the un-engineered landfill.
- 4.4** The report by Royden Thomson (Appendix C to the Water Infrastructure Option Viability Report included in the submission) which provides a desktop study of the "hazards posed by stream systems" is not a full natural hazards report and mentions in its conclusion: "*three streams are potentially hazardous" including one that trends through the site centre; "many flood-free sites must surely be available"; and also mentions "the overall impact of recent quarrying has to be appraised and integrated into the site hazard assessment"*. A complete natural hazards report would also need to identify if mitigation measures are required, and given the structure plan identifies the location of development on the site, I consider it would be reasonable to identify what these mitigation measures might be in terms of scale, location and character. This would allow some assessment of the landscape and ecological effects of these mitigation measures, and identify if any would need to occur in the ONL above the site.
- 4.5** Also at paragraph 7.10, Ms Hutton advises that my concerns regarding visual effects have been addressed by Ms Michelle Snodgrass. Memoranda from the submitter have provided the data on which the assessment and plan provisions were based. I still consider the visual effects of the development are not clearly identified, and both Dr Read and I have found it difficult to confidently assess the potential effects. I note that in Ms Hutton's assessment of

Performance Standard 10a (page 26) she refers to the assessment undertaken from the State Highway and states "*This positional information was then used to produce a varying terrain model which depicted a height level which would not be visible from SH 6*" from 2.5 km south of the site and 1.3 km north of the site except at the two access points (I note that the current Reply definition of "building" would include lighting which would ensure that any lights were below the height standards).

- 4.6** I consider there should be some on-the-ground confirmation that the height standard does ensure that development would not be visible from those parts of the State Highway. However, the standard would only deal with visual effects from those portions of the State Highway, and not other sites as noted by Dr Read. I am also concerned that the height standard may require further earthworks so as to lower the ground level in order to provide compliant buildings, particularly in areas where quarrying is not consented. The submitter needs to clarify if earthworks might be intended over the site in order to provide for development that would meet the height standard.
- 4.7** Dr Read considers the proposed zone would be visually complex, making the area stand out more than is now the case, and concludes that the adverse effects would be moderately significant.
- 4.8** The transport evidence of Mr Bartlett for the submitter (paragraph 20a) refers to reducing the built area within the zone as one way of addressing congestion when leaving the site, but does not state what the development threshold would need to be before congestion became an issue. I consider there should be a method for addressing traffic effects when applying to undertake a development within the zone once a certain development threshold has been reached. Mr Mander has also reviewed the evidence by Mr Bartlett and while Mr Mander accepts that the NZ Transport Agency has control over all accesses, he also has concerns about the underlying issue of congestion and remains opposed to the rezoning.
- 4.9** I still have concerns that the zone does not address the pressure on industrial and yard based activities to move out from industrial zones.



While I accept Ms Hutton's comment (paragraph 7.7) that the location of the zone may not be attractive to retailers, I consider it may be attractive to retailers providing for residents from Jacks Point. In the economic evidence of Mr Michael Copeland (paragraph 4.10) he refers to non-industrial activities such as Bunnings taking up industrial zoned land. I do have concerns that the activities proposed in Activity 23a would permit the likes of Bunnings/Mitre 10 as the list appears to be what is typically found in trade suppliers, and is a similar list to that included in the definition of "trade supplier" that has been recommended as a new definition (Council's Right of Reply to Chapter 2, Hearing Stream 10). I note that Activity 23a refers to limiting retail activity "within area XXX" which is obviously a placeholder. If retail is to be limited to Activity Area 1A this would reduce my concern. Also, although Ms Hutton has recommended that food and beverage sales be restricted to 50m<sup>2</sup> of gross floor area (**GFA**), there is no limit on the number within the zone, which could result in the zone including a group of takeaways or cafés as a destination, particularly for residents of Jacks Point. As noted by Mr Osborne (paragraph 3.12) it would be prudent to restrict the quantum of overall space. I agree and consider that a maximum number of food and beverage sales premises within the zone should be provided.

- 4.10** I am also concerned about the provision for offices in the zone. As a permitted activity, "ancillary offices" have no definition or standards to identify what ancillary means or what proportion of the building may be occupied. I would recommend a limit of no more than 20% of the GFA. The zone also provides for offices that are not ancillary in Activity Areas 1A (Activity 16a) as a restricted discretionary activity. However, I consider the wording of the matter of discretion in 11.6.2v ("the extent to which the business operatives [*sic*] without the need for foot traffic from members of the public, if so is then more suited to a town centre environment") is difficult to interpret and apply as a means to restrict the type of offices locating in the zone. Mr Osborne in his rebuttal evidence identifies a risk of providing for offices in industrial areas (paragraph 3.11). I agree and consider there would be an attraction to provide for offices, particularly if the land values

are less than within the town centres, and I would recommend against providing for them by deleting Activity 16a.

- 4.11** As I noted in paragraph 27.19 of my evidence in chief, the submitter has not addressed my concern about how the development of the site will proceed in a co-ordinated manner, in terms of such matters as providing infrastructure, undertaking landscaping and mitigating hazards. It also appears that the access to the State Highway is intended to be progressively updated, as per proposed policy 9.11, which indicates a staged development. I consider there needs to be provisions to ensure the infrastructure, landscaping and mitigation of hazards are addressed prior to the zone becoming operational. There should also be a provision that clearly identifies that the infrastructure development will be undertaken and paid for by the developer, not by the Council.
- 4.12** Mr Glenn Davis, providing ecological evidence for the submitter, disagrees that condition (c) in paragraph 8.4 (of Dr Kelvin Lloyd's evidence in chief) should reference "restoring ecologically appropriate indigenous forest in areas currently vegetated in grey shrub" as recommended by Dr Lloyd for the Council. Mr Davis recommends using the phrase "restoring ecologically appropriate indigenous plant species" as he does not consider that beech forest grew at that location. Dr Lloyd has confirmed that he considers beech forest to be ecologically appropriate for the area and that the condition should refer to forest.
- 4.13** I do note that although I considered in my evidence in chief that an assessment of the noise effects should be undertaken, I accept the comment of Ms Hutton that the noise limits for sites adjoining residential zones would apply. I also note that the sunken nature of the site would also mitigate noise.
- 4.14** Overall the concerns I raised in my evidence in chief have not been satisfied, and therefore I continue to recommend that the submission be rejected.

**5. MR BRETT GIDDENS AND MR ANDREW CARR FOR GIBBSTON VALLEY STATION LIMITED (827)**

**5.1** Evidence has been filed for the submitter that refines what the submitter is requesting by way of rezoning. This includes a structure plan with activity areas identified, as well as areas for productive planting.

**5.2** In my view it is still unclear what the subzone will provide for, and how the rules of the subzone would work within the Gibbston Character Zone (**GCZ**). This makes it difficult to assess the requested subzone.

**5.3** For example, in terms of buildings which would be either controlled or restricted discretionary activities depending on the Activity Area within the subzone, the site coverage standard to apply is determined by an overall site coverage of 10% for the whole subzone area (rule 23.5.9). In Mr Giddens' evidence he refers to the subzone being 75ha in area, which could result in 75,000m<sup>2</sup> of development throughout the Activity Areas. However, I have estimated the total area of the subzone to be approximately 108ha, which would provide for 108,000m<sup>2</sup> of building development. I have also estimated the Activity Areas to be a total of approximately 32ha (excluding Activity Area 7 which is identified for temporary buildings associated with concerts/events). Based on Mr Giddens' 75ha of subzone, this would mean a site coverage within the Activity Areas of approximately 23% or, based on my estimated 108ha of subzone, would result in 33% of the Activity Areas potentially being covered in buildings, which is a reasonably high coverage for a rural based zone. There is also no requirement for the site coverage to be spread uniformly between each Activity Area and therefore some activity areas could have a higher site coverage than 33%. It is also not clear whether GCZ rule 23.5.2 would still apply, which requires individual building size to be limited to a maximum of 500m<sup>2</sup>.

**5.4** It is also unclear how residential activity would be provided for within the Activity Areas. It appears that residential activity would be a discretionary activity under GCZ rule 23.4.7, unless building platforms have been identified (which itself requires a discretionary activity

application under GCZ rule 23.4.9). It is also unclear how workers accommodation (which is not defined) would be distinguished from residential activity, and what amenity including separation, outlook, daylighting, outdoor space would be provided given the limited matters for control. Mr Carr in his evidence refers to 90 rooms for staff accommodation, which implies workers accommodation may be more of a boarding situation.

- 5.5** I note that visitor accommodation is to be provided as a controlled activity within Activity Areas AA1 and AA2, and therefore elsewhere it would be a discretionary activity under GCZ rule 23.4.17. I consider controlled activity status could lead to extensive visitor accommodation development within Activity Areas AA1 and AA2, based on the building standards discussed above.
- 5.6** Retail sales would be a restricted discretionary activity in Activity Areas AA1, AA2 and AA4 (rule 23.4.17). An assessment matter indicates that retail sales would be limited to 2500m<sup>2</sup> GFA for commercial activities within AA4 (Vintners Village) but there does not appear to be a GFA limit for commercial activities in areas AA1 and AA2. By implication, it appears areas AA1 and AA2 have no maximum GFA for commercial activities. I consider that the suggested limit on GFA should be a standard not an assessment matter. Although the standard refers to "commercial activities" ", it appears this is incorrect and was intended to refer to "retail sales". The second assessment matter refers to "the a [sic] generally lower level of built form" which is not clear what this would be compared to.
- 5.7** Subdivision would be a restricted discretionary activity under the proposed subzone provisions (proposed Rule 27.7.22), whereas under the GCZ it is full discretionary. I note that typically subdivision is a restricted discretionary activity where there is a minimum or average lot size standard or limitations on the number of dwellings. There is also no mention of identifying building platforms in the proposed restricted discretionary activity rule (see paragraph 5.4 above regarding residential activity).

**5.8** I note the submitter's traffic expert witness, Mr Carr, states (at his paragraph 36) that he has been provided with a hypothetical development scenario for this site which he understands represents the upper development limits that the submitter has been evaluating as part of the feasibility for future development. The details of this are given by Mr Carr as follows (with the consented development shown in brackets):

- (a) 184 residential units (increased from 24);
- (b) 130 visitor accommodation units (increased from 92);
- (c) 90 rooms of staff accommodation (increased from 54 rooms);
- (d) a culinary school for 100 people (a new activity);
- (e) 1,100sqm GFA vintners market / artist retail / spa (as per the consented development);
- (f) a conference facility for 120 people (as per the consented development); and
- (g) a spa (as per the consented development).

**5.9** It is unclear what the basis for this hypothetical development is, but it does identify that the subzone would provide for significantly greater development than the existing resource consents. I note Mr Carr states (paragraph 37) that he understands that the 18-hole golf course, clubhouse and pro shop are no longer proposed, although he does not mention the 9-hole golf course shown on the structure plan.

**5.10** Mr Mander has reviewed Mr Carr's evidence and is also concerned about the uncertainty in terms of development potential and its effect on access and egress to the development. Mr Mander states his concerns would be addressed if the NZ Transport Agency was notified of any consent applications affecting the site, including proposals involving Resta Road, and if Council had the ability to impose traffic and transportation conditions on any consents that are granted.

**5.11** Mr Giddens' evidence refers to the existing consented development as an indication that the site can accommodate greater development. However, I note that in the hearing for RM080864 the applicant's

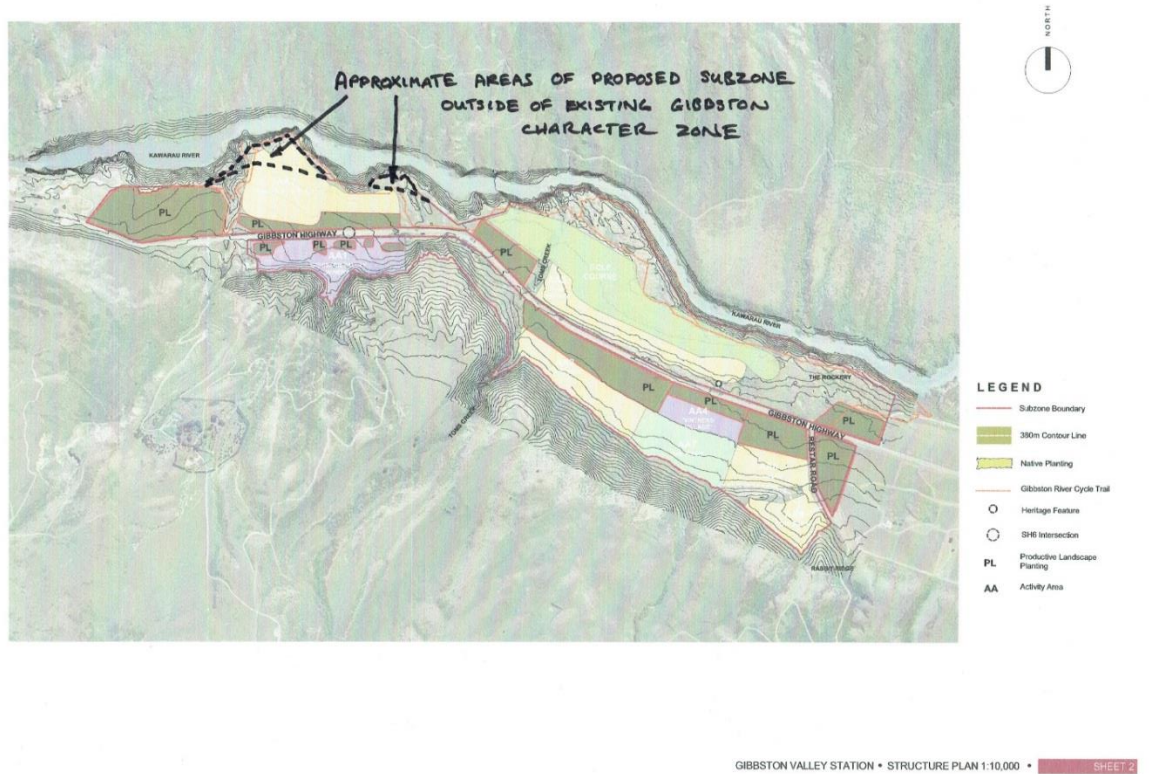
planner Mr Kyle, in assessing built form (paragraph 5.25),<sup>2</sup> stated that as a matter of strategy, clustering development into reasonably tight nodes to avoid sprawl across extensive tracts of the property was preferable. Mr Kyle recognised "*that retaining as much openness as could be achieved comprised an important consideration*" and referred to clustering development at Resta Road so that the rest of the property back to the consented Gibbston Lodge "*would remain free of built development aside from the small Spa area.*"

**5.12** In contrast, the proposed subzone fills in the gap between the consented clusters or significantly expands the nodes through identifying Activity Areas on the structure plan. The proposal for RM080864 was also reduced from the original application following a Minute from the hearing panel (paragraph 48 of the decision on RM080864) that "*We do have concerns about three elements of the proposal however: the scale of the 62 unit "Winery Villas", the visibility of some of the proposed dwellings from the Kowarau River, and the proposal to remove some vine plantings to make room for the development.*" I therefore do not accept that the current resource consents are an indication that greater development can or should occur.

**5.13** The structure plan shows that the proposed subzone will extend the boundaries of the existing GCZ closer to the Kowarau River in two places opposite the existing winery, as indicated in **Figure 1** below. These areas are currently zoned Rural and are within an ONL. This appears contrary to the s32 report provided by the Mr Giddens which at paragraph 30 states that "*The site has avoided the ONL and ONF of the Kowarau River.*" Of particular note is that Activity Area AA2 extends the GCZ/subzone significantly closer to the river. I note that in the decision on RM080864 at paragraph 40 the Hearing Panel, after rafting down the river, stated "*we came to the conclusion that even glimpses of buildings above would detract from this experience.*" It is unclear what the rationale is for extending the GCZ and subzone closer to the river, but I recommend that this should be avoided. I

2 Mr Kyle's evidence for the consent can be provided to the Panel, on request.

note there does not appear to be any analysis of the location of the subzone and its visibility from the Kowarau River.



**Figure 1:** GCZ proposed Subzone Structure Plan showing the extension of the GCZ closer to the Kowarau River (Source: Appendix A of Ms Smetham's evidence, page 3)

- 5.14** Regarding the proposed height controls, which are proposed to be 7m in Activity Areas AA2, AA4, AA5, AA6 and AA8 and 5.5m for AA3, I note that in RM080864 heights were required to be 5.5m in the Vintners village (i.e. AA4) and the height for buildings along the northern edge of the State Highway (within AA5) appears to have been set against a datum, presumably to prevent visibility from SH6. It is not clear what the 7m height limit for the other areas is based on.
- 5.15** I note that proposed standard 23.5.10 refers to access to SH6 being limited to sites indicated on the structure plan. The plan only shows one site which is in front of an area identified for production planting on both sides to the SH. It is not clear how access to AA5 will be achieved unless it is to be by an underpass that connects the area to Resta Road.



- 5.16** In addressing natural hazards, Mr Giddens has provided the Tonkin and Taylor report dated 4 April 2008 used for RM080864 (Appendix 7 of Brett Giddens' evidence). No update or comment has been provided, including whether that report covers all the area included in the requested subzone. I also note that the applicant's planner Mr Kyle at the hearing for RM080864 noted at paragraph 5.19 of his evidence that: "*There appears to have been some conflicting statements in the reports prepared by Tonkin and Taylor in relation to the risk of landslide in the Resta Road area. The evidence presented by Mr McDowell has addressed the apparent confusion identified by the LE Planners report. In my opinion, the issues surrounding the potential risks from landslides and instability have now been addressed to a satisfactory level.*"<sup>3</sup>
- 5.17** Given that the Tonkin and Taylor report required clarification at the time of the resource consent, I consider that there should be an up-to-date assessment of natural hazards provided for a proposed zoning of this size.
- 5.18** Given that it is not entirely clear what type and level of development the subzone will provide for (for example, it is not clear what level of residential development is provided), it is difficult to assess the proposal against the strategic chapters of the PDP and the GCZ. However, based on an average of 33% site coverage within the Activity Areas, I anticipate the proposed subzone could result in a reasonably "urbanised" density based around the existing winery and the proposed village.
- 5.19** Mr Giddens has assessed the proposal against the Strategic, Landscape and Gibbston Character chapter objectives. I note he refers to objectives within the Strategic chapter on urban growth (3.2.2) and the built environment (3.2.3). I consider a key objective is 3.2.2.1 (third bullet point), that refers to "*ensure urban development occurs in a logical manner ... that protects the District's rural landscapes from sporadic and sprawling development*". Although it is not entirely clear from the objectives of the GCZ, I consider that

3 As above, this evidence can be provided to the Panel upon request.



because it is based on viticulture, the zone is primarily a rural environment. While the GCZ provides for complementary activities (objective 23.2.1 and policy 23.2.1.8), they are to be complementary to the character and viability/productivity of the zone. This is also in line with the Strategic objective which provides for the diversification of rural land use so long as the rural amenity and character is not adversely affected (objective 3.2.1.6). I consider that the proposed subzone goes beyond being complementary and will create development where the rural landscape, including the viticulture, will become significantly less dominant and possibly the lesser element within the subzone.

**5.20** Dr Read has reviewed the evidence of Ms Smetham and Mr Giddens, and considers that some parts of the GCZ subzone could absorb slightly more development than that consented. However, Dr Read considers the provisions too broad to ensure that development as portrayed in Ms Smetham's evidence would be realised. Dr Read remains opposed to the rezoning.

**5.21** Mr Davis has advised that based on the exclusion of the areas with higher ecological values from the development areas within the subzone, he no longer opposes the proposed GCZ subzone from an ecological perspective.

**5.22** Overall I retain my recommendation that the submission be rejected.

## **6. MR JOHN REID FOR BOB'S COVE DEVELOPMENTS LTD (712)**

**6.1** John Reid has provided evidence about the land swap between the Department of Conservation (**DOC**) and himself. This land swap has been in progress for some time, and I understand the resource consent that would provide for subdivision and development on the land subject to the submission has been on hold since early last year. I note that Mr Glenn Davis retains his view that the vegetation on this site requires protection measures under the Rural Zone that will be eroded if the site was to be rezoned to Rural Residential. I retain my recommendation that the requested zoning be declined for the reasons provided in my evidence in chief. The anomalies in the

planning maps identified by Mr Reid have been noted as an error to correct.

## **7. MR CHRISTOPHER FERGUSON FOR MOUNT CHRISTINA LTD (764)**

**7.1** Mr Christopher Ferguson has provided planning evidence in relation to the request to amend the boundaries of the proposed Rural Residential (**RR**) zone at Camp Hill on Mt Christina Station. In my evidence in chief I agreed that the proposed zone location was poorly located. My recommendation was to simply move the approximately 15ha RR zone off the escarpment near the Glenorchy-Paradise Road and locate it closer to the toe of Camp Hill, but within the land identified in the submission.

**7.2** Mr Ferguson has suggested the zoning should be as per the original submission, which would have the effect of moving the RR zone so that it does not lie over most of the escarpment and is closer to Camp Hill and increasing the size of the zone to approximately 28ha. He also suggests introducing specific RR zone provisions (maximum height of 5.5m, maximum number of dwellings of 36, and a setback of any buildings from the zone boundary of 20m). His suggestion is in effect option 2 that I considered in my evidence in chief.

**7.3** I have considered Mr Ferguson's suggestion and it has merit in my view. I also agree with his assessment and s32AA analysis. My concern with option 2 was that providing bespoke rules over a larger area of RR zoning would be complicated. However I consider Mr Ferguson has identified the key matters to be addressed. These provisions have been considered by Dr Read who agrees with the suggested provisions, except that the 20m setback from the zone boundaries near the escarpment should be a setback from the top of the escarpment (given that it appears that the zone boundary is not always above the top of the escarpment) and that the maximum number of dwellings and residential lots should be limited to 26. The figure of 26 is based on the Council's yield calculations for determining the development within a zoned area. It also represents the number of dwellings/lots currently consented.

**7.4** I agree with Dr Read that the 20m setback should be measured from the top of the escarpment where it is present inside the proposed zone. However, the wording of such a rule could be problematic and I consider the same effect could be achieved by either refining the zone boundary so that it followed the top of the escarpment, or by overlaying a Building Restriction Area to create a 20m setback from the zone boundary or escarpment, whichever is the greater. The advantage of the Building Restriction Area is that it would be covered in Rule 22.4.15, and therefore a new rule would not be required. Under Rule 22.4.15,<sup>4</sup> any building within a Building Restriction Area that is identified on the planning maps is a non-complying activity.

**7.5** I also agree with Dr Read that the maximum number of dwellings and residential lots should be limited to 26. Although it is acknowledged that a consent was granted for 36 dwellings on the 15ha RR zone (RM040445), I consider that this level of development is too great for the location. Mr Ferguson at his paragraph 4.3 states that this consent has not been given effect to and has since lapsed. I therefore do not agree with Mr Ferguson that 36 dwellings/allotments is "a threshold considered acceptable from a landscape/visual perspective". The lapsed consent for 36 dwellings/allotments, although within the density limits for the zone, was very condensed considering the location of the zone in such a remote area.

**7.6** Based on the above I recommend that the submission be accepted in part and the following provisions be included in the PDP:

- (a) amend the zone boundaries as requested by the submitter to be within Lot 1 – 2 DP 395145 and Section 2 SO Plan 404113, being 28.86 hectares in area and contained within Computer Freehold Register 455423;
- (b) include a Building Restriction Area over the zone, to be a 20m setback inside the zone boundary; and, in the case of the northwestern, southwestern and southern zone boundaries, where the top of the escarpment is inside the zone boundary, the Building Restriction Area shall be a

<sup>4</sup> [CB16].

setback that extends 20m into the zone from the top of the escarpment;

- (c) amend the Rural Residential zone by introducing a new Table (blue underlined text) into Chapter 22 (Rural Residential & Lifestyle) as follows: and

	<u>Table 8: Rural Residential Camp Hill</u>	<u>Non-compliance</u>
<u>22.5.39</u>	<u>Density</u> <u>There shall be no more than one residential unit per lot</u>	<u>NC</u>
<u>22.5.40</u>	<u>Building Height</u> <u>The maximum building height shall be 5.5m.</u>	<u>D</u>

- (d) amend Rule 27.6.1 of Chapter 27 (Subdivision and Development) by adding a row (blue underlined text) as follows:

<b>Zone</b>		<b>Minimum Lot Area</b>
...		
<b>Rural Residential</b>	Rural Residential	4000m <sup>2</sup>
...		
	<u>Rural Residential Zone at the north of Lake Hayes</u>	<u>4000m<sup>2</sup> provided that the total lots to be created by subdivision, including balance lots, shall be not be less than an 8,000m<sup>2</sup> lot average</u>
	<u>Rural Residential Camp Hill</u>	<u>4000m<sup>2</sup> with no more than 26 lots created for residential activity</u>
<b>Jacks Point</b>	...	

## 8. NICHOLAS GEDDES FOR NOEL GUTZEWITZ & J BOYD (328)

- 8.1 In Mr Geddes' evidence for the submitter, he assesses the environmental effect of the rezoning and at paragraph 5.3, considers "that the land within the submission can accommodate eight further residential dwellings for the following reasons: a. Land to the north of the site is zoned Remarkables Park Zone where built form is expected to a maximum height of 10m - 21m in height. ...".

**8.2** Mr Geddes omits to mention that the Kawarau River which lies between the land to the north, is subject to a Water Conservation Order (**WCO**) and is listed as an ONF in the Otago Regional Plan - Water. The preservation of this feature and its margins from inappropriate use, subdivision and development is a section 6 matter of the RMA that must be considered in determining whether the proposal can achieve the purpose of the RMA. While it could be argued that the intensive urban development to the north of the river already affects the character of the river, in my view that is all the more reason not to add to those effects.

**8.3** At paragraphs 5.17 to 5.19 Mr Geddes refers to the approach to addressing hazards for other properties, and refers to 361 Beacon Point Road. Mr Geddes considers that the approach to natural hazards for that site should apply to the submitter's site, which is that the matter should be considered at the time of subdivision. The example he gives is a site adjoining other urban sites and zoning. I do not agree that this approach to natural hazards should apply to the submitter's site, and I consider that natural hazards should be assessed if the site is to be considered for rezoning.

**8.4** At paragraph 9.4 Mr Geddes agrees that spot zoning is undesirable but considers the site has unique characteristics for spot zoning to apply. I consider that the site is not sufficiently unique for a spot zoning to apply, and similar arguments for zoning this site within the Rural zone would also apply to other sites of similar size. I therefore retain my recommendation to reject the rezoning sought for this site.

**9. MR BEN FARRELL AND MS FIONA BLACK FOR TE ANAU DEVELOPMENTS (607)**

**9.1** Ben Farrell and Fiona Black have provided evidence on the submission. Mr Farrell has provided an assessment of the proposed zone against the Strategic provisions of the PDP and concludes that the Rural Visitor (**RV**) zone is the most appropriate way to achieve the purposes of the Act. This is in reply to the Panel's Minute regarding requests to rezone land with an operative zone, as discussed in my

paragraphs 4.1 and 4.2 (Grant Hylton Hensman and others (361)) above. Mr Farrell summarises his assessment as follows: "*While the Rural zoning better implements the more restrictive landscape provisions, and includes more supportive provisions relating to nature conservation values; the Rural Visitor zoning is appropriately aligned to the adjoining zoning (Walter Peak Rural Visitor zone) and the suite of strategic direction objectives.*" However, in my view Mr Farrell has not provided a package of zone provisions that will fit with the structure of the PDP.

- 9.2** I consider it is important to understand the RV zone before assessing it. The introduction (section 12.3.1 of the ODP) and the objective (section 12.3.4 of the ODP) of the RV zone indicate that recreation and visitor facilities exist or extensions are proposed on the site:

*The Rural Visitor Zones contain important recreation and visitor facilities, including accommodation and other visitor attractions. Significant physical resources in terms of buildings and facilities exist or are proposed in all the zones both as attractions in their own right or as facilities which serve the visitor industry and surrounding rural or recreation activities. ...*

*Objectives*

*Provision for the ongoing operation of the existing visitor areas recognising their operational needs and avoiding, remedying or mitigating adverse effects on landscape, water quality and natural values. Scope for extension of activities in the Rural Visitor Zones.*

- 9.3** It is not clear how the extent of a RV zone is to be determined. In terms of the introduction and objective it would appear the zone is to cater for existing facilities and proposed extensions. It appears that the zone provisions were intended to be focussed around a structure plan, but there is no connection between the preparation of the structure plan (a controlled activity) and rules relating to other activities.

- 9.4** In the RV zone the activities provided for include residential activities (permitted activity), commercial recreation and visitor accommodation (controlled activities) and commercial and retail (discretionary

activities). It is also noted that farming is a non-complying activity. All buildings, including residential, are a controlled activity. There are no density standards, only standards for height and building setback. The height standard for visitor accommodation is 12m.

**9.5** In terms of development density, it is not clear what the development capacity of the zone might be. In the Rebuttal Evidence of Ms Devlin regarding Ngai Tahu Tourism (716) the development capacity of an RV zone at Arthurs Point of 19ha is noted to be approximately 200 dwellings, or approximately 1 dwelling per 950m<sup>2</sup>. While this level of density is considered fanciful at Walter Peak, it does show how uncertain the resultant development could be, when based on the zone provisions.

**9.6** In the ODP the current area of RV zone on the submitter's site is approximately 156ha. The submission seeks to add an 11ha block to the south-eastern corner of the existing zone (Beach Bay Recreation Reserve) and 3.4km of marginal strip (approximately 7 ha) around the lake edge of the site. In evidence provided by Ms Black, the marginal strip requested to be rezoned has been reduced to approximately 1.42km (approximately 2.8ha) by removing the portion from Beach Point to the west towards Mount Nicholas Station. On this basis Mr Davis is no longer opposed to the rezoning.

**9.7** In terms of the Strategic chapters of the PDP, Mr Farrell has not considered any priorities or weighting of the strategic matters. I consider the key matters are:

- (a) protection of the ONL from inappropriate development (Strategic Chapter Goal 3.2.5 and Objective 3.2.5.1 and Landscape Chapter Objectives 6.3.1, 6.3.2, 6.3.4);
- (b) protection of the natural character of lakes and rivers and their margins (Strategic Chapter Goal 3.2.4 and Objective 3.2.4.5 and Landscape Chapter Objectives 6.3.1, 6.3.2, 6.3.4);
- (c) recognising the value of farming to the landscape (Strategic Chapter Objective 3.2.5.5); and

- (d) recognising the diversification of farms beyond farming into commercial recreation and tourism activities, but sensitive to ONL (Strategic Chapter Goal 3.2.1 and Objective 3.2.1.4 and Landscape Chapter Objective 6.3.8).

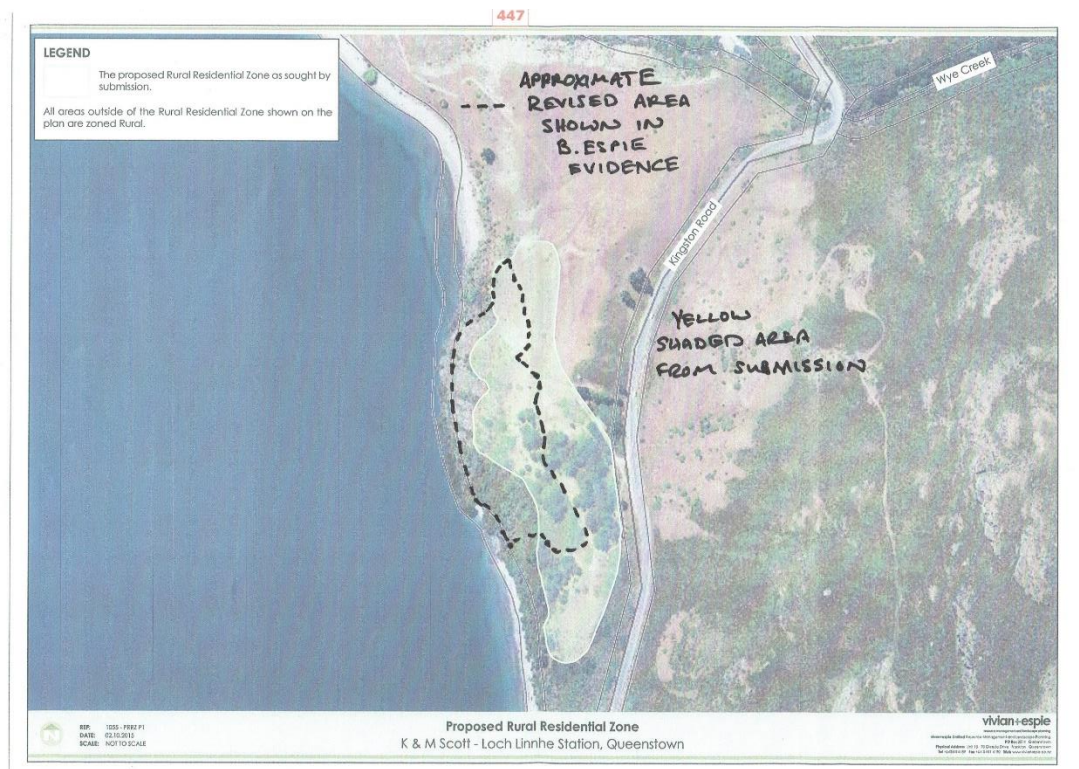
- 9.8** I consider that the above provisions can be summarised as directing that diversification of an ONL into tourism or residential activity should only occur at a scale and in a location where the landscape values (including the natural character of lakes and rivers and their margins) are sustained/not degraded. I consider the provisions of the RV zone, as outlined above, do not achieve this. Based on the reasons for the RV zone as outlined in paragraphs 9.2 to 9.5 above, it is not clear why the extent of the existing RV zone covers 156ha, and on what basis an 11ha block and 1.42km of marginal strip should be added to it.
- 9.9** The evidence of Ms Black states that the rezoning of the remaining marginal strip is to provide for guided walking / cycling / e-bike / e-motor bike tours to Beach Point and for gazebos in front of the Beach Bay Recreation Reserve. The rezoning of the Beach Bay Recreation Reserve is to provide for a wedding venue/multi-purpose space. The Beach Bay Recreation Reserve is bisected by a paper road and this is intended to be fenced off as a stock route for moving stock to the foreshore without disrupting the tourism operation. In the portion of the Beach Bay Recreation Reserve to the south of this stock route the submitter does not envisage installing any structures.
- 9.10** While Ms Black has outlined the submitter's responsible use of the site, I consider that the RV zone is a very blunt tool by which to provide for what they wish to do on the site. The submitter has not provided revised zone provisions, and I do not agree with Mr Farrell that the provisions of the RV zone are the most appropriate way to achieve the purpose of the RMA. The zone would provide for buildings as a controlled activity on the marginal strip and I cannot support that. I consider the discretionary activity status in the Rural zone for such buildings is the most appropriate way to achieve the purposes of the RMA, particularly s6(a) and (b).



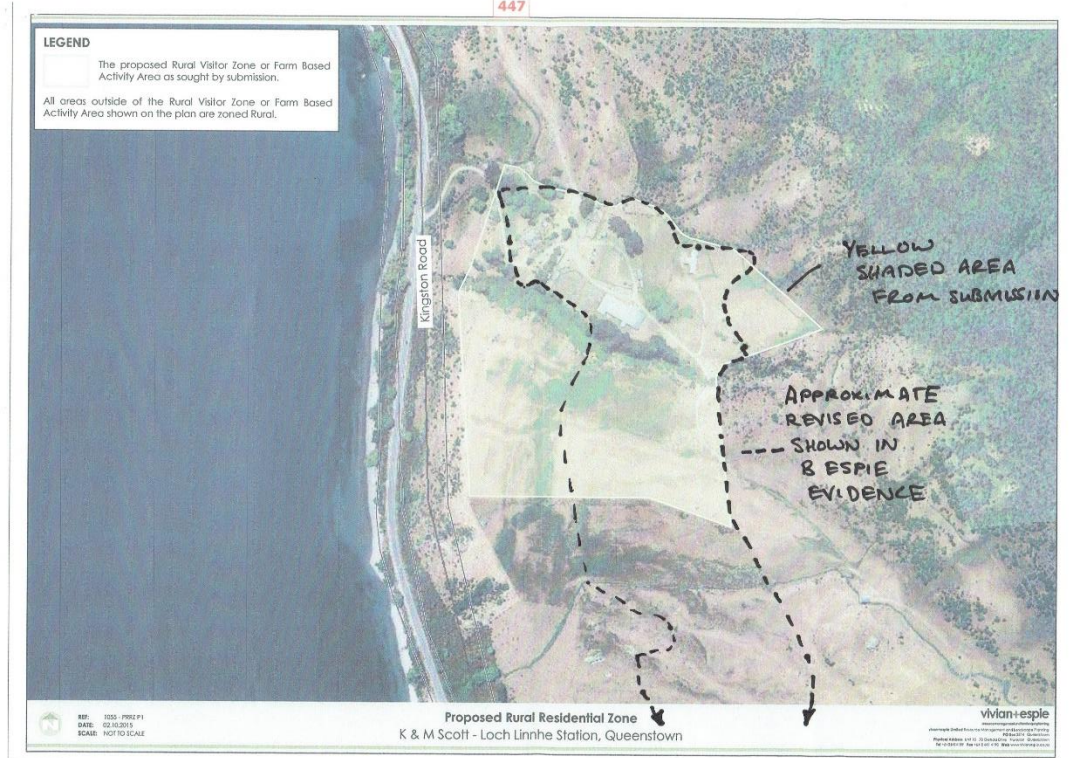
- 9.11** As in noted in my evidence in chief, the Rural zoning of the marginal strip provides for Commercial Recreational activities of up to 12 people as a permitted activity (Rule 21.5.21) whereas these activities are a controlled activity in the RV zone. Regarding the proposed wedding venue/multi-purpose building on the Beach Bay Recreation Reserve, I can see merit in providing for that activity as part of the overall development of the site depending on how the full development of Walter Peak Station might be provided for when the RV zone is reviewed. Dr Read has identified that the north-western land parcel of the Beach Bay Recreation Reserve could absorb some development, but does not support zoning the south-eastern land parcel due to its elevation, and she confirms this in her rebuttal evidence. I agree with Dr Read in terms of that land being able to absorb some development, but not the type of development provided for in the RV zone.
- 9.12** I note that the submitter has not addressed my concern regarding natural hazards. I note that the Beach Bay Recreation Reserve includes an active alluvial fan, as well as other alluvial fans and liquefaction risk which should be assessed if the site is to be considered for rezoning.
- 9.13** Mr Mander considers that Rule 12.4.3.2(ii) of the RV zone, as suggested by Mr Farrell to address any traffic concerns, is narrow in scope in that it only provides Council with control of access points rather than on the wider effects of transport development. Mr Mander remains opposed to the rezoning.
- 9.14** Overall if the natural hazard and traffic concerns can be addressed, I consider that there would be merit in considering adding the north-western parcel of land in the Beach Bay Recreation Reserve in a Rural Visitor zone by way of variation to provide for the proposed wedding venue/multi-purpose building. I understand that legal submissions will address the consideration of a variation of the RV zone at a later stage of the District Plan review. I maintain my recommendation to reject the rezoning of the south-eastern portion of the Beach Bay Recreation Reserve and the marginal strip.

10. MR CAREY VIVIAN AND BEN ESPIE FOR KAREN & MURRAY SCOTT, LOCH LINNHE STATION (447)

10.1 Mr Espie has provided landscape evidence on the proposed sites for rezoning and has suggested that the site be reconfigured as shown below (superimposed on the original submission). **Figure 2** below shows the Wye Creek rezoning has been moved closer to Lake Wakatipu and includes rocky outcrop formations and regenerating indigenous vegetation that was not part of the original area. **Figure 3** below shows the Homestead Block rezoning has been narrowed by moving the site away from the State Highway, but has been extended to the south to be approximately twice as long.



**Figure 2:** Wye Creek rezoning site, showing the site as originally requested in the submission as yellow shading and the revised site as a dotted line.



**Figure 3:** Homestead rezoning site, showing the site as originally requested in the submission as yellow shading and the revised site as a dotted line.

- 10.2** Mr Vivian has provided planning evidence that the concept of Farm Base Areas (**FBA**s) provided in Plan Change 13 (**PC13**) of the MacKenzie District Plan should be adopted in a limited form in the PDP, and has provided suggested amendments to the Rural zone to incorporate FBAs. I continue to have concerns about the proposal as it introduces an additional framework into the PDP with little guidance as to how it might be applied. There is no policy on how the FBAs are to be identified and what size they should be or what size farm holdings they should apply to. Although Mr Vivian states that the concept has been well tested in the MacKenzie District through 10 years of litigation, I note that the provisions are only now being finalised and the identification of FBAs is still ongoing. An indication that the provisions are only just being finalised (I am not aware that they are yet subject to a final decision) and have been complicated is that at his paragraph 3.6, Mr Vivian refers to a rule that applies low, medium and high visual vulnerability areas (**LVV**, **MVV**, **HVV**) to the FBA, whereas my understanding of the PC13 rules are that these visual vulnerability areas are to apply outside of the FBA.

- 10.3** I also consider that the fact that the provisions have taken many years and have been litigated through the Environment Court is an indication of the significance of introducing such a regime into a district plan. For example, one potential issue in providing for FBAs is whether the development on other parts of the farm should be assessed as a non-complying activity, as opposed to the discretionary status that applies in the Rural zone (noting that as I understand PC13, non-farm buildings in HVV areas are non-complying activities).
- 10.4** My understanding of the FBAs in the MacKenzie District is that they apply the concept of clustering development around existing development (as also noted by Mr Vivian in paragraph 3.3). I can understand why this concept would work within the MacKenzie Basin as the views are generally expansive over the Basin, which is a different to the views in the Queenstown Lakes District (**QLD**), including the views of Loch Linnhe Station. In the PDP, Assessment matter 21.7.1.5 Design and density of Development of the Rural zone refers to *"whether and to what extent: ... b. there is merit in clustering the proposed building(s) or building platform(s)"*. This in my view is an indication that clustering may not always be the better option in the QLD. I note that the proposed Wye Creek site for an FBA is currently undeveloped, so it would be introducing development into a site where an FBA does not currently exist, and on a small portion of the Station that is separated from the bulk of the Station by State Highway.
- 10.5** I note that the proposed FBA rule for the Rural zone provides for buildings as a controlled activity, but it is not clear whether this rule is meant to provide for the residential, farm worker accommodation and visitor accommodation activities as well as the buildings. If not, then these activities would be discretionary activities.
- 10.6** Regarding the option of applying a Rural Visitor zone, my comments in paragraphs 9.2 to 9.5, 9.7 and 9.8 (Te Anau Developments (607)) above regarding the RV zone also apply here. It is not clear how the RV zone provides for new proposals, as the current wording of the RV zone objective refers to existing recreation and visitor facilities



and their extension. In my view, Mr Vivian has not provided a revised RV zone that will fit with the structure of the PDP.

- 10.7** It is difficult to assess the effect of the relief sought when the submitter has not provided a clear indication of what is proposed for the site. The submission (as noted in paragraph 2.2 of Mr Vivian's evidence) referred to providing for homesteads, staff accommodation and farm buildings as permitted or controlled activities on large stations. There was no specific mention of visitor accommodation. I note that small farm buildings are a permitted activity in the Rural zone. Although Mr Ben Espie gives a description of what might possibly be developed on each site (at his paragraphs 5.7 and 5.10), including that development at the larger Homestead site may consist of a loose scattering or a number of small clusters, there is no certainty from the proposed provisions for the FBA or RV zone of how many homesteads and staff accommodation buildings as well as visitor accommodation could be achieved and their location. This raises the question of what the proposed maximum footprints of 1800m<sup>2</sup> at Wye Creek and 4700m<sup>2</sup> at the Homestead block are based on. Also having bespoke rules for every site within a FBA or RV zone raises the question of efficiency if every site will need to be assessed by the Council, and it is not clear what the assessment will be based on.
- 10.8** Mr Vivian refers to potential natural hazards on the sites in his paragraphs 6.29 to 6.32. Although he notes there may be hazards on the sites, he considers that they can be addressed at time of resource consents. I consider that as the sites are to be zoned for residential or visitor accommodation activities then some assessment should be provided now. I accept that I did not raise this in my evidence in chief, but consider it is a fundamental matter that needs to be addressed. Although Mr Vivian considers that the matters can be addressed at the time of resource consents, I note that the controlled activity rules for buildings in an FBA does not include natural hazards as a matter for control.
- 10.9** Dr Read has assessed the evidence and considers that the proposed additional rules (relating to height, maximum footprint and for

development at the Wye Creek zone to be not visible from the State Highway) are positive. Dr Read considers that as well as the maximum footprint, there should be a maximum footprint for individual buildings of 500m<sup>2</sup>. Dr Read raises concern about the Wye Creek site being moved closer to the lake and impinging on a series of rocky outcrops, and is also not convinced that development would not be visible from the State Highway. Regarding the Homestead block, Dr Read considers that moving the zone away from the State Highway is positive, but is concerned that the additional length could result in a sprawled development. Overall Dr Read considers that although the areas have the ability to absorb some development, she considers the existing PDP provisions should apply.

- 10.10** Mr Davis has assessed the evidence and considers that the amendment to the proposed rezoning of the Wye Creek site should not include the area of regenerating indigenous vegetation shown on Figure 1 of Mr Davis' rebuttal evidence. He has reviewed the amended area for the rezoning at the Homestead and considers that the amended area has been developed for pastoral activity and he does not oppose the rezoning of that site on ecological grounds.
- 10.11** Mr Glasner has reviewed the evidence of Mr Vivian and considers that with the proposed restriction on the development footprint, that he no longer has concerns regarding servicing of the rezoned site.
- 10.12** Mr Mander has reviewed the evidence of Mr Vivian regarding traffic and transport matters, and considers that with the proposed restriction on the development footprint, his concerns over the uncertainty of the scale of development have been addressed. Mr Mander would not oppose the rezoning, provided that there are rules to ensure that any future access complies with Council's standards and is approved by the NZ Transport Agency.
- 10.13** In his paragraph 9.1(f) Mr Vivian concludes that *"retaining the existing Rural Zone is not appropriate; it imposes significant costs and provides no certainty as to whether any development can occur. It is important that some diversification is enabled, otherwise the provisions risk imposing a landscape reserve over Stations such as*

*Loch Linnhe*". I disagree and consider that the Rural zone does not impose a landscape reserve, but does achieve the Strategic objectives as outlined in paragraph 11.7 above and is the most appropriate way of achieving the purpose of the RMA compared to the proposed rezoning.

**10.14** Overall I continue to recommend that the proposed rezoning be rejected.



**Robert Buxton**

**7 July 2017**

## ATTACHMENT A

### SECTION 32AA EVALUATION IN RELATION TO QUEENSTOWN – RURAL (GROUP 2)

This evaluation assesses the costs, benefits, efficiency, and effectiveness of changes to zoning that are being recommended in the rebuttal evidence in response to submission 764. The four recommendations are set out below, followed by a map showing the recommended zone boundaries and the s32AA evaluation in a single table:

1. Amend the zone boundaries as requested by the submitter to be within Lot 1 – 2 DP 395145 and Section 2 SO Plan 404113, being 28.86 hectares in area and contained within Computer Freehold Register 455423;
2. Include a Building Restriction Area over the zone, to be a 20m setback inside the zone boundary; and, in the case of the northwestern, southwestern and southern zone boundaries, where the top of the escarpment is inside the zone boundary, the Building Restriction Area shall be a setback that extends 20m into the zone from the top of the escarpment;
3. Amend the Rural Residential zone by introducing a new Table ([blue underlined text](#)) into Chapter 22 (Rural Residential & Lifestyle) as follows:

	<a href="#">Table 8: Rural Residential Camp Hill</a>	<a href="#">Non-compliance</a>
<a href="#">22.5.39</a>	<a href="#">Density</a> <a href="#">There shall be no more than one residential unit per lot</a>	<a href="#">NC</a>
<a href="#">22.5.40</a>	<a href="#">Building Height</a> <a href="#">The maximum building height shall be 5.5m.</a>	<a href="#">D</a>

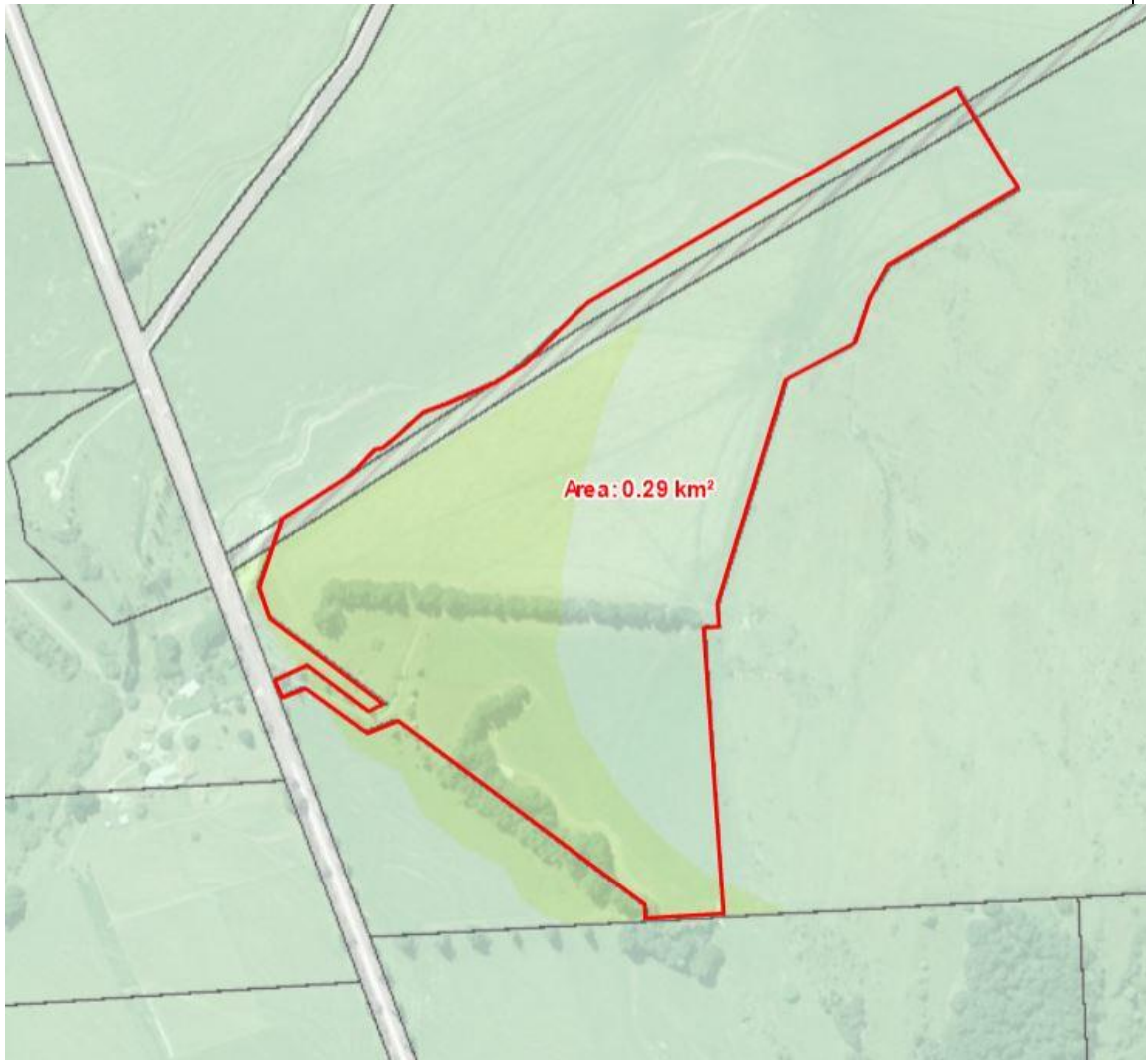
4. Amend Rule 27.6.1 of Chapter 27 (Subdivision and Development) by adding a row ([blue underlined text](#)) as follows:

Zone		Minimum Lot Area
...		
<b>Rural Residential</b>	Rural Residential	4000m <sup>2</sup>
...		
	<a href="#">Rural Residential Zone at the north of Lake Hayes</a>	<a href="#">4000m<sup>2</sup> provided that the total lots to be created by subdivision, including balance lots, shall be not be less than an 8,000m<sup>2</sup> lot average</a>
	<a href="#">Rural Residential Camp Hill</a>	<a href="#">4000m<sup>2</sup> with no more than 26 lots created for residential activity</a>
<b>Jacks Point</b>	...	



**Recommended Changes to Zone Boundary:**

**Mount Christina Limited (764) Camp Hill, Glenorchy**



Recommended change to boundary of the Rural Residential zone from the yellow shading (notified PDP) to the red boundary. Note that the above map does not show the proposed Building Restriction Area, which is to be 20m in from the zone boundary or 20m in from the top edge of the escarpment (whichever is the greater).

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• The maximum development potential will be reduced from 36 to 26 lots, although 36 is based on a resource consent RM040455 that was never given effect to.</li> <li>• Limiting the number of lots to 26 is based on a development that allows for 32% of the zone to be used for roading and other infrastructural needs and applies the minimum lot size over the remaining 68% of the zone.</li> <li>• The limit to 26 lots is also the same as the existing resource consent RM050144.</li> </ul>	<ul style="list-style-type: none"> <li>• The relocated zone is a better regime under which to protect the outstanding landscape from inappropriate subdivision and development as per matters in section 6(b), because the zone would not be located completely over the lower escarpment closest to Glenorchy-Paradise Road, and there is a requirement for buildings to be set back from the zone boundary and the top edge of the escarpment.</li> <li>• The increased size of the zone will provide for greater flexibility and a more open character in designing a subdivision or development.</li> </ul>	<ul style="list-style-type: none"> <li>• Better effectiveness in terms of managing section 6(b) landscapes, due to providing a better location for the zone and specific controls on height, number of lots and setbacks to address visual effects.</li> </ul>