

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Stage 3 Proposed District Plan Provisions

Report and Recommendations of Independent Commissioners

Report 20.3: Chapter 18A

General Industrial and Service Zone¹ and Related Variations to Chapters 25, 27, 29, and 36:

Commissioners

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¹ The zone was notified as the General Industrial Zone. We have renamed it General Industrial and Service Zone (GISZ).

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1. PRELIMINARY

1.1 Subject Matter of this Report

1. This report addresses the submissions and further submissions the Stream 17 Hearing Panel heard in relation to Chapter 18A- General Industrial Zone, together with related variations to Chapters 25, 27, 29 and 36 of the PDP. We also discuss consequential amendments to Chapters 30, 31 and to the Rural Industrial Sub-Zone arising from submissions.

1.2 Terminology in this Report

2. We have used the terminology and abbreviations as set out in Introduction Report 20.1.
3. We record here, early in the report, that in response to matters raised by some submitters, mainly those who had interpreted the zone to be ‘heavy industry’, that we have recommended the zone be renamed “General Industrial and Service Zone” to more accurately reflect its purpose. This is explained in more detail later.

1.3 Relevant Background

4. Submissions on Chapter 18A –were heard by the Stream 17 Hearing Panel as part of the broader Stage 3 hearings that commenced on 29 June 2020.
5. Report 20.1 provides background detail on:
 - a) The appointment of commissioners to this Hearing Panel;
 - b) Procedural directions made as part of the hearing process;
 - c) Site visits;
 - d) The hearings;
 - e) The statutory considerations bearing on our recommendations;
 - f) General principles applied to rezoning requests;
 - g) Our approach to issues of scope.
6. We do not therefore repeat those matters.

2. STATUTORY CONSIDERATIONS

7. Report 20.1 – Introduction has comprehensively set out the statutory considerations relevant to our consideration of submissions and further submissions. They are not repeated here other than to emphasise, in relation to the findings and recommendations in this report, the importance of:
 - the National Policy Statement on Urban Development (NPSUD) which took effect on the 20 August 2020 well after the Stage 3 provisions had been notified;
 - The Regional Policy Statement (RPS), which, as we recorded in Report 20.1, is at an advanced stage; and
 - The “Strategy Chapters” of the PDP (Chapters 3-6 – and of particular note for this report are Chapter 3 – Strategic Direction and Chapter 4 – Urban Development) that provide strategic direction on the entire range of district planning issues.

8. Where relevant, we have addressed the specific provisions of those planning documents in this report terms of our findings and recommendation on the various submissions and further submissions.

3. OVERVIEW.

9. As set out in the section 32 Evaluation Report, the GIZ sought to replace three Operative District Plan (ODP) zones:

- Industrial A Zone (Arrowtown – Bush Creek Road, Queenstown – Glenda Drive, Wānaka - Ballantyne Road (western side of road));
- Industrial B Zone (Wānaka - Ballantyne Road (western side of road));
- Ballantyne Road Mixed Use Zone (Ballantyne Road (eastern side of road)).

10. The main concern set out in that evaluation report, and the reasons for the GIZ zone, was that while these zones principally provided for the establishment, operation and growth of industrial type activities, they:

“have not sufficiently recognised or provided for those land use characteristics which enable the long term viability of industrial type activities, and have inadvertently provided for non-industrial type land uses to establish and operate within the Industrial Zones, such as Office, Retail and Commercial activities, which have contributed to industrial development capacity restraints within the District”.²

11. The key changes, in summary were to:

- Replace the existing Industrial Zones with a single zone framework (GIZ)
- Exclude and restrict non-industrial, non-ancillary type activities from the GIZ, including Office, Retail, Commercial and other related non-industrial type activities;
- Enable ancillary non-industrial type activities (but restrict their size), including Office, Retail and Commercial activities, and food and beverage related commercial activities to the extent that they directly relate to and support Industrial or Service Activities;
- Identify minor additions to the extent of the existing Industrial Zones in the Wakātipu Ward to avoid unnecessary split zonings or to correctly zone existing industrial related activities;
- Remove the existing Ballantyne Road Mixed Use Zone from the existing set of Industrial Zones and rezone this land Open Space – Active Sport and Recreation (addressed separately in Report 20.5);

² Section 32 Evaluation

- Vary relevant parts of the Proposed District Plan (PDP)-, Chapter 25 (Earthworks), Chapter 27 (Subdivision and Development), Chapter 29 (Transport) and Chapter 36 (Noise) to introduce the Zone to these chapters and to give effect to the direction of the GIZ.
12. The key concerns raised by submitters included the following, and these are discussed in more detail below:
- Many submitters considered the GIZ zoning was too narrow and restrictive and that the zone either needed to be more flexible in the range of activities it enabled or provided for – or that another zone needed to be created to enable the flexibility sought.
 - In relation to the bullet point above, many submitters considered that prohibiting/restricting non-industrial type activities, including Office, Retail, Commercial and other related non-industrial type activities was too restrictive, and did not recognise that these activities had been established under the ODP provisions.
 - In response to the bullet point above submitters sought:
 - That Office, Retail, Commercial and other related non-industrial type activities that are not ancillary to industrial or service activity in the GIZ be provided for as in the ODP plan provisions.
 - That Trade Suppliers be provided for, and not be a prohibited activity as notified in the PDP; and
 - That greater flexibility be provided to the 50m² limit for ancillary non-industrial type activities, including Office, Retail and Commercial activities; and food and beverage related commercial activities to the extent that they directly relate to and support Industrial or Service Activities, be provided for.
13. Tussock Rise Limited³, Bright Sky Land Limited⁴ and Alpine Estates Limited⁵ (Tussock Rise) sought that land as identified in their submission be rezoned from GIZ to BMUZ. This was also sought by submitters in the Glenda Drive area (as well as a request for the Frankton Flats zone to apply), Queenstown, and at Bush Creek Road, Arrowtown.
14. A number of submitters sought that their land be zoned GIZ, and presented extensive cases supporting their requests. These included:
- Upper Clutha Transport Limited (UCT)⁶ to rezone land on Church Road Luggate from Rural to GIZ;

³ Submission #3128

⁴ Submission #3130

⁵ Submission #3161

⁶ Submission #3256

- Cardrona Cattle Company Limited (CCCL)⁷, to rezone land at Victoria Flat from Rural/Gibbston Character Zone to GIZ;
- Universal Development Hāwea Limited⁸, to rezone approximately 9 hectares of land (GIZ) at the southern end of a total site of 170 hectares sought to be rezoned for urban development (residential, local shopping centre and an indicative school site) south of Cemetery Road at Hāwea (addressed separately by the Stream 18 Hearing Panel in Report 20.8).
- Tussock Rise Limited (Tussock Rise)⁹, to rezone approximately 10 hectares of land at 101 Ballantyne Road - zoned Open Space and Recreation Zone – Active Sport and Recreation, to GIZ.
- Willowridge Development Limited (Willowridge)¹⁰, to rezone approximately 0.57 hectares of land on Riverbank Road (south of the former QLDC Oxidation Ponds) from LDSRZ to GIZ, and smaller portion of this site (0.35 hectares) located on the lower terrace at the junction of Ballantyne and Riverbank Roads from Rural to GIZ.
- Bush Creek Property Holdings Ltd, Bush Creek Property Holding No. 2 Ltd¹¹, and
- Bush Creek Investments Ltd¹², to rezone land at Bush Creek Road, Arrowtown from GIZ to BMUZ.
- Queenstown Airport Corporation (QAC)¹³, to rezone 3.27ha of land adjacent to Queenstown Airport from GIZ to either an Airport zone, the (ODP) Frankton Flats B zone or Rural zone.

15. The following is an executive summary of the key recommendations we have made:

The Zone and its provisions

- Change the name of the zone to General Industrial and Service Zone to better reflect its purpose;
- We have retained a single zone for general industrial and service activities, but have provided for a wider range of activities within the zone as notified.
- We have provided greater recognition of existing non- related industrial and service activities – including Office, Retail, Commercial and other related non-industrial type activities. Those lawfully established before the PDP is made operative are permitted activities, with some flexibility in terms of size and location provided it remains the

⁷ Submission #3349

⁸ Submission #3248

⁹ Submission #3128

¹⁰ Submission #3210

¹¹ Submission #3353

¹² Submission #3354

¹³ Submission #3316

same scale and intensity as that lawfully established. Changes to those activities that are not permitted are non-complying activities, as opposed to a prohibited activity in the notified PDP.

- Trade suppliers, subject to certain rules, are a discretionary activity as opposed to a prohibited activity in the notified PDP.
- The size of ancillary Offices Retail and Commercial activities is changed from 50m² as permitted activity to 30% of GFA.

Rezoning

- We have not made any significant changes to the extent of the GIZ as notified in relation to Queenstown and Wānaka, other than to delete this zone in the Three Parks Area and recommend its 'replacement' with a combination of Three Parks Business and Business Mixed Use;
 - M-Space Partnership Ltd's request to rezone land at Glenda Drive from GIZ to BMUZ is **accepted in part** to the extent that changes made to the GISZ better provide for existing residential and commercial activities that have been lawfully established;
 - Reavers (N.Z.) Ltd's request that the notified GIZ land shown on land at Glenda Drive that is zoned general rural and un-stopped road in the ODP be retained is **accepted**.
 - Tussock Rise's request to rezone land as shown in their submission (the Fredrick Street area zoned) from the notified GIZ to BMUZ is **rejected**.
 - M. Thomas, Bush Creek Property Holdings Ltd., Bush Creek Property Holdings No. 2 Ltd., Bush Creek Investments Ltd. (Bush Creek) – request to rezone the land as shown in their submissions from the notified GIZ to BMUZ is **accepted in part** to the extent that changes made to the GISZ better provide for existing residential and commercial activities that have been lawfully established;
 - UCT's request to rezone land on Church Road Luggate from Rural to GIZ is **rejected**, but re zoning to Rural Industrial Sub-Zone is **accepted**;
 - CCCL's request to rezone land at Victoria Flat from Rural/Gibbston Character Zone to GIZ is **rejected**;
 - Willowridge's request to rezone approximately 0.57 hectares of land on Riverbank Road (south of the former QLDC Oxidation Ponds) from LDSRZ to GIZ, is **rejected**;
 - Willowridge's request to rezone a smaller portion of the site (approximately 0.35 hectares) located on the lower terrace at the junction of Ballantyne and Riverbank Roads from Rural to GIZ, is **accepted**; and
 - QAC's request to rezone land from GIZ to either an Airport zone, (ODP) Frankton Flats B Zone or Rural Zone is **rejected**.
16. Tussock Rise's request to rezone 11.9 hectares of land at 101 Ballantyne Road - zoned Open Space and Recreation Zone – Active Sport and Recreation, to GIZ is addressed separately in Report 20.5.

4. ZONE PROVISIONS

4.1 The zone, its purpose and name.

17. As set out above we have re-named the zone to General and Service Zone or GISZ. We have done this for a number of reasons including:

- to better acknowledge the Zone’s purpose and objective which addresses both industrial and service activities;
- in response to the number of submitters¹⁴ who, in seeking either a rezoning or a more flexible zone, sought to characterise the zone as a more ‘heavy’ or ‘pure’ industrial zone that did not reflect the existing situation or the likely further demand for ‘industrial’ activities; and
- to reinforce our view that this industrial zone alone, with some modification and flexibility, alongside the other business zones, is sufficient to cater for and manage the District’s industrial and service needs.

18. While we address these matters in more detail later, we considered we should set out our finding on the nature and purpose of the zone as ‘context’ for the submissions that sought an additional zoning or rezoning from GIZ to another zone (particularly BMUZ), or to enable a greater range of activities, including Office, Office, Retail and Commercial and other related non-industrial type activities, within the GIZ.

19. The Zone’s Purpose and objective 18A 2.1, as notified, read:

Purpose

The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service activities. The Zone recognises the significant role these activities play in supporting the District’s economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient industrial development capacity. (emphasis added)

Objective 18A 2.1

Industrial and Service activities are enabled within the Zone and their long-term operation and viability is supported.

20. Industrial activities and Service activities are permitted activities (subject to standards). They are defined as:

<i>Industrial Activity</i>		<i>Means the use of land and buildings for the primary purpose of</i>
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¹⁴ In particular the Breen Construction Company et al and Tussock Rise.

		<i>manufacturing, fabricating, processing, packing, or associated storage of goods</i>
<i>Service Activity</i>		<i>Means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods.</i>

21. We discuss later in this report the nature of the activities that have established within the ‘industrial’ zones of the ODP¹⁵. We also address the extent to which the notified GIZ provisions are considered too restrictive vis-à-vis the extent to which non-industrial activities (office, retail and commercial) have already been established. However, at this point we record that we agree with the Council’s experts¹⁶ that the zone caters for a range of industrial and services activities which, in the context of Queenstown and Wānaka, tend to be what is called light industrial and warehouse/storage activities – and not ‘heavy’ industry as characterised by Mr Devlin, planner, for Tussock Rise.
22. Subject to the changes we have recommended to the range of activities provided for in the GISZ, and how existing non-industrial activities are to be treated, we agree that the application of a single zoning framework for the management of industrial land in the District is appropriate. This was discussed in the section 32 evaluation report¹⁷ and complemented by expert evidence from Ms Hampson who stated her view that *“there seems little need to retain or create industrial zones that have a particular niche role within the industrial economy (such as heavy industry or light industry specifically)”*¹⁸.
23. In respect of Ms Hampson’s statement in the preceding paragraph, we disagree with Mr Devlin’s (for Tussock Rise) characterisation of the GIZ to be similar to the National Planning Standards (NPS) description of the Heavy Industrial Zone. The difference between the NPS descriptions (light, general and heavy) appears to relate predominantly to the type of effects that may result, with the NPS Heavy Industrial Zone referring to *“potentially significant adverse effects”*.
24. We also do not agree with Ms Mahon’s evidence¹⁹ where she implies that the GIZ is intended to be a heavy industrial zone. Relying on the section 32 evaluation, she points out that the current Wānaka Industrial area has very little heavy industrial activity taking place within it.

¹⁵ Called ‘ground-truthing’ by the Council and Submitter experts.

¹⁶ Ms Hampson and Mr Place.

¹⁷ Paragraphs 7.69 – 7.76

¹⁸ Section 7.3, Page 104 Economic Assessment of Queenstown Lakes District’s Industrial Zones Stage 3 District Plan Review, 22 May 2019

¹⁹ Planner representing J C Breen Family Trust (submitter #3235)The Breen Construction Company Limited (submitter #3234)Alpine Nominees Ltd (submitter #3266)86 Ballantyne Road Partnership (submitter #3286)NPR Trading Limited (submitter #3298)

25. She goes on and states²⁰:

The finding that there are very little heavy industrial activities taking place within the Wanaka Industrial area supports the case for amending the GIZ provisions to allow for office, commercial and retail activities which are not ancillary to industrial or service activity use. This will provide more flexibility than the proposed GIZ for the existing uses taking place in the area such as light industrial, office, food and beverage and commercial activities

26. We address Ms Mahon’s findings in the next section relating to the range of activities provided for in the GISZ. However, we think Ms Mahon has missed the point in relation to the purpose of the notified GIZ; we do not find it is a “heavy industrial zone”.

27. Given the nature and make up of existing activities (including within the Wānaka GISZ), and those which comprise the District’s industrial economy as described in the section 32 evaluation report as well as Ms Hampson’s assessment of the industrial economy²¹, we do not think Mr Devlin’s or Ms Mahon’s view is consistent with the description of the Heavy Industrial Zone.

28. In this respect, we agree with Mr Place and Ms Hampson that the nature and scale of the industrial activities in Queenstown, Arrowtown and Wānaka, combined with the activities permitted in the GISZ and the consent status for the more noxious type activities²² that the zone is primarily focused on the lighter industrial activities and service activities as defined. This reinforces our view that a single zone framework is appropriate.

29. Furthermore, it is our view that the GISZ will assist in giving effect to the NPSUD in that it will contribute to well-functioning urban environments. Policy 1 of the NPSUD provides a non-exhaustive list of features of well-functioning urban environments. Policy 1(b) states the following:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

b. have or enable a variety of sites that are suitable for different business sectors in terms of location and site size;

30. Of particular relevance, limb (b) sets out that well-functioning urban environments have or enable sites for different business sectors. This includes industrial businesses. As stated by Mr Place, drawing on the Economic Assessment of Queenstown Lakes District’s Industrial Zones, May 2019 (page 1)²³:

²⁰ Paragraph 35 of Ms Mahon’s evidence-in-chief.

²¹ We discuss this later as part of the rezoning requests

²² As an example – Any activity requiring an Offensive Trade Licence under the Health Act 1956 other than the “collection and storage of used bottles for sale” and “refuse collection and disposal” (as listed in that Act) is a non-complying activity.

²³ Para 2.4 of Mr Place’s reply statement

It is known that the District's industrial economy is 'growing rapidly and has demonstrated growth rates faster than the rest of the district's economy'.

31. The GIZ is the only PDP zone, aside from the as yet undeveloped Coneburn Industrial Zone, that has or enables sites suitable for those activities which comprise the District's industrial economy.
32. We accept that the directive zone framework promoted in Chapter 18A, as recommended to be modified by us, provides the mechanism necessary to meet Policy 1(b) of the NPS-UD, as well as the provisions of the Strategic Direction chapters. As traversed in the section 42A report, Council's evidence and evidence from a number of submitters (addressed in more detail later), a number of submitters have sought a more enabling GIZ framework, to allow for non-Industrial and Service activities.
33. While agreeing that that single zoning framework is appropriate, we agree with Ms Hampson, where she states in her evidence-in-chief under the heading of strategic role of the GIZ that²⁴:

"If the GIZ was amended to be a very permissive regime, this in my view would start to duplicate the role of other business zones and will distribute office and retail activity (for example) over the wider area and more locations. This prevents the concentration of activities in particular locations where benefits can be maximised and externalities can be managed".
34. We consider, in agreeing with the Council's position, that a GIZ framework that is too 'enabling' would compromise the District's ability to provide the number of suitable sites for the industrial business sector and that those sites be used efficiently. In stating this we know some submitters (Tussock Rise for example) consider there is an over-supply of land zoned GISZ, especially in Wānaka, and that rezoning some land proposed as GISZ to another zone (eg BMUZ) would be more efficient. We address this issue under Tussock Rise's rezoning request.
35. Overall, we find that the GISZ needs to be a distinct zone, catering primarily for industrial and service activities (as defined) and not a more generalised zone catering for a wide range of business type activities (eg office and retail). This, in our view, will assist in realising the strategic economic benefits for the industrial economy from key synergies and agglomeration benefits between neighbouring activities. It can also assist in fewer reverse sensitivity issues, greater transport efficiencies, reducing potential for externality effects (by containing effects to a single location rather than dispersing them across multiple locations), and to support reductions in greenhouse emissions.

²⁴ Paragraph 3.4 of her evidence-in-chief.

36. To reinforce that point, we do not consider that the Purpose should be diluted to include points of detail. We agree therefore with Mr Place's recommendation that the Purpose sought not refer specifically to the proximity of the GIZ to the Airport, as sought by QAC²⁵.

4.2 Should the GISZ strictly control non-industrial activities or should they be more enabled within the zone.

37. As briefly addressed above, many of the submitters who opposed the GIZ did so on the basis that it was too directive, too restrictive and not broad enough to enable appropriate future development within it. Of particular concern was that non-ancillary Offices, Retail, Commercial services and other non-industrial activities were prohibited. Submitters also argued that this approach ignored the significant scale of offices, retail and commercial services that already existed in the zone, and it was inappropriate that they would have to rely on existing use rights. These issues overlap with submission seeking more discrete relief relating to the provisions of Chapter 18A.

38. The largest numbers of these submission points on the primary issue were collectively referred as Breen Construction Company et al²⁶ by Mr Place in his section 42A report and evidence. Tussock Rise addressed this matter comprehensively as part of its case. Other submitters also addressed this issue.

39. The submitters outlined that Office, Retail and Commercial activities were integral to the efficient and effective functioning of the GIZ. Breen Construction Company et al sought that these, and other activities, be significantly more enabled within the zone, with Tussock Rise arguing that, given the degree to which Offices, Retail and Commercial activities were already established in the zone, that the land identified in their submission be rezoned BMUZ²⁷.

40. As set out in the Council's section 42A report²⁸, the notified provisions were intentionally restrictive to only those land uses considered necessary for industrial and service purposes, and not those considered incompatible with the intended outcomes of the GIZ, including Office, Commercial and Retail activities. The Section 32 Evaluation report and the evidence of Ms Hampson and Mr Place was that it was necessary to keep the provisions 'tight' so as to achieve the purpose and objective to the zone. The reasons for this are those set out in the previous section of this report.

²⁵ Submission #3316

²⁶ Breen Construction Company et al - Submission Points Orchard Road Holdings Limited, Willowridge Development Limited, the Breen Construction Company Limited, Henley Property Trust, Cardrona Cattle Company Limited, J McMillan, The Station at Waitiri Limited, JC Breen Family Trust, Alpine Nominees Limited, 86 Ballantyne Road Partnership, NRP Trading Limited, Ben and Hamish Acland, and A Strain,

²⁷ Tussock Rise Limited also sought the rezoning for other reasons, and this is addressed later in their rezoning request.

²⁸ Paragraph 5.5 of Mr Place's section 42A report

41. Objective 18A.2.2 as notified, stated:

The establishment, operation and growth of Industrial and Service activities within the zone is not undermined by incompatible land uses.

42. Policy 18A2.2.1 as notified sought to “avoid” activities not compatible with the primary purpose of the zone. These included: Office, Retail and Commercial activities that are not ancillary to Industrial or service activities, Trade Suppliers²⁹, Large Format Retail, Residential Activity including residential units and flats, Visitor Accommodation, Residential Visitor Accommodation and Homestay activities.
43. Policy 18A2.2.2 sought to avoid the establishment of activities that would undermine the role played by town centres and other key business zones. Policies 18A2.2.3 and 5 sought to limit the scale of Office, Retail and Commercial activities to those ancillary to the Industrial and Service activities, and food and beverage related commercial activities to those serving the direct needs of workers and visitors or to support the operation of Industrial and Services activities.
44. This objective and its associated policies (as notified) were designed to be restrictive; setting out the range of activities considered ‘incompatible’ with the zone so as to ensure the purpose of the zone could be achieved and not undermined by non-industrial/service related activities. These included prohibiting those activities listed above, and making other activities including: Commercial Recreation and Recreation Activities, Community Activities and Community Facilities and those activities requiring an Offensive Trade Licence under the Health Act, non-complying activities.
45. These provisions were, in part at least, addressing Strategic Policy 3.3.8 of Chapter 3 (Strategic Direction) of the PDP. It states:

Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities. (relevant to S.O. 3.2.1.3 and 3.2.1.5).

46. This is a very clear and directive policy, and as noted in the Introductory Report the “..ink is barely dry on Policy 3.3.8 and that it was not appealed. Nor have we identified any suggestion in the Environment Court’s interim decisions on the Stage 1 appeals, insofar as they address similar provisions governing other zones, that would call this policy into question (a point emphasised by Ms Scott for Council)”. We find that this policy is a ‘heavy hitter’ when it comes to the type of activities provided for, or more correctly those not provided for, in the GISZ.
47. We also note that the Panel in Stage 1 of the PDP, in their consideration of Policy 3.3.8, accepted that non-industrial activities in industrial zones should be tightly controlled taking into account

²⁹ Mr Place recommended that these activities, subject to certain caveats, be provided for as a Discretionary Activity.

“the guidance provided by the Proposed RPS, the lack of land available for industrial development, and the general unsuitability of land zoned for other purposes for industrial use”³⁰.

48. With respect to the RPS, Policy 5.3.3 states:

Policy 5.3.3 Industrial land

Manage the finite nature of land suitable and available for industrial activities, by all of the following:

- a) Providing specific areas to accommodate the effects of industrial activities;*
- b) Providing a range of land suitable for different industrial activities, including land-extensive activities;*
- c) Restricting the establishment of activities in industrial areas that are likely to result in:
 - i. Reverse sensitivity effects; or*
 - ii. Inefficient use of industrial land or infrastructure**

49. While this policy is clear in its intent and supports restrictions on activities that would result in reverse sensitivity effects and the inefficient use of industrial land, we accept that the provisions of the GISZ go further than this policy. This is addressed in some detail in the Panel’s Introductory Report. However, we note Otago Regional Council submitted in support of Objective 18A.2.2 and its policies as it considered this suite of provisions would enable a diverse range of appropriate industrial activities³¹.

50. Given that the industrial economy is *“growing rapidly and has demonstrated growth rates faster than the rest of the district’s economy”³²*, we accept that Industrial and Service activities (and zoned land) are a vital component of the District’s economic activity. It will contribute to the development of a prosperous, resilient and equitable economy and people’s overall economic wellbeing. Further, the growth of these activities will assist in achieving a more diversified economy and employment opportunities. Therefore, taking into account the strategic importance of the GISZ, we support restricting the range of activities within the GISZ so as to ensure the purpose and objectives of the zone are achieved.

51. In light of our position set out above, we support (and have recommended) the prohibition on new Office, Commercial and Retail activities not ancillary to Industrial or service activities, Large Format Retail, Residential Activity including residential units and flats, Visitor Accommodation, Residential Visitor Accommodation and Homestay activities within the zone. We accept Mr Place’s recommendation that Trade Suppliers (primarily involved in wholesaling related trade, among other things) be provided for as a Discretionary Activity.

³⁰ Paragraph 530, Report 3 Report and Recommendations of Independent Commissioners Regarding Chapter 3, Chapter 4 and Chapter 6

³¹ Point 3342.51 – Otago Regional Council

³² Page 1, Economic Assessment of Queenstown Lakes District’s Industrial Zones, May 2019

52. We have retained Commercial Recreation and Recreation Activities, Community Activities and Community Facilities and those activities requiring an Offensive Trade Licence under the Health Act, as non-complying activities. We address Commercial Recreation and Recreation Activities in more detail later given Mr Farrell's (for Wayfare Group) evidence.
53. While we largely agree with the Council's position (and evidence) in relation to the activities within the GISZ, we do not think it is sustainable or reasonable to 'lock in' those existing lawfully established activities such as offices, retail and commercial services that would become prohibited, and therefore have to rely on existing use rights. In this respect we essentially agree with the submitters' evidence, notably the Breen Construction et al submitters and Tussock Rise.
54. To understand the extent of the issue of the extent to which Offices, Retail and Commercial Services have already established, ground truthing site visits were undertaken by the Council. This was to inform the section 32 evaluation report of the actual mix of activities undertaken on sites (including predominant and ancillary activities) according to the Operative District Plan (ODP) definitions.
55. A brief summary of the ground truthing findings for ODP industrial area is provided in Table 1 below and was set out in the section 32 Evaluation report³³

Industrial Area	Summary of Uses
Arrowtown	<ul style="list-style-type: none"> 75.1% of all observed predominant activities are traditional industrial uses; 20.8% of predominant activities had ancillary activities, with Office and Commercial being most common; 44.4% of all predominant activities had a residential element or was the predominant activity.
Glenda Drive	<ul style="list-style-type: none"> Office and Commercial activities make up 49.1% of all predominant activities; Industrial type activities accounted for 50.1% of all predominant activities; 37.6% of all observed businesses had a first level ancillary activity; 12.4% of all businesses had a residential element.
Wānaka (Industrial Zone)	<ul style="list-style-type: none"> Service activities and Light Industrial activities comprise 53.3% of all observed predominant activities; 20.8% of all recorded predominant activities were Office activities; More than a third of all observed predominant activities have an associated ancillary activity; 15.6% of all recorded businesses had a residential element.
Wānaka (Industrial B Zone)	<ul style="list-style-type: none"> 58.3% of all recorded predominant activities were Service, Light Industrial, or Industrial activities;

³³ Section 32 Evaluation, Chapter 18A General Industrial Zone.

	<ul style="list-style-type: none"> • 30.6% of all recorded predominant activities were office activities; • A third of businesses have first level ancillary activity with commercial the most common; • Only three businesses have a residential element.
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56. Mr Millar, a director of Tussock Rise, did not agree with the Council’s section 32 ‘ground truthing’ as it did not match what he stated he was “seeing on the ground”. He assessed the 94 properties bordering the currently vacant Tussock Rise land (a mix of Industrial A and Industrial B zoned land) with the results set out in a table in his evidence – and as reproduced below³⁴.

PDP Definition	Number	Percentage
Commercial	23	24.7%
Commercial Recreation Activity	3	3.2%
Health Care Facility	2	2.1%
Industrial Activity	18	19.3%
Residential Activity	17	18.2%
Service	22	23.4%
Trade Supplier	5	5.5%
Vacant	4	4.3%
Total	94	100%

57. Mr Millar stated that this “..confirms that the area is mixed in nature”³⁵, and went on to state that the case for Tussock Rise, given the variety of land uses, “suggests a flexible zoning is the most appropriate way to ensure the land is used efficiently, rather than a rigid GIZ which would render many of these activities as prohibited or at least non-complying”³⁶.

58. We return later to the zoning request made by Tussock Rise to rezone its and the surrounding land BMUZ. However, we address whether it would be appropriate to make changes to the GISZ by providing greater flexibility in the land uses enabled or provided for. And, if in section 32AA terms, this would make this zone ‘more appropriate’ than a different zone.

³⁴ Paragraph 5 of Mr Millar’s evidence.

³⁵ Paragraph 9 of Mr Millar’s evidence

³⁶ Paragraph 13 of Mr Todd’s legal submissions

59. This was the position advanced by the Breen Submitters³⁷ (represented by planners Ms Mahon and Mr Edmonds). Those submitters sought the following relief:
- (a) *Amend the GIZ provisions to allow for office, commercial and retail activities not ancillary to industrial or service activity use; or*
 - (b) *If the relief sought in (a) is not allowed across the entire GIZ zone, allow office, commercial and retail activities along the Ballantyne Road corridor and Gordon Road (This area was shown in Figure 1 outlined in red in Ms Mahon's evidence)*
60. Ms Mahon, relying on the Council's section 32 evaluation report, pointed out the extent to which the area already consisted of non-industrial activities established in the area now proposed to be zoned GIZ. Because of this, and the nature and scale of the of the activities in and around her clients' land, it was her view that³⁸:
- "..... I consider the most appropriate zoning to be GIZ with modification to allow for commercial, office and retail activities that are not ancillary to industrial or service use. This would best achieve the purpose of the Act and the Strategic Direction of the PDP and best provides for the existing activities occurring and anticipated by people within the area and is the most efficient use of the land.*
61. While the ground truthing exercises of the Council and Tussock Rise are different (in terms of the activities and areas that they classified) they demonstrate, as also pointed out by Ms Mahon, that a wide range of non-industrial type activities are established in the proposed GISZ zone – in particular Office, Commercial and Retail activities.
62. As set out above, the section 32 evaluation report concluded, based on the table above, that the ODP provisions had not been effective or efficient in ensuring that the Industrial Zones provided a secure location for the establishment, operation and growth of Industrial and Service Activities. It was Ms Hampson's and Mr Place's view that the presence of Office, Commercial and Retail activities would likely compromise the long-term viability of the District's industrial economy and the efficient and effective functioning of the Zone. It was for these reasons Office, Commercial and Retail activities not ancillary to Industrial or Service activities were identified as Prohibited activities within the notified GIZ.
63. Given our finding in the previous section about the nature of the zone we do not fully support the relief sought by the Breen submitters and by implication those of Tussock Rise. We do not think that enabling non-ancillary Offices, Retail and Commercial activities is appropriate. That would, in our view, undermine the purpose and objectives and policies of the GISZ. We have already set out our reasons for this earlier.
64. However, we cannot ignore the fact that whichever 'ground-truthing' exercise is the most accurate, considerable Office, Retail and Commercial activity has already lawfully established in

³⁷ J C Breen Family Trust, The Breen Construction Company Limited, Alpine Nominees Ltd, 86 Ballantyne Road Partnership, and NPR Trading Limited

³⁸ Paragraph 100 of Ms Mahon's evidence

the proposed zone. We do not think these activities should be 'sterilised' by a prohibited activity and have to rely on existing use rights.

Existing Lawful Office, Commercial or Retail activities

65. We have already noted that a number of submitters had raised the issue of the prohibited activity of Office, Commercial or Retail activities within the GIZ and the Council's view that the existing activities were 'protected' by existing use rights. We also note Mr Place's verbal evidence that Council not trying to push non-industrial activities out of this zone.
66. We raised concerns with Mr Place about how the GIZ provisions including in particular a prohibited activity status, will impact on existing activities, with particular reference to existing Office, Commercial and Retail activities that are not ancillary to Industrial and Service Activities. This focussed on:
 - Businesses ceasing operations for more than 12 months due to situations outside of their control, for example due to Covid 19;
 - Existing use rights (under s10 RMA) being inherently difficult to prove and therefore obtain;
 - Consent holders facing challenges when seeking amendments to their consent conditions or seeking alterations that may be captured by the prohibited activity status.
67. At our request, Mr Place undertook additional analysis on a framework that could provide for existing Office, Commercial and Retail activities within the GIZ and provided a detailed assessment of this in his reply evidence.
68. In summary, Mr Place recommended that the relocation of, or change of use of, an existing lawful Office, Commercial and Retail activity be classified as a Controlled activity. It would be a Prohibited Activity if the existing Office, Commercial and Retail activities were to occur within a different building or tenancy from the lawfully established activity, and if the activity resulted in an increase to the gross floor area occupied by the existing lawfully established activity of more than 10% and any increase to any outdoor area occupied by the existing lawfully established activity. He proposed changes to the Purpose statement and Policy 18A 2.2.1 reflecting the changes recommended to the plan rules.
69. We agree, to an extent, with Mr Place's recommendation, namely that provision should be made for these existing lawful activities. However, it is our recommendation that these lawfully established Office, Commercial and Retail activities (as the date the rule is made operative) be permitted, including their relocation within the same building or tenancy on the same site. Some flexibility is also built into the rules we have recommended allowing an increase of up to 10%; of the gross floor area occupied by the existing lawfully established activity.
70. We have amended the Purpose statement and Policy 18A 2.2.1 to provide for the changes we have recommended to the plan rules. In terms of the rules, those existing Office, Retail and Commercial activities that were lawfully established as the date the rule is made operative are permitted, while those that do not comply with the permitted rule would be non-complying, and not Prohibited as in the notified Chapter.

71. It is our view that the recommended changes we have made will provide a greater level of certainty for existing office, retail or commercial activities. Also, given the existing scale of these activities and the nature of the existing and envisaged industrial and service activities within the GISZ zone (as already addressed earlier), we do not think better enabling those existing activities will undermine or compromise the role and function of the GISZ.
72. Our recommended plan provisions (and in particular Policy 18A 2.1.3) retain their initial intent and purpose; being that Office, Retail and Commercial activities not ancillary to an Industrial or Service activity, are avoided in the Zone. The amendments reframe the policy to enable those existing activities as discussed. This approach, in our view, ensures these activities can continue to operate over time.

Trade Suppliers

73. A number of submissions³⁹ were received requesting an alternative approach to the management of Trade Supplier activities within the GIZ. Those submitters considered the proposed provisions (i.e. prohibited activity status) were too restrictive and did not provide sufficient flexibility⁴⁰.
74. In response to the submitters' concerns, Mr Place, supported by Ms Hampson's evidence, set out in some detail in the section 42A report the role of trade suppliers and the difference between Trade Suppliers that were predominantly 'wholesaling' as opposed to 'retailing'. He recommended that Trade Suppliers who were primarily wholesaling should be provided for (as a Discretionary Activity) in the GIZ, and those primarily retaining should remain prohibited.
75. Mr Place stated⁴¹:

In my view, the suitability of a Trade Supplier being located within the GIZ turns on this distinction [between Wholesaling and Retailing]. In particular, I consider that a Trade Supplier predominantly involved in Wholesaling plays a role in providing for the establishment, operation and long term viability of Industrial and Service activities as they are likely to be involved in supplying Industrial and/or Service activities with the goods they need to operate their businesses. In the reverse, I do not consider that a Trade Supplier predominantly involved in Retailing would assist in achieving the purpose of the GIZ nor do they fit within the definition of the Districts Industrial Economy, as they are not likely to support the establishment, operation and long term viability of Industrial and Service activities.

³⁹ Horder Family, MCS Holdings Gordon Road, Orchard Road Holdings Limited, Willowridge Developments Limited, The Breen Construction Company Limited, J C Breen Family Trust, Alpine Nominees Limited, Henley Property Trust, Upper Clutha Transport Limited, 86 Ballantyne Road Partnership, NPR Trading Limited, and Ben and Hamish Acland

⁴⁰ Orchard Road Holdings Limited, Willowridge Developments Limited, The Breen Construction Company Limited, J C Breen Family Trust, Upper Clutha Transport Limited, Alpine Nominees Limited, 86 Ballantyne Road Partnership, NPR Trading Limited, and Ben and Hamish Acland

⁴¹ Paragraph 5.56 and 5.67 of Mr Place's section 42A report.

In addition, it is considered that those Trade Suppliers which are predominantly involved in Wholesaling are less likely to become retail destinations or commercial attractions for the general public. As discussed in other sections of this report such activities have the capacity to attract a large number of visitors, customers and staff and their associated traffic movements. In addition, the level of amenity anticipated by these retail based public customers, and expected by business owners, is not provided for within the GIZ, therefore resulting in an increasing likelihood of reverse sensitivity effects on established or future Industrial and Service activities. For these reasons, it is considered appropriate to exclude (i.e. by retaining prohibited activity status) retail based Trade Suppliers from the GIZ.

76. Ms Hampson stated in her evidence that Trade Suppliers directly support construction activity through the provision of intermediate inputs, and that the construction industry dominates the District's industrial economy (but also sustains a significant share of total economic activity within the District). She stated that *"The presence of such Trade Suppliers involved in the activity of supporting the industrial economy will reduce the cost of doing business as goods can be sourced more conveniently"*⁴². Overall, Ms Hampson supported some form of provision of Trade Suppliers within the GIZ, as it would result in greater economic benefits than costs, and she considered that economic efficiencies can be enabled by providing for Trade Suppliers in the urban environment.
77. We queried if there was a distinction between the type of effects associated with large and small Trade Suppliers, and whether or not a GFA trigger should be used to determine the activity status of a Trade Supplier activity. In response Mr Place advised in his reply evidence that he had addressed a range of different methods that could be applied to manage Trade Suppliers and continued to support the application of a fully discretionary activity rule. His view was unchanged that while large Trade Suppliers are likely to have a different scale of effects than smaller activities, what remains critical to determining the degree to which a Trade Supplier activity is appropriate within the Zone is the extent to which it is involved in either retail or wholesale activities.
78. We accept Mr Place's recommendation that Trade Suppliers be listed as Discretionary Activity, with very clear and directive policies that make clear that those towards the 'wholesaling' end of the spectrum are likely to be appropriate and those at the 'retailing' end are not. This includes policy direction on:
- the activity supporting the establishment, operation and long-term viability of Industrial and Service activities;
 - the activity primarily being wholesaling related trade comprising the storage, sale and distribution of goods to other businesses and institutional customers, including trade customers;
 - the activity being avoided where it is primarily retailing such that they become retail destinations or commercial attractions for use by the general public.
79. In this respect we do not agree with Ms Costello, planner for Willowridge, where she stated:

⁴² Paragraph 10.18 of Ms Hampson's evidence-in-chief

“the Discretionary status along with the uncertainty around compliance with the subjective policies will mean the GIZ is not considered a location in which to confidently invest in development for this kind of business activity”⁴³.

80. We disagree that the proposed suite of provisions would result in the type of uncertainty described by Ms Costello. We find that the suite of policies in the chapter we have recommended provide clear direction for any application to be evaluated against.

Commercial Recreation and Recreation Activities.

81. The Wayfare Group Limited (Wayfare) sought amendments to the GISZ provisions to provide a more enabling framework for Commercial Recreation and Recreation Activities. In particular, the submitter⁴⁴ sought to differentiate Commercial Recreation and Recreation activities from the “avoid” approach applied to commercial activity policies. Mr Farrell, Wayfare’s planner, sought a new policy to “provide” for these activities when particular conditions were met, and changing the activity status from Non-Complying to Discretionary.

82. Mr Place recommended rejecting Wayfare’s submission. This was on the basis that while Mr Farrell suggested there is a short supply of community and recreation facilities, Wayfare provided no evidence of any supply needs in regard to these activities. Wayfare also suggested that the conversion of large buildings in the Zone would be an efficient use of land, but Mr Place disagreed with this statement stating: *“it is known that Industrial and Service activities face challenges finding appropriate sites within the Zone”*.⁴⁵

83. Mr Farrell told us in his evidence that⁴⁶:

“I am not aware of evidence confirming this [commercial recreation activities] is having a discernible or inappropriate adverse impact on the availability of industrial land supply in Queenstown. My observation is that this is because there has been insufficient supply in commercial or open space land. Also, there is no suggestion that conversion of large buildings in the Zone for commercial recreation or community activities would be permanent.”⁴⁷. However, Mr Farrell acknowledged that: “Neither Wayfare or I can provide detailed or quantified economic analysis on this matter”.

84. Mr Farrell was unable to present his evidence before the Panel, but responded to the Panel’s written questions in a supplementary statement of evidence⁴⁸. As regards Policy 3.3.8, Mr Farrell

⁴³ Paragraph 28 of Ms Costello’s evidence-in-chief.

⁴⁴ Evidence from Mr Farrell, Wayfare’s planning consultant.

⁴⁵ Paragraph 5.97 of the section 42A report

⁴⁶ Paragraph 10 of Mr Farrell’s evidence-in-chief

⁴⁷ Paragraph 6 of Mr Farrell’s evidence-in-chief

⁴⁸ Dated 24 August 2020

responded that he had not considered the implications of that policy when preparing his evidence (dated 12 June 2020). He acknowledged that Policy 3.3.8 seeks avoidance of non-industrial activities within industrial zones – saying “Consequently, paragraph 5 of my [12 June] evidence can be stuck out”⁴⁹.

85. He went on to state⁵⁰:

“In my opinion providing for some transient activities (for example those which are temporary/short term and not incompatible with existing industrial land uses), will not undermine the strategic intention of Policy 3.3.8 (because the short term nature of the activity should not undermine the supply of land for Industrial Activities or allow any reverse sensitivity issues to arise).

I question whether Policy 3.3.8 accords with the NPSUDC on the basis that QLDC has not (from my reading of all the evidence) demonstrated that there is sufficient land supply/capacity for urban based commercial recreation activities (nor has it demonstrated that any available land passes the competitive margin thresholds in Policy 3.22 of the NPSUDC 2020)”.

86. Overall, it was Mr Farrell’s position that “Subject to the weight given to Policy 3.3.8, I maintain it is appropriate to provide for some types of commercial recreation (e.g. indoor non-permanent activities that use existing buildings) in the General Industrial Zone”⁵¹.

87. Ms Hampson’s reply evidence addressed Mr Farrell’s evidence and responded to our questions. In response to Mr Farrell’s claim that “that QLDC has not demonstrated that there is sufficient land supply/capacity for urban based commercial recreation activities (nor has it demonstrated that any available land passes the competitive margin thresholds in Policy 3.22 of the NPSUDC 2020”, Ms Hampson told us that while the Business Development Capacity Assessment 2020⁵² (BDCA) has not specifically “demonstrated that there is sufficient land supply/capacity for urban based commercial recreation activities” and that “ the BDCA is not required to assess or report sufficiency at a building typology, individual sector or individual zone”⁵³, it does incorporate projected demand for commercial recreation activities occurring in the urban environment. She went on to state that the BDCA “incorporates capacity for ‘large utilitarian designed buildings’ (i.e. warehouse type structures) for commercial recreation activities and many other activities/sectors that occupy such buildings in relevant zones”⁵⁴.

88. Mr Farrell’s supplementary evidence went on to state that “On the face of it, yes, the BMUZ or the Remarkables Park Special Zone would appear to provide a better fit for the commercial recreation

⁴⁹ Paragraph 3 of Mr Farrell’s supplementary evidence

⁵⁰ Paragraphs 4 and 5 of Mr Farrell’s supplementary evidence

⁵¹ Paragraph 11 of Mr Farrell’s supplementary evidence

⁵² Appendix B of Ms Hampson’s evidence-in-chief

⁵³ Paragraph 2.4c of Ms Hampson’s Reply Statement

⁵⁴ Paragraph 2.4b of Ms Hampson’s Reply Statement

and community activities described. However it is unclear whether these zones provide sufficient land supply/capacity and pass the competitive margin thresholds”⁵⁵. He considered that there is insufficient capacity in these zones to accommodate commercial recreation activities that occupy large utilitarian designed buildings.

89. Ms Hampson, in her reply evidence stated⁵⁶:

My evidence is that, notwithstanding the limitations of the BDCA, based on the BDCA results that have been reported, and my knowledge of the detailed underlying models, that an insufficiency of capacity in zones that enable commercial recreation, is unlikely. Commercial recreation activities comprise a small share of the total 49ha of commercial land demand focussed on urban business zones. Urban business zones that enable commercial recreation activities form a subset of total urban Commercial vacant land capacity. The ODP Remarkables Park Special Zone and the BMUZ are two such zones and have large amounts of vacant commercial land area at present, as shown in Figure 3 of Appendix B of my EiC. Vacant capacity in the BMUZ is estimated at 10.5ha, spread across a number of locations in the District. There is an estimated 61.2ha of total vacant commercial land in Remarkables Park (with commercial recreation activities a controlled activity in all but one activity area).

90. Given that Mr Farrell acknowledged that neither he nor Wayfare provided any detailed or quantified economic analysis on this matter, we prefer the evidence of Ms Hampson. On this basis we agree with Mr Place - that Wayfare’s submission be rejected; and that the plan provisions not provide a more enabling framework for Commercial Recreation and Recreation Activities.

Educational Facilities

91. Mr Keith Frentz, planner for The Ministry of Education (MoE), sought that Educational Facilities be provided for in the GISZ zone. This was not supported by Mr Place.

92. Mr Frentz suggests that “work skills training centres and early childhood education facilities are activities that are intrinsically necessary and compatible with the General Industrial Zone”⁵⁷. On this basis, he considered that Educational Facilities be provided for in the GISZ zone.

93. In relation to work skills training, we are of the view that this type of training can take place in the form of apprenticeships etc through existing Industrial and Service activities within the GISZ. We do not think that any further particular provisions are needed to provide for this activity.

94. As regards early childhood education facilities, we do not consider that these are intrinsically necessary within the GISZ given its purpose and its objectives, and given the relatively small spatial extent of the site, with a range of other nearby zones that provide for early childhood education facilities. We do not find that Mr Frentz has offered any appropriate justification that supports

⁵⁵ Paragraph 10 of Mr Farrell’s supplementary evidence

⁵⁶ Paragraph 2.4 of Ms Hampson’s Reply Statement

⁵⁷ Paragraph 7.6 of Mr Frentz’s evidence-in-chief

this position, particularly given strategic policy 3.3.8 which seeks to avoid non industrial activities in the land zoned for industrial activities, and the range of possible reverse sensitivity effects that may arise from these activities being located within the GISZ.

95. We also note that the ground truthing exercise undertaken within the ODP industrial zones found no evidence of the 'intrinsic' necessity of education type uses within the zones despite the more enabling ODP framework. We also note that the MoE has the ability to designate sites for Educational Facilities if they decided they need a site/facility within the GISZ for this purpose.
96. While we have not provided for Educational Facilities in the GISZ, we have recommended in response to the MoE submission that they be provided for as a Discretionary Activity in the Three Parks Commercial Zone in Wānaka (See Report 20.4).

Emergency Service Facilities

97. Fire and Emergency New Zealand⁵⁸ sought that emergency service facilities (more specifically fire stations) be provided for in the GIZ through specific rules with more enabling status. Mr Place observed⁵⁹ that fire stations involve a variety of activities, some potentially well suited to the zone, and some less well suited. He was concerned about the lack of definition of the activity sought to be provided for, and the lack of clarity around the nature of the ancillary activities that would accompany it (e.g. training and residential facilities) that might potentially lead to introduction of activities that were incompatible with the zone purpose. He did not recommend acceptance of the submission and the submitter did not appear to provide more detail about the relief sought, or assurance as to its compatibility with the zone. In the absence of such evidence, we do not recommend acceptance of the submission.

Ancillary Activities – Size limitation

98. A number of submissions⁶⁰ were received in relation to the provision of ancillary activities within the GISZ, in particular, ancillary Office, Retail and Commercial activities. The section 32 evaluation report at Issue 2 - Non-industrial activities within the Industrial Zones identified that "*ancillary activities are common among businesses operating within the Industrial Zones, in particular, ancillary Office, Retail and Commercial type activities*"⁶¹
99. The notified provisions enable Office, Retail and Commercial activities that are ancillary to Industrial and Service activities. This is both in policy and rule terms; the policy enabling those

⁵⁸ Submission #3288

⁵⁹ S.42A report of Luke Place at 5.93

⁶⁰ Submissions Orchard Road Holdings limited, Willowridge Developments Limited, The Breen Construction Company Limited, J C Breen Family Trust, Upper Clutha Transport Limited, Alpine Nominees Limited, Henley Property Trust, 86 Ballantyne Road Partnership, NPR Trading Limited, Ben and Hamish Acland, Reavers (NZ) Limited, J McMillan, Cardrona Cattle Company Limited, and The Station at Waitiri Limited

⁶¹ Paragraph 7.43, Section 32 Evaluation Report, General Industrial Zone.

ancillary activities, while the rule sets out a specific set of standards for them. A maximum 50 m² limit is prescribed in the rules.

100. Submissions received in relation to this matter generally considered the scale of ancillary activities provided for to be too restrictive. Submitters requested an increase in the size limit, with 100 m² being common. Others requested a percentage of the GFA, with 30% GFA being the preferred metric.
101. Mr Place, in his section 42A report stated that “visual inspections of sites within the notified GIZ undertaken during the ground truthing visits did not highlight any substantial or justified need for ancillary activities substantially larger than 50m²”⁶². However, he acknowledged that some office space might be at mezzanine level or at the rear of the site which may not have been visually apparent. He said that he would be “open to considering information from submitters who presented an evidenced based need for larger ancillary Office, Commercial or Retail space as a permitted activity which also fits in with the overall purpose of the GIZ”⁶³
102. Mr Greaves, planner for the Henley Property Trust, presented evidence seeking that the permitted threshold for ancillary office activities be provided for as 30% of the GFA of all buildings. In his evidence, Mr Greaves provided a table of examples of ancillary office rules in other Districts’ industrial zones. These included the provisions of the Council’s Plans for Christchurch, Dunedin, Invercargill, Central Otago, Auckland and Tauranga⁶⁴. Two themes emerged from these examples; either ancillary office space was not regulated or was provided for as a % of GFA (between 25 and 30%).
103. Mr Greaves also provided an example of consented industrial premises on Enterprise Drive Wānaka in the ODP Industrial B zone (proposed to be zoned GIZ). Three buildings were consented with two having 28% of office vs the overall GFA and one with 37% (noting that these figures included toilet, bathroom and communal lunchrooms).
104. In response to Mr Greaves evidence, Mr Place stated⁶⁵:
- “As outlined in my s42A, I remain open to considering amendments to this rule on the basis of evidence that demonstrates why larger ancillary Office space would be necessary to support Industrial and Service activities. If this information can be provided, my preference would be to amend the existing 50 – 100 m² restricted discretionary threshold range, rather than the existing permitted 50 m² limit. I also continue to support the use of a GFA m² measure*

⁶² Paragraph 5.82 of the Section 42A report.

⁶³ *ibid*

⁶⁴ Table 2 of Mr Greaves evidence for Henley Property Trust dated 29 May 2020.

⁶⁵ Paragraph 5.9 of Mr Place’s rebuttal evidence

as opposed to a % of GFA or site area as proposed by Mr Greaves for the reasons outlined in the s42A report”.

105. We have already set out earlier our view that it is appropriate to have a single Industrial and Service zone, but with some greater flexibility (in relation to existing Office, Retail and Commercial Services activities). In terms of providing for appropriate ‘flexibility’ within the zone, it was the Panel’s view that most industrial and service activities that are operating efficiently would only provide the necessary amount of ‘ancillary’ space so as to provide maximum floor space for the operation of the industrial and service activity. However, that said, we do consider a limit is required to ensure the ancillary office space is related to the primary activity on the site.
106. We record that Mr Greaves agrees with this. He stated⁶⁶:
- I accept the position that offices with the General Industrial Zone should have a genuine link to an industrial or service activity occurring onsite. I also accept that the office activity should not be the primary or leading activity occurring onsite and should be ancillary to an industrial or service use however, in terms of managing potential effects of office activities within the General Industrial Zone, I consider a rule framework that sets a GFA percentage for ancillary office space is the most appropriate outcome. I consider this will provide a more practical approach, providing flexibility for the varying scale of businesses that will locate within the Zone while ensuring that the office activities do not become the primary activity on site. In terms of a percentage, I consider that an appropriate threshold would be set at 30% of the Gross Floor Area (GFA) of all buildings on the same site. (emphasis added)*
107. We agree with Mr Greaves, and the other submitter’s seeking the same or similar outcome. We have recommended that the rules be amended accordingly.

Building Height – 7 metre vs the notified 10 on the Tussock Rise land zoned GIZ – Lot 2 DP 277622.

108. Submitters Rae and Dave Wilson (3017), and Shona and Bob Wallace (3154) appeared at the hearing to discuss the matter of building heights with respect to the Tussock Rise land. The submitters opposed the notified 10 metre height limit within the GIZ on the Tussock Rise land. Tussock Rise had sought that this land be rezoned from GIZ to BMUZ, and sought a “*slightly reduced height limit, recognising the elevated nature of the Tussock Rise site in particular*”⁶⁷ – offering a 10m height limit (12m is the height limit in the BMUZ at Wānaka).
109. Rule 11.5.6(10)(i) of the ODP Industrial B Zone (as applying to this site) states that the maximum height of any building within the ‘Industrial B Zone - Connell Terrace Precinct’ (as identified on the structure plan within the chapter) shall be 7 metres above ground level. Rule 11.5.6(10)(i)(a) identifies a lower building height (3.5 metres) for ‘Special Use Area A’. Note 1 is included within Rule 11.5.6 stating “*For the Industrial B Zone (Connell Terrace Precinct) the ground level is as*

⁶⁶ Paragraph 16 of Mr Greaves’ evidence-in-chief

⁶⁷ Paragraph 14.9 of Mr Devlin’s evidence-in-chief

shown on the contour plan entitled the "Industrial B Zone Contour and Zone Plan for Connell Terrace Precinct" Rev C and dated 8 October 2012."

110. The effect of Rule 11.5.6(10) and the inclusion of the contour plan were discussed in the Commissioners' decision on Plan Change 36 (creating the Industrial B Zone)⁶⁸ as follows:

"The finished contour plan we recommend shows the finished ground level (from which building height is measured) significantly lower overall than was notified. With the exception of the finished ground level of those lots adjacent to Gordon Rd, the rest of the site will be lower than was notified, with the finished ground around 0.5 metre lower through the middle of site and up to 1.2 metres lower in the south and south-western parts of the site. Whilst the developer is not required to excavate to those contours, building height will be measured from them and therefore, if they don't excavate to that extent, the building itself will simply need to be lower. If the developer does opt to maximise building height by undertaking earthworks in accordance with the contour plan, then the land will generally be between 0.5 metre and 3.5 metres lower than the current ground level".

111. Taking into account the information traversed by the previous plan process, the elevated topography of the subject land, the fact that Tussock Rise itself offered a reduced height limit (accepting it was from 12m if it was zoned BMUZ to 10m) and the concerns and issues raised by the submitters at the hearing, we find that a 10 metre height limit across the GISZ land owned by Tussock Rise is likely to result in unacceptable adverse visual effects on surrounding land and their occupiers. We have recommended that the 7 metre height limit be applied over the GISZ land that is owned by Tussock Rise, i.e. Lot 2 DP 477622.

112. However, notwithstanding our recommendation above, we agree with Mr Place who stated in his reply evidence⁶⁹:

"I do not recommend maintaining the contour plan identified within the ODP Industrial B Zone for this land. I note that the outcome sought by this contour plan did not necessarily require the lowering of the ground level and may therefore result in variable building heights occurring across the land depending on the overall subdivision outcome (i.e. if the ground was lowered prior to the lots being created).

113. In our view (and Mr Place's) this is likely to create significant costs, either for the subdivider or future lot owners. It may also limit the type of built form that could occur on some sites to the detriment of their use for Industrial and Service activities.

114. We are of the view that the recommended lower height limit in combination with the separation distance of the land from neighbouring non-GISZ land, the BRAs identified on the structure plan,

⁶⁸ Plan Change 36: Creation of an Industrial B Zone and Application of that Zone to Land Adjacent to the Ballantyne Rd Industrial Zone, Report, Reasons, and Recommendations of L Cocks and J Battson - Independent Commissioners, 13 March 2012.

⁶⁹ Paragraph 10.11 of Mr Place's Reply Statement

and the landscaping of these BRA (as required by the recommended amendments to Chapter 27), are sufficient to address potential landscape and visual effects of GISZ type development on the site.

Pole Heights (Telecommunication)

115. Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) presented joint evidence in relation to the height of poles (and attached antennas) to the GIZ, Three Parks Commercial Zone and the Settlement Zone⁷⁰. Mr McCarrison and Mr Clune gave evidence on behalf of Spark and Vodafone respectively, while Mr Horne presented independent expert planning evidence on behalf of both Spark and Vodafone⁷¹. Mr Holding, Lead Radio Frequency Engineer at Spark, provided engineering evidence. Mr Bray provided independent expert landscape evidence.
116. With respect to the GIZ Spark and Vodafone sought a permitted height of 18 metres with a height in relation to boundary control from residential zone boundaries. The notified plan provided for 11 metre poles (as a default rule).
117. Mr Place, Council's planner, stated in his section 42A report⁷²:
- Chorus New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited (Telecommunication Companies) have requested that a new clause be added to Rule 30.5.6.6(a) to provide for an 18 metre height limit for poles in the GIZ. I consider the requested height of 18 metres to be too high in this location when compared to the building height limits set within the GIZ (being 10 metres), particularly given the submitter outlines that this additional height is necessary for clearance above allowable building heights. I consider 13 metres to be an appropriate height for telecommunications poles within the GIZ taking into account allowable building heights, and recommend that Rule 30.5.6.6(d) be amended to include the GIZ. I therefore recommend that the relief is accepted in part.*
118. Having considered Spark and Vodafone's evidence, Mr Place maintained his view, as set out in his rebuttal evidence, that 13 metres was an appropriate height as a permitted activity. However, for the reasons set out below, we agree with the Spark/Vodafone evidence and have recommended an 18m height subject to the height in relation to boundary control.
119. Mr Holding set out the 'technical' reasons why taller poles (and in this case 18m) are preferred to lower poles. He stated⁷³:

⁷⁰ Our recommendations in relation to pole heights for Three Park and the Settlement zone are set out in those reports

⁷¹ Mr McCarrison and Mr Clune are employed by Spark and Vodafone respectively

⁷² Paragraph 7.32 of Mr Place's section 42A report

⁷³ Page 14 of Mr Holding's evidence

General Industrial Zones: *The default 11m mast height is insufficient when the permitted building height is 10m. An 18m mast height, which is lower than the 25m normally able to be built in a general industrial zone, is a reasonable height because:*

- *Provides flexibility for optimising the design of the facility to meet the coverage and capacity objectives for that location.*
- *Flexibility to achieve compliance with EME compliance standards in the NESTF.*
- *Typically in an industrial zone, 18-25 m sites are common to provide wider area coverage, reducing the probability of future additional sites closer to or in residential areas.*
- *While 13m is the absolute minimum acceptable this is going to mean that the facility will have compromised performance thereby impacting on the customer experience, or in the instance of non-compliance the site can not be built.*

120. We accept Mr Holding’s evidence that taller poles (18m) are preferable to provide the necessary flexibility for design optimisation to meet coverage and coverage and capacity expectations, as well as achieving compliance with EME compliance standards in the NESTF. We also accept that while 13 metres poles would be an “absolute minimum” this would mean “*compromised performance thereby impacting on the customer experience*”.

121. Mr McCarrison and Mr Horne addressed the impact of the District Plan’s provisions of lower permitted height poles. It was their view that lower height poles would lead to a proliferation of poles as more would be required to ensure full coverage and capacity. This was likely to result in greater adverse effects than fewer taller poles. In line with this Mr McCarrison and Mr Clune addressed the importance of telecommunication infrastructure, and the need for appropriate regulatory responses. In their conclusion to the evidence they stated⁷⁴:

Telecommunications infrastructure is essential for shaping and enabling the future of Queenstown Lakes district by ensuring that its residents and businesses have the opportunity to be connected internationally and across New Zealand. Changes in the way people access and use telecommunications and data networks is rapidly evolving. It is critical that the regulatory framework provides certainty and enables efficient roll out of current and future technology. (Emphasis added)

122. Mr Horne addressed the “typical” heights of poles in other District Plans; with the context being that the Queenstown PDP was very conservative in its permitted heights for industrial and commercial zones. He stated⁷⁵:

“In my experience it is fairly typical to have a 20m to 25m permitted height limit in a district plan for industrial zones and commercial zones other than local and neighbourhood centre type commercial zones⁷⁶. Mr McCarrison has included an appendix of examples of height

⁷⁴ Paragraph 7.1 of Mr McCarrison’s and Mr Clune’s and evidence-in-chief

⁷⁵ Paragraph 22 of Mr Horne’s evidence-in-chief

⁷⁶ Where Mr Horne said height in these zones were typically 15 m.

limits in a number of other recent district plan reviews. Height limits of this nature are routinely requested on district plans by Spark and Vodafone and 20m or 25m was sought for the various business zones in the original submission on the Proposed Plan”

123. Mr Horne also considered that Mr Place (and Mr Roberts for Three Parks) had placed too much emphasis on the heights of the poles vis-à-vis the permitted building height (i.e. building clearance). In this regard he stated⁷⁷:

As set out in the evidence of Mr Holding, building clearances are only one factor in determining what height is required. To meet network requirements, Spark and Vodafone often target lower amenity zones such as industrial and larger scale commercial zones to locate their larger sites. I understand from Mr Holding’s evidence that larger/taller sites provide more opportunity to provide coverage to a wider area, clear local obstructions and provide for “down tilt” to better control coverage and reduce interference with other sites. Therefore, the height driver is not just about achieving minimum clearance from the height limit enabled in zones for buildings in general. In higher amenity zones, telecommunications companies often have to compromise on the size and height of sites which can limit capacity, coverage and co-location opportunities.

In addition to coverage obstructions from adjacent buildings with only a limited height differential to antennas, I understand from Mr Holding that this can also lead to issues with complying with radio frequency exposure standards at adjacent buildings if antennas cannot be sited a sufficient height above adjacent roofs.”

124. However, while we accept the ‘technical’ and associated planning arguments, it is important to understand the visual and amenity related effects to determine if taller poles are appropriate. In this regard Mr Bray and Ms Mellsop provided relevant expert evidence for the submitter and Council respectively.

125. Mr Bray supported the relief sought by Spark and Vodafone from a landscape, character and visual amenity perspective. His reasons for this were set out in his evidence where he specifically addressed the landscape qualities and effects of the telecommunication pole heights as sought by the submitter for; the Queenstown, Arrowtown and Wānaka GIZ, Three Parks and the Cardrona Settlement Zone⁷⁸⁷⁹.

126. Discussing the effects of the pole heights in the GIZ and Three Parks Commercial Zone, Mr Bray stated his view that landscape is “ultimately a human construct –defined by the NZ Institute of Landscape Architects as “the cumulative expression of natural and cultural features, patterns and

⁷⁷ Paragraphs 28 and 29 of Mr Horne’s evidence-in-chief

⁷⁸ Paragraphs 7.2 to 7.24 of Mr Bray’s evidence-in-chief

⁷⁹ The Wānaka Three Parks and Cardrona Settlement zones are attached in separate reports

processes in a geographical area, including human perceptions and associations”⁸⁰. In expressing this further he stated⁸¹:

..”in short, people have expectations of what certain landscapes will contain, and to what extent they will tolerate activities or features that are at odds with those aspects of a landscape that are valued. People are much more tolerant of intensely developed built forms, advertising signage, movement of people and presence of infrastructure in industrial and commercial landscapes than they are of such activities in landscapes that are largely comprised of natural elements.

127. In this context, it was Mr Bray’s opinion that commercial and industrial areas, such as the GIZ and Three Parks commercial and business areas, are typically much less valued than less developed areas, and certainly ONLs. It was his view that the industrial and commercial areas are functional, urban areas with more limited natural qualities and he stated *“In such landscapes, viewers tend to focus on specific details, usually related to the purpose of their visit”*⁸².
128. Overall, it was Mr Bray’s opinion that when considering landscape management at a broader District Plan scale *“it is sensible (if not obvious) to intensify urban activities in those areas of the landscape that are considered to be less valued, with the aim of reducing such activities in higher valued landscapes. This is usually already inherent in the placing of zones within the district –rarely (if ever) do you see high intensity industrial activities located in the most valued part of the landscape”*⁸³.
129. Ms Mellsop considered the evidence provided by Mr Bray. Ms Mellsop considered that Mr Bray’s discussion of landscape character, infrastructure and mitigation of the effects of telecommunications infrastructure in Sections 4, 5 and 6 of his evidence was *“largely robust and accurate”*. However, she did not think he had adequately addressed the influence of zone area and landscape context on the ability of particular industrial or commercial zones to absorb telecommunications infrastructure.
130. Ms Mellsop’s view of Mr Bray’s evidence was, in part, influenced by the following paragraph in her rebuttal evidence⁸⁴:

I consider that Mr Bray’s assessments of potential landscape and visual effects in the individual zones (in Section 7 of his evidence) are compromised by the absence of site visits

⁸⁰ Paragraph 4.7 of Mr Bray’s evidence-in-chief

⁸¹ Paragraph 4.8 of Mr Bray’s evidence-in-chief

⁸² Paragraph 4.5 of Mr Bray’s evidence-in-chief

⁸³ Paragraph 4.9 of Mr Bray’s evidence-in-chief

⁸⁴ Paragraph 4.5 of Ms Mellsop’s rebuttal evidence

(acknowledged to be as a result of COVID-19 restrictions) and a lack of comprehensive knowledge of the District's landscapes.

131. Mr Bray confirmed at the hearing that he had now visited all of the sites and had become more familiar with the District's landscapes. He said that having done this, he still maintained the opinions set out in his evidence. We generally accept and agree with Mr Bray's opinion that the effects of higher pole limits from a landscape, character and visual amenity perspective would be acceptable within the GISZ and Three Parks zones, which already have and/or enable significant urban development.
132. We also agree with Mr McCarrison's and Mr Clune's evidence where they suggest that higher poles should be located in urban areas where they would not be out of scale with the surrounding environment⁸⁵. In our view, 18-metre high poles within the GISZ zone would be commensurate to the scale of existing and future potential permitted buildings within the GISZ.
133. We also support Mr Horne's proposal for a height in relation to boundary rule to apply to poles within the GISZ. We are of the view that this rule would be effective and efficient in managing potential adverse visual effects of such structures where they adjoin residential zones. This would be an appropriate way to achieve Objective 18A.2.4 which seeks to ensure that activities and development within the Zone does not adversely affect the amenity of other zones.
134. Overall, for the technical, landscape and planning reasons set out above, we agree that permitted pole heights of 18m, along with height in relation to boundary rule, is appropriate.

Carparking

135. Policy 11 of the NPSUD prevents Councils requiring car parks (with some exceptions such as accessible spaces) within District Plans. This means developments within the GISZ zone will, ultimately, not need to provide onsite car parking spaces.
136. We have discussed in Section 2.2 of our Introductory Report how we have addressed Policy 11 of the NPSUD in relation to car parking. In summary we have not recommended deletion of all provisions before us related to minimum carparking spaces as the NPSUD requires, as the implementation of the NPSUD within the GISZ in this respect requires a more comprehensive response and we do not have evidence before us as to the form such a response should take. We have recommended that the Council address this comprehensively within the timeframes allowed by the NPSUD, as Mr Place signaled in his Reply evidence.
137. There are some provisions in Chapter 18A and the related variations that may safely be deleted, and we recommend that the jurisdiction provided by the NPSUD be utilised in those cases – as reflected in our recommended revised provisions.

⁸⁵ Paragraph 5.2c of Mr McCarrison's and Mr Clune's and evidence-in-chief

Queenstown Airport Corporation (QAC) – Activities

138. QAC sought a series of changes to objectives, policies and rules in its submission.
139. Ms Brook, QAC’s planner, filed corporate evidence in relation to QAC’s requests (but did not appear to present that evidence). Mr Place had addressed QAC’s submission and relief sought in his section 42A report as well as his rebuttal and reply evidence. We largely agree with Mr Place’s recommendations in relation to these submissions, essentially for the reasons he states.
140. Ms Brook addressed the issue of buildings heights in the GIZ and the effects of increasing the permitted building height limit from 6m to 10m and the potential costs or benefits to aircraft operations from making this change.
141. Ms Brook accepted (as set out in the section 42A report) that the effect of the “Approach and Land Use Control” designation for Queenstown Airport was sufficient to appropriately control building height in the relevant areas. She stated⁸⁶:
- QAC agrees that the designations should be sufficient to control the extension of buildings and structures into these surfaces, but experience dictates that the statutory obligations to obtain QAC’s approval under section 176 of the Act is often overlooked when considering applications for resource consent. On several occasions QAC has been required to contact an applicant, and the Council, regarding the applicant’s obligations under the designation to ensure that they were met.*
142. Notwithstanding Ms Brook’s position expressed above, she maintained that an advice note was needed to ensure the effect of Designation 4 was taken account of in plan administration. Mr Place did not agree saying that if this approach were taken, this would “*logically precipitate similar advice notes in all zones for the entire range of designations listed in Chapter 37 (Designations). In my view this would not provide for a concise, effective or efficient planning document*”⁸⁷. We agree with Mr Place and do not think an advice note is warranted in this case.
143. In terms of land uses, QAC supported the GIZ not providing for residential accommodation. We agree.
144. With respect to potential bird nuisance Ms Brook stated that refuse facilities have the potential to increase birdlife (near the airport) if not managed correctly. QAC submitted that refuse collection and disposal should be a non-complying activity. In this respect Ms Brook sought that the words “refuse collection and disposal” be removed from Rule 18A.4.10⁸⁸ based on potential confusion in regard to its activity status in particular with the definition of Outdoor Storage.

⁸⁶ Paragraph 2.3 of Ms Brooke’s evidence-in-chief

⁸⁷ Paragraph 6.1 of Mr Place’s rebuttal evidence

⁸⁸ Any activity requiring an Offensive Trade Licence under the Health Act 1956 other than the “collection and storage of used bottles for sale” and refuse collection and disposal” (as listed in that Act)

145. Mr Place addressed this issue in some detail in his rebuttal evidence⁸⁹. He considered, and we agree, that the Ms Brook’s concerns, while well founded, are already addressed in the plan provisions. Mr Place noted that refuse “disposal” is captured by the definition of “Landfill” and also “Waste Management Facility”, within which the act of refuse collection could also be captured. Both ‘Landfill’ and ‘Waste Management Facilities’ are not identified within Table 18A.4 and would therefore be non-complying activities.

146. Mr Place stated in his rebuttal⁹⁰:

Taking into account the above, I am of the view that there is sufficient certainty provided for within the existing definitions of the PDP to address Ms Brook’s concerns.

147. Ms Brook addressed the issue of lighting and glare, and sought that Rule 18A.5.7 (Glare) be amended to reflect possible effects on airport operations. Ms Brook suggested that an appropriate area for any such control to be applied would be the Inner Horizontal Surface as defined in QAC’s Designation, Figure 2 (Queenstown Airport: Airport Protection and Inner Horizontal and Conical Surfaces).

148. We also note that this matter has been addressed in Report 20.11: Remaining Various Variations Amending the PDP Chapters and other General Matters. QAC sought that same relief in the GIZ as Ms Glory addressed in relation to the residential zones. In addition to the reasons set out below, we adopt the reasons and recommendations in Report 20.11 relating to QAC and glare.

149. Ms Glory’s⁹¹ rebuttal evidence addressed the merits of the approach sought by Ms Brook. Ms Glory’s, said in her rebuttal evidence that having read Ms Brook’s evidence, that⁹² after:

“...doing further research on the Auckland International Airport designation and the Civil Aviation Authority standards(‘CAA AC 139-6’), I agree that there is potential to manage glare on the safety of aircraft operations through the PDP”.

150. Ms Brook suggested that the inner horizontal surface defined in the Queenstown Airport Designation: Figure 2⁹³ was the most appropriate figure to manage the effects of glare. However, we note that the purpose of the inner horizontal surface (as set out in the Designation) is to prohibit new objects or extensions of objects that penetrate the inner horizontal surface area⁹⁴.

⁸⁹ Paragraphs 6.2 to 6.7 of Mr Place’s rebuttal evidence

⁹⁰ Paragraph 6.7 of Mr Place’s rebuttal evidence

⁹¹ Council’s planner addressing the issues relating to Glare

⁹² Paragraph 3.2 of Ms Glory’s rebuttal evidence

⁹³ Appendix Four: PDP Decisions Map Figure 2: Queenstown Airport Protection Inner Horizontal and Conical Surfaces

⁹⁴ D.3 Airport Approach and Land Use Controls: Inner Horizontal Surface

Based on this, we do not agree with the figure identified by Ms Brook's suggested in her evidence (at paragraph 3.4), as being an appropriate area of land to address the glare issue. Moreover, we are unclear from the evidence provided by QAC about the extent of the potential for ground lights within close proximity of airports/aerodrome to endanger the safety of aircraft operations. As above, Ms Brook did not appear to give us the chance to discuss these matters with her.

151. Overall, we agree with Ms Glory where she states⁹⁵:

I do not consider the evidence makes an adequate case for land use rules across a large part of Frankton being needed or appropriate in terms of the existing and proposed framework of objectives and policies for the affected zones.

It would appear that the Designation route is more appropriate, although there would need to be analysis and further information by QAC, which determines the areas in which potential hazard to aircraft operations could arise in relation to lighting. A change to a designation would also need to happen outside this plan review process

Aurora Energy Limited (Aurora) – Additional Provisions.

152. Aurora sought some additional provisions to protect the functioning of its network. These included:

- A matter of discretion relating to effects from buildings on electricity sub-transmission and distribution infrastructure;
- A requirement to give consideration to Aurora as an affected party when considering notification of applications, and
- An Advice Note on the need to comply with the New Zealand Electrical Code of Practice for Safe Distances;

153. Mr Place addressed these in his section 42A report, and essentially agreed with the Aurora submission on these matters. He provided the recommended additional provisions in his revised plan provisions attached to the section 42A report.

154. Mr Peirce, Aurora's legal counsel, set out that Aurora's relief sought, among other things, was to roll-over provisions agreed as part of PDP Stage 1 (and Chapter 25 subject to PDP Stage 2) into the Zone Chapters of PDP Stage 3. He stated that this was "*by in large, accepted by the section 42A Report Authors. The support for that relief can largely be taken as read. The reasons for why it is appropriate to include that relief are outlined in the evidence of Ms Dowd*"⁹⁶. This included the matters set out above.

155. For the reasons provided in the section 42A report and Ms Dowd's evidence, we agree with the inclusion of: a matter of discretion relating to effects from buildings on electricity sub-

⁹⁵ Paragraphs 3.8 and 3.9 of Ms Glory's rebuttal evidence

⁹⁶ Paragraph 7 of Mr Pierce's legal submissions

transmission and distribution infrastructure, the requirement to give consideration to Aurora as an affected party when considering notification of applications, and an Advice Note being added on the need to comply with the New Zealand Electrical Code of Practice for Safe Distances.

156. We also agree with Mr Place's recommendation⁹⁷ that an advice note is not required drawing attention to the relevance of the Chapter 30 provisions related to activities within the National Grid Yard, as sought by Transpower New Zealand Ltd⁹⁸. Unlike the Code of Practice Aurora sought be noted, the National Grid Yard affects a relatively small part of the notified GIZ and if an advice note were inserted for it, that would table questions as to how many other advice notes are required for different elements of other chapters.

4.3 Related Variations

157. Along with Chapter 18A, variations were notified to Chapters 25, 27, 29 and 36.
158. Council's corporate submission⁹⁹ sought that Chapter 31 (Signs) be amended to include specific provisions related to management of signs within the GIZ. Mr Place considered¹⁰⁰ the submission to be in scope because it is specific to the consequences of introducing the GIZ, and to fill a gap in the PDP. We agree, the submissions were not the subject of further submission, and we recommend the acceptance of the relevant provisions.
159. A number of submissions addressed the proposed variations to Chapter 27, governing subdivision within the notified GIZ. Mr Place noted four submissions¹⁰¹ seeking no minimum lot size. Breen Construction Company et al sought more enabling activity status for subdivisions of smaller lots and a series of other amendments related to their broader submissions on Chapter 18A.
160. Mr Place did not recommend no minimum lot size, or a relaxation in the activity status. We agree. Although we have recommended some relaxation of the provisions governing non-industrial activities, the purpose of the GISZ is still fundamentally about providing for industrial and service activities. More enabling provisions for subdivision into small lots has the potential to undermine that purpose.
161. Our recommendations in relation to the Breen Construction Company et al reflect our recommendations on the zoning relief they seek.

⁹⁷ S.42A report of Luke Place at 7.17

⁹⁸ Submission #3080

⁹⁹ Submission #3129

¹⁰⁰ S.42A report of Luke Place at 7.18

¹⁰¹ Submissions #3340, #3348, #3349, #3357

162. NZTA¹⁰² sought amendment to Rule 27.5.7(c) to include reference to the safety of the Transport network. Mr Place noted that the relief sought would have broad effect, rather than being limited to the notified GIZ. He also considered that other provisions in Chapter 27 already addressed the point. We agree with his reasoning and do not recommend acceptance of this submission.
163. The Breen Construction Company et al submitters also sought provision for acoustic standards to protect offices within the GIZ. Mr Place did not consider the relief necessary¹⁰³ and Ms Mahon's planning evidence did not specifically address this aspect of the submitters' relief. We do not recommend the submission be accepted, for the reasons set out in Mr Place's s.42A report.
164. There do not appear to be any other submissions on the related variations notified with Chapter 18A that we need to address. We note, however, that we have renumbered the location specific subdivision rules due to additional rules having been inserted into Chapter 27 via Environment Court consent orders in the interim. We have also corrected a cross reference in the Connell Terrace rule (now 27.7.14.1) that should have referred to Rule 27.7.1. We therefore confirm our recommendation of the provisions attached in Appendix 1

5. REZONING REQUESTS

165. As an overview, we have not altered the spatial extent of the zone as notified in relation to the zone at Queenstown (Glenda Drive area) or Arrowtown (Bush Creek Road). At Wānaka, we have recommended removing the notified GIZ zone within the Three Parks area, and have 'replaced' it with a combination of Three Parks Business and Business Mixed Use. We address these in some detail below.
166. We note that in Report 20.5, we have not recommended rezoning part of the area within Three Parks zoned as Open Space and Recreation in the notified PDP to GIZ, and have recommended it be retained as Open Space and Recreation.
167. We also address rezoning requests from submitters to have their land rezoned to GIZ from some other zone (Rural and Gibbston Character Zone) later in this report.

¹⁰² Submission #3229

¹⁰³ S.42A report of Luke Place at 6.4

5.1 Tussock Rise Limited and others Wānaka rezoning request from GIZ to BMUZ.

168. A number of submissions were received requesting a revised zoning framework in the GIZ area in Wānaka. These rezoning requests broadly seek the same relief as that set out by Tussock Rise Limited (Tussock Rise). Given this we have considered these submissions as a group and refer to



The Tussock Rise Limited land at Lot 2 DP 477622 shown outlined in red.

them as Tussock Rise¹⁰⁴.

¹⁰⁴ Submitters #3128.1 #3128.3 Tussock Rise Limited #3044.1 M Hetherington #3079.2 G Cotters 3#130.1 Bright Sky Land Limited #3132.1 E Barker #3134.2 I Piercy #3137.1, #3137.2 M When #3147.1 M Barton #3161.1, #3161.8 Alpine Estates Ltd #3283.1 N Perkins, #3034.1 A McConnell, #3049.1 P When, #3070.4 S Vogel #3381.1 D Murdoch #3298.5 NPR Trading Limited

169. Tussock Rise sought that the areas in the ODP Industrial A and Industrial B Zones on both sides of Frederick Street and to the north of Frederick Street, including the submitter's land at Lot 2 DP 477622, be rezoned from GIZ to BMUZ.
170. We received considerable evidence on the rezoning request from the Council (mainly economic evidence from Ms Hampson and planning evidence from Mr Place) and from Tussock Rise (Mr Carr – transport, Dr Trevathan – noise, Mr Ballingall – economic, and Mr Devlin – Planning) as well as legal submissions. In terms of the rezoning request we have focussed on the economic and planning evidence as it is these matters that we have found to be determinative of our recommendation.
171. We record at the outset we have ultimately preferred the economic and planning evidence of the Council, and are more persuaded by it; that the zoning of the land is more appropriate as GISZ and therefore should remain GISZ with the modifications recommended by us as already addressed earlier in this report (particularly the range of activities we have now either enabled or provided for), than rezoning it BMUZ.
172. In summary the case for Tussock Rise was that:
- the proposed GIZ is a restrictive planning framework that does not reflect the existing mixed-use nature of the Wānaka Industrial Area or the apparent demand for BMUZ. The ground truthing by the Council and Tussock Rise (as already reported on) demonstrates that the receiving environment of the Wānaka industrial area is split roughly 50/50 between predominantly industrial and service activities and non-industrial activities;
 - There is more than enough industrial zoned land available in Wānaka to meet demand for the next 30 years, and that rezoning the Tussock Rise land from GIZ to BMUZ would not result in their being insufficient land to satisfy the demand for industrial land; and
 - That there is a surplus of land zoned for industrial activities, and this land would likely remain idle due to a lack of demand. It would be more efficient to rezone it to enable more productive uses to generate jobs, incomes and wellbeing under the BMUZ.
173. We set out below the economic arguments and positions of the two economists and then address the planning experts' responses to that evidence. We then set out why we ultimately prefer the approach supported by the Council's experts. However, as addressed below we do not think Ms Hampson and Mr Ballingall were comparing 'apples with apples'. In hindsight, we should have required expert conferencing between the two experts with respect to their evidence and the amount of land they considered appropriate to be zoned GISZ. Notwithstanding this, as stated, we have ultimately preferred the Council's evidence.
174. It was Mr Ballingall's evidence, in summary, that:
- Rezoning the Tussock Rise land from GIZ to BMUZ would have no material impact on industrial land availability in Wānaka.
 - A more flexible BMU zoning for the Tussock Rise land would improve the efficiency of Wānaka's land use, providing for greater economic wellbeing.
175. He read the updated Business Development Capacity Assessment (BDCA20) as showing there is ample industrial zoned land in Wānaka to accommodate future demand. He addressed in some

detail at paragraphs 10 – 14 of his evidence-in-chief about the “surplus” of land zoned for industrial activities. It was his view that rezoning 5.3ha at Tussock Rise from GIZ to BMUZ or a blend of BMUZ and Low Density Suburban Residential (LDSR) would still leave 9.5ha of surplus industrial land, and that any additional land that is zoned Industrial between now and 2048 would add to this surplus¹⁰⁵.

176. On this basis he went on to state that is more than enough industrial-zoned land available in Wānaka to meet demand for the next 30 years¹⁰⁶:

Industrial land demand could be 75% higher than projected in the BDCA20 to 2048 and still not exhaust the available industrial land supply if Tussock Rise were to be rezoned. In the medium term to 2028, industrial land demand could be over 300% higher and not exhaust available land supply.

Based on these numbers, rezoning Tussock Rise would clearly not have a material impact on the prospects for the Wanaka industrial economy.

177. Ms Hampson was somewhat critical of Mr Ballingall’s evidence-in-chief, pointing out that at paragraph 6, Mr Ballingall “confirms the purpose of his evidence. This is to “assess the extent of land available for industrial economic activity in Wanaka should the Tussock Rise site... be rezoned to Business Mixed Use (BMU).” and not the implication of the wider rezoning requests made by Tussock Rise (and others).

178. Ms Hampson pointed out that¹⁰⁷:

“the scope of Mr Ballingall’s differs to the wider rezoning outcome submitted by TRL (as illustrated in the TRL Submission), replicated in Figure 11 of my evidence in chief (EIC) and understood to be supported through Mr Devlin’s evidence..... For example, the zoning supported by Mr Devlin retains an area of GIZ to the west of Ballantyne Road, while increasing the GIZ on the east of Ballantyne Road over land that Council notified as Active Sport and Recreation Zone.

179. As Ms Hampson pointed out in her rebuttal evidence, the scale of the effect of not zoning the Tussock Rise site GIZ as notified can only be known once the decision on all submissions relating to the GIZ are made, and the cumulative effect of decisions on zoning submissions in terms of relief sought in Three Parks, the Active Sports and Recreation Zone and around Gordon Road and Frederick Street can be understood¹⁰⁸.

180. With respect to the GIZ zoning in the Three Parks area, and the Active Sports and Recreation Zone (set out in separate reports 20.4 and 20.5), we record that we have recommended removal of the

¹⁰⁵ Paragraph 12 of Mr Ballingall’s evidence-in-chief

¹⁰⁶ Paragraph 13 of Mr Ballingall’s evidence-in-chief

¹⁰⁷ Paragraph 3.2 of Ms Hampson’s rebuttal evidence

¹⁰⁸ Paragraph 3.5 of Ms Hampson’s rebuttal evidence

GIZ zoning in the Three Parks area; and have recommended retaining of the existing zoning over the entire area notified as Active Sports and Recreation Zone (and have not zoned part of that site to GIZ as sought by Tussock Rise).

181. Mr Ballingall and Mr Devlin provided a supplementary statement of evidence¹⁰⁹. This was in response to the Panel's request to demonstrate the effect on vacant industrial land supply for Wānaka if the Tussock Rise submission was accepted in full. They stated¹¹⁰:

The Tussock Rise submission would result in additional vacant General Industrial zoned land of 11.9 hectares on the former wastewater treatment pond site.

The Tussock Rise submission would result in a reduction of vacant General Industrial zoned land as follows:

(a) Tussock Rise site (6.1 hectares)

(b) Vacant sites currently in ODP Industrial A zone (0.5063 hectares)

(c) Vacant sites currently in ODP Industrial B zone (0.7779 hectares)¹

(d) Vacant sites currently in the ODP Three Parks (Business Sub-Zone area) (estimated at 2.7 hectares)

182. It was further stated¹¹¹:

The result of the Tussock Rise submission being accepted in full would be that Wanaka still has vacant zoned industrial capacity of 17.4 hectares. This would be more than adequate to absorb the BDCA20's projected industrial land demand to 2048 of 12.3 hectares.

The Tussock Rise submission would leave 5.1 hectares of surplus vacant industrial land. This implies industrial land demand could be 41.5% higher than projected in BDCA20 and there would still be no shortage of vacant land.

This analysis assumes no additional industrial land is made available through other submissions on the PDP process (e.g. Universal developments in Hawea), other than that provided for in the Tussock Rise submission.

183. Ms Hampson addressed Mr Ballingall's and Mr Devlin's supplementary statement in her reply evidence (dated 4 September 2020). She raised concerns with the analysis they provided¹¹² and the resulting long term surplus of industrial capacity of 5.1 hectares. Her analysis of their

¹⁰⁹ Dated 13 August 2020

¹¹⁰ Paragraphs 4 and 5 of the supplementary statement of evidence

¹¹¹ Paragraphs 7-9 of Mr Ballingall's and Mr Devlin's supplementary statement

¹¹² Paragraph 3.2 – a – h of Ms Hampson's Reply Statement.

calculations (referred to as “corrections in approach”) was that the surplus is 10.3 hectares and not 5.1 hectares. She stated¹¹³:

Whether you use TRL’s corrected approach or my own the surplus of GIZ vacant capacity in Wanaka is around 10ha if you apply the TRL submission to the notified GIZ (and do not account for any other decisions on GIZ re-zoning). The surplus is not 5.1ha as reached in the TRL analysis of their supplementary statement.

Clearly, the developable 8.4ha of the Wastewater Ponds site accounts for the majority of that (approximately) 10ha surplus.

184. Notwithstanding Ms Hampson’s concern about the analysis, it is apparent that how the land proposed to be zoned Active and Sport and Recreation is treated is a key element in the assessment of available industrial and service land. Tussock Rise sought that approximately 12 hectares of that site be zoned GIZ. As set out in their supplementary evidence they relied on Tussock Rise’s submission being given effect in full (i.e. including the 11.9 hectares on the former wastewater treatment pond site) to calculate the available vacant land for industrial purposes.

185. As already mentioned, we have not recommended that 11.9 hectares (or any other amount) of the land be rezoned GISZ from the notified Active Sport and Recreation (ASRZ). The full reasons set out in Report 20.5. Accordingly, this is land that cannot be used in terms of calculating available GISZ land as suggested by the Tussock Rise witnesses.

186. Notwithstanding the difference of opinion in the evidence of Ms Hampson and Mr Ballingall, both agree there is sufficient land to cater for projected long-term demand for industrial and service activities. However, it is clear that both experts are relying on different parcels of land being available to meet the demand for industrial purposes; Ms Hampson on retaining the Tussock Rise land as proposed GIZ and Mr Ballingall on some of the former oxidation ponds being zoned for industrial purposes.

187. Mr Devlin set out in his Summary Statement¹¹⁴:

The loss of the Tussock Rise site (which is the largest vacant site in the wider area requested for rezoning to BMUZ) will not have a significant impact on industrial land supply for Wanaka”.

188. We accept this may have been correct had we recommended the 11.9 hectares of the land proposed to be ASRZ be zoned GISZ; but we have not. In this respect we accept that the Council’s decision to allocate all of its land for sports/public use and not industrial (which we accept could be suitable for industrial use), means that from a supply of industrial land perspective the Tussock Rise land is required for industrial use as notified.

¹¹³ Paragraphs 3.6 and 3.7 of Ms Hampson’s Reply Statement

¹¹⁴ Paragraph 1.4 of Mr Devlin’s Summary Statement

189. We also note that we have recommended that the land on the eastern side of Ballantyne Road (within the Three Parks area) notified as GIZ be mainly rezoned Three Parks Business, and an extension to the BMUZ¹¹⁵. This, in part, reinforces our view that the Tussock Rise site should remain as GISZ. Moreover, as we set out below, there are other planning reasons why the Tussock Rise land is most appropriately zoned GISZ.
190. Mr Devlin also provided supplementary evidence on the NPSUD in relation to the rezoning sought by Tussock Rise. He opined that rezoning his clients land to BMUZ would be consistent with, and not contrary to, the NPSUD¹¹⁶ and would contribute to a well functioning urban environment due to nature of activities the zone would enable and its location (in terms of accessibility) – being close to the Wānaka Town Centre and Three Parks Business Zone. We do not necessarily disagree with Mr Devlin. However, we also consider that retaining the notified (but modified) GISZ would also be consistent with, and not contrary to, the NPSUD. This is because GISZ land (in combination with other zones such as the adjacent Three Parks Business Zone and BMUZ) would also contribute well functioning urban environment.
191. Mr Devlin’s opinion appeared to be based, in part at least, on the view that there was an over-supply of GIZ land and that this was inefficient and in terms of the NPSUD, and therefore rezoning to BMUZ would ‘better’ meet the NPSUD (and be a well functioning urban environment). We do not agree with this in terms of the policy direction of the NPSUD, or for planning/resource management reasons which we set out below.
192. We have addressed the NPSUD in some detail in the Introductory Report 20.1, and do not repeat that discussion. However, of particular note here is that Policy 2 of the NPSUD requires all local authorities with urban environments within their boundaries to “*at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term and long term*”.
193. As discussed in the Introductory Report, we accept there is a greater emphasis in the NPSUD on enhanced supply of land in urban environments for residential and business purposes, but this is an issue of degree, and therefore discretion. The NPSUD does not direct provision of an infinite number of sites for residential or business use, without regard for the extent to which this might actually be required. However, in the case of the Tussock Rise land, we do not agree that there has been an excessive ‘over-supply’ of land zoned GIZ in Wānaka as suggested by Mr Devlin and Mr Ballingall. On this basis we do not accept that it is economically inefficient to zone this land GISZ based on the arguments advanced by Mr Devlin and Mr Ballingall.
194. Having made this finding, the question before us is whether it is strategically important for the land to remain zoned GISZ (as a largely greenfield site) to provide the opportunity for cohesive

¹¹⁵ The reasons for this are addressed in more detail in Report 20.4 – Three Parks

¹¹⁶ Paragraph 17 of Mr Devlin’s supplementary evidence

expansion for industrial, service and selected trade supply growth over the long-term, or whether is more appropriately zoned BMUZ.

195. Mr Devlin provided planning evidence for Tussock Rise et al¹¹⁷. In support of his planning opinion that the Tussock Rise site be re-zoned BMUZ, he set out what he considered the strategic context of the Wānaka industrial area, and why the GIZ was not the appropriate zoning but BMUZ was. We address these matters below.
196. Mr Devlin presented a description of his view of the Wānaka industrial area stating: *“almost all land surrounding what I have called the ‘Wanaka Industrial Area’ is zoned for residential development of some shape or form”*¹¹⁸. He also noted that Wānaka has grown to surround the industrial area and that it is no longer on the edge of town and as such, the proposed ‘pure industrial’ approach taken on by the GIZ is inappropriate in this location. He also addressed the issue that only vacant land should be zoned GIZ. In addition to the economic position (already addressed above), Mr Devlin advanced these arguments as to why the GIZ zone was inappropriate.
197. We have already addressed the issue of the GISZ being a ‘pure industrial’ zone. For the reasons we have already set out, we do not agree with this characterisation. We do not address it further here.
198. With respect to Mr Devlin statement that the notified Wānaka GIZ is surrounded on almost all sides by residential activity, we do not entirely agree. The Wānaka GIZ borders a range of zone boundaries, including proportions of the proposed Active Sports and Recreation Zone, Rural Zone, Rural Lifestyle Zone the Three Parks Business zone and the BMUZ. There are adjacent residential purpose zones, particularly on the western boundaries. Where this occurs, Building Restriction Areas have been identified as well as plan provisions (including rules) to address reverse sensitivity issues. We do not find that this would be a reason to not zone the Tussock Rise site GISZ.
199. Moreover, part of Mr Devlin’s argument is his suggestion that the Wānaka industrial area no longer represents the *“edge of town”*¹¹⁹. This implies that it is inappropriate to locate GISZ in this location, and that it should be located further away from Wānaka’s commercial and residential areas. We disagree.
200. We find there is nothing within Strategic Chapters 3 (Strategic Direction) or 4 (Urban Development), nor in Chapter 18A, which indicates that industrially zoned land needs to be

¹¹⁷ Evidence-in-chief, rebuttal, supplementary evidence in relation to the NPSUD and supplementary evidence responding to the Panel’s questions.

¹¹⁸ Paragraph 4.10 of Mr Devlin’s evidence-in-chief.

¹¹⁹ Paragraph 4.11 of Mr Devlin’s evidence-in-chief

located on the 'edge of town'. Nor does it stipulate any other specific locational requirements for industrially zoned land. As set out by Mr Place¹²⁰:

"The locational characteristics of the Wanaka GIZ are not dissimilar to other areas of GIZ, including those in Arrowtown and Glenda Drive where ODP or PDP commercial and residential purpose zones have been positioned in relatively close proximity. This demonstrates the GIZs highly strategic local service and employment characteristic".

201. As we have addressed earlier, Ms Hampson, in her evidence-in-chief, highlighted the strategic economic benefits that can arise for the industrial economy from existing industrial or business areas; in particular, key synergies and agglomeration benefits between neighbouring activities, greater transport efficiencies and reducing potential for externality effects by containing effects to a single location rather than dispersing them across multiple locations. In her reply evidence, Ms Hampson specifically addressed this issue in relation to the Tussock Rise relief and the benefit of having industrial and service activity in an accessible location within the urban environment - that¹²¹:

"It is appropriate that a well-functioning urban environment should provide good access to industrial, retail, office, commercial, recreational, community, medical and many other activities. This rationale is not however sufficient to justify substitution of the TRL site to BMUZ if the consequence of that substitution is needing to find new and discrete locations for the GIZ beyond the urban growth boundary sooner than would otherwise be the case".

It is my evidence that for a market the size of Wanaka (and its surrounding catchment), greater economic efficiency and benefits will be achieved from consolidating industrial and service activity in its current location over the long-term future compared to an outcome where that activity is potentially spread over two (or more) locations in order to meet future demand. The greenfield capacity of the TRL owned site helps achieve that outcome for the GIZ.

202. We further note that Policy 1 of the NPSUD (well functioning urban environments) includes
*".....urban environments, that as a minimum:
(e) support reductions in greenhouse gas emissions;"*
203. Policy 1 of the NPSUD would suggest that strategically locating zone activities, as opposed to pushing them to the outskirts of the town them as suggested by Mr Devlin in this case, is at least encouraged so as to contribute to well functioning urban environments.
204. Mr Devlin's position that the GIZ be moved further 'out of town' would not, in our view, meet the expectation of aspects of the NPSUD, nor the strategic level directions of the District Plan. This view is reinforced by the actual nature of the GISZ, which we have already addressed earlier – i.e. it is not primarily a Heavy Industry Zone. The location of the Wānaka GISZ is in our view

¹²⁰ Paragraph 9.8 of Mr Place's rebuttal evidence

¹²¹ Paragraphs 4.2 and 4.3 of Ms Hampson's Reply statement

strategically located to serve a wide range of Wānaka’s service and employment functions, and these would be undermined by the relief requested by Tussock Rise et al.

205. In terms of the ‘strategic context of the Wānaka industrial area’ discussed by Mr Devlin, the zoning of the Tussock Rise site cannot be seen in isolation of the surrounding zoning pattern, and in particular the zoning recommendations we have made in relation to the Three Parks Area. Accordingly, this recommendation report needs to be read alongside that for Report 20.4 where we have recommended additional land be zoned BMUZ and Three Parks Commercial, along with the introduction of the Three Parks Business Zone.

206. Mr Ballingall and Mr Devlin set out why, in their opinions, the Tussock Rise site should be rezoned. The reasons have been fully set out above. We have also addressed Ms Hampton and Mr Place’s opinions why they consider the site is more appropriately zoned GIZ. One of the areas of disagreement between the parties is that the Council’s experts consider that the activities or greater flexibility of activities provided for in the BMUZ (as sought by Tussock Rise) are adequately provided for in the combination of Three Parks Commercial Zone, the Three Parks Business Zone, the BMUZ on Sir Tim Wallis Drive, part of Ballantyne Road and at Anderson Heights.

207. Mr Ballingall expressed his view on this in his evidence-in-chief, stating¹²²:

On the supply of BMU, Ms. Hampson states in relation to Tussock Rise there are “multiple other zones in Wanaka” that allow BMU activities, at “and often at more efficient locations” (EIC, 18 March 2020, para 16.10, p.90). However, my understanding is there is only one designated BMU Zone in Wanaka at Anderson Heights (which is almost fully developed), with some additional BMUZ proposed in Three Parks as part of Stage 3. I understand the Three Parks proposed re-zoning is in a single land ownership, giving it a virtual monopoly on the supply of this zoned land.

In my view, the BDCA20 and Ms. Hampson’s EIC, when combined, indicate there is more likely to be excess demand for BMU activities than for industrial activities (for which there is clearly an excess supply).

Allocating more land to BMU would be a sensible option and more efficient use of land in Wanaka, particularly noting the evidence of Mr. Devlin which describes the close proximity of the Tussock Rise site to the Wanaka town centre, the Three Parks commercial centre, and nearby educational and recreational facilities. Mr. Devlin also notes the wider Wanaka industrial area of which Tussock Rise forms a part is no longer on the edge of town and is in fact surrounded by residential zoning on almost all sides.

208. In her evidence-in-chief, Ms Hampson provided context in regard to the economic benefits of implementing a more restrictive planning framework within the GIZ. In particular, she saw the primary benefits arising from better protecting the large number of existing Industrial and Service activities located within the Zone, and providing them with a zoning framework that would enable them to sustain their operations and provide opportunities for long term growth. In addition, she

¹²² Paragraphs 41 – 43 of Mr Ballingall’s evidence-in-chief

opined that the Zone provisions would ensure any remaining vacant capacity was made available for Industrial and Service activities.

209. Ms Hampson considered that the application of BMUZ in the Wānaka GIZ would significantly reduce the likelihood that vacant sites within the GIZ would be developed for Industrial or Service activities¹²³ and would put greater pressure on the commercial viability of existing industrial and yard based businesses as they would drive land values further upwards¹²⁴. In Ms Hampson's view, any likely economic benefits associated with land uses associated with activities likely to develop from a BMUZ regime in this location would be marginal when other zones in Wānaka already enable this form of activity.
210. Ms Hampson maintained her view expressing in her Reply Statement that the zoning sought by Tussock Rise would not stimulate a net increase in projected economic growth in Wānaka. In this respect, she stated¹²⁵:

The businesses/jobs that Mr Ballingall envisages on the TRL site if zoned BMUZ can be accommodated in other existing and proposed zones (including the BMUZ) where there is more than sufficient vacant and competing capacity relative to projected demand growth according to the BDCA. Zoning the TRL site BMUZ would provide another location option for those business (i.e. employment growth spread over one more zone area), with all locations potentially growing slower as a result. While the NPS-UD encourages a competitive market, the advantages of a marginal increase need to be weighed up with the disadvantages of reducing long-term consolidation of industrial, service and trade supply activity.

211. The application of a BMUZ would provide a much more enabling framework for a wide range of activities, including Office, Commercial, Retail and Residential activities. We accept the Council's evidence that these activities adversely affect the establishment, operation, and long term growth of Industrial and Service activities. These include reverse sensitivity effects, competitive market disadvantages, increased vehicle/pedestrian related traffic conflicts between the different uses, their customers and staff, and the resulting loss of industrially zoned development capacity.
212. We have also addressed the issue of industrial land capacity at Cromwell. Although not addressed in its evidence, Tussock Rise's submission stated:

"There is more than sufficient industrial land zoned in the Wanaka ward of the Queenstown Lakes district, and also in Cromwell.Queenstown and Cromwell also provide capacity for the Wanaka ward".

¹²³ Paragraph 16.9 of Ms Hampson's evidence-in-chief

¹²⁴ Paragraph 16.10 of Ms Hampson's evidence-in-chief

¹²⁵ Paragraph 4.6 of Ms Hampson's Reply Statement

213. Ms Hampson discussed the role that Cromwell plays in meeting industrial demand for Queenstown and Wānaka in her evidence-in-chief. She stated¹²⁶:

I have not assessed the long term sufficiency of industrial zoned land in Cromwell and cannot comment on that. I would however refer to my research in the Industrial Report (Appendix A) which specifically examined the role of Cromwell in meeting the industrial demands of Wanaka and Wakatipu Wards. My findings are that Cromwell relies more on the industrial activity in the Wakatipu Ward than the other way around. There is only minor trade of industrial goods and services from Cromwell to Wanaka Ward. This is discussed in Section 3 of my Industrial Report. This analysis demonstrates to me that Cromwell is not a solution for a shortfall of industrial land supply in QLD and cannot be relied upon to meet the needs of Wanaka or Wakatipu Ward. Central Otago District is also experiencing strong growth and any capacity in Cromwell will be important for meeting their district demand. Further, Wakatipu Ward cannot be relied upon to address a shortfall in the Wanaka Ward and vice versa. Each market is primarily focussed on supplying local business and household demand – hence the high level of similarity in the mix of activities supplied in each catchment. Any capacity that Queenstown and Cromwell provide for Wanaka is only minor.

214. In the absence of any evidence to the contrary from Tussock Rise, we have no reason to question Ms Hampson’s view expressed above in relation to the Tussock Rise submission¹²⁷.
215. For all of the reasons set out above, it is our recommendation that the Tussock Rise site be zoned GISZ.

5.2 Glenda Drive area, Queenstown

216. Four primary submissions were received relating to land at the Glenda Drive area, at the north-eastern end of Frankton Flats.

Queenstown Airport Corporation¹²⁸

217. QAC controls a long, 3.27ha strip of land adjoining the south-western-most end of the developed Glenda Drive industrial area and adjacent to the bulge in Hawthorne Drive where it extends around the eastern edge of Queenstown Airport. A small part of it was notified GIZ through Stage 3 of the PDP. QAC has requested that this small part be rezoned to either an Airport zone, Frankton Flats B zone (Activity Area E1), or Rural zone. We note that these alternatives cover a wide range of quite different land use outcomes.

¹²⁶ Paragraph 16.3 (e) of Ms Hampson’s evidence-in-chief

¹²⁷ Cromwell was addressed by Mr Angus for CCCL, and we address this below in relation to CCCL’s submission to rezone land at Victoria Flats GISZ

¹²⁸ Submission #3316.21

218. In his s.42A report¹²⁹, Mr. Place recommended the relief sought be rejected. Mr Place acknowledged that the land had unusual characteristics including that it is in part split-zoned between the Frankton Flats B zone (the majority of it), and rural zone via PDP stage 1 (its southern-most extent). We note that the PDP stage 1 rural zoned land is under appeal by QAC, which seeks an Airport zone. He ultimately concluded that retaining the land within the GIZ was the most appropriate solution.
219. QAC submitted evidence prepared by Ms. Melissa Brook, a planner employed by QAC. However this evidence did not address the rezoning request and was focused on other matters. QAC did not otherwise participate in the rezoning aspect of the Hearing.
220. We find that there is no sound basis to the rural zone request. This would create a thin sliver of land unlikely to be of a sufficient area to be utilised for rural activities, largely surrounded by urban zoned land. The only basis for the rural zone would be that it would connect to the PDP Stage 1 land at the southern end of the land that was determined as rural zone. But QAC is itself appealing that decision seeking an Airport zone. If successful in its appeal, QAC's request for this additional small strip of land to be rural zone would become even more out of place.

¹²⁹ S.42A report of Luke Place, Stream 17, paragraphs 9.1 – 9.10.

221. In terms of the Frankton Flats B zone, this would bring the affected part of the Site into line with the zone that applies to the majority of the submitter's site. This is a zone that Mr. Place highlights as not to date having been carried into the PDP. Amongst other things, this also means that its objectives, policies and methods have not been considered in light of the PDP strategic framework and we have no evidence to demonstrate that it as a package is sufficiently compatible with that framework that it can be so simply carried across. For that reason, we do not agree that it has been proven to be a satisfactory alternative for us to consider.



Aerial photo of subject site showing area of the QAC re-zoning request outlined in red.

222. We are left with the alternative of an Airport zone. We find that this is deficient for the same reason as the Rural Zone to the extent that there is a risk of a very small part of the site having a zone that does not relate to any of the land that surrounds it. We acknowledge that a Stage 1 PDP appeal by QAC to achieve an Airport zone on the land at the southern end of the site, but at this stage, we are unable to understand or reach a view on how likely that outcome may be.

223. Ultimately and in light of the uncertainty that affects the QAC land that is subject to an appeal and the timing and context of when (or if) the Frankton Flats zone is itself brought into and re-cast under the PDP framework, it would be inefficient and ineffective to change the land's zone at this time. Retaining the land within the GISZ does ensure it will form part of a contiguous strip of land use activity along Glenda Drive and in the circumstances, we find that this is the most appropriate resource management outcome.

224. For the above reasons, we recommend this submission is **rejected**.

M-Space Partnership Ltd¹³⁰

225. M-Space Partnership Ltd have submitted that land at 7, 11, 12, and 17 Sutherland Avenue, and 225 Glenda Drive, be rezoned from GISZ to either BMUZ or a Glenda Drive-specific industrial zone that makes more provision for mixed use commercial and residential activities.

226. In the submission, the wide range of activities that already exist, and which would become prohibited activities under the notified zone provisions, were identified as being more compatible with the BMUZ.

227. In his s.42A report¹³¹, Mr. Place recommended the relief sought be rejected. Mr Place was principally concerned with a reduction of industrial-zoned land as well as creation of what he termed an “island” of BMUZ within an industrial zone setting.

228. The submitter called no expert evidence and did not appear at the hearing.

229. The sites in question do not form a contiguous land holding, and they are interspersed amongst a number of GISZ-zoned properties that are not subject to the submission. This immediately creates the prospect of a very irregular and stop-start zone pattern differentiating individual allotments and we do not accept that such a fragmented pattern of very different land use zones is workable or justifiable.

230. We received no evidence in support of introducing BMUZ, and in particular the substantially greater emphasis on residential and retail-type commercial activities it enables, to the Glenda Drive industrial area. Based on our own site inspections of the area, which also took in the wider Frankton Flats and Remarkables Park areas, we do not agree that there is any apparent resource management benefit in creating pockets of potentially residential-dominant (or wholly residential) activities within it.



Aerial photo of subject site showing area of re-zoning request of M Space Partnership Ltd outlined in red.

¹³⁰ Submission #3352.1 and #3352.2

¹³¹ S.42A report of Luke Place, Stream 17, paragraphs 9.64 – 9.74

231. We prefer and accept Mr. Place’s analysis of this scenario where he advised us¹³²:

“...the application of a BMUZ in Glenda Drive would provide a much more enabling framework for a wide range of activities, including Office, Commercial, Retail and Residential activities, that are known to have adverse effects on the establishment, operation, and long term growth of Industrial and Service activities. These include reverse sensitivity effects, competitive market disadvantages (in terms of m2 profitability and land value increase within the proposed GIZ), increased vehicle/pedestrian related traffic conflicts between the different uses, their customers and staff, and the resulting loss of industrially zoned development capacity.”

232. This leaves for consideration the second limb of the submission, being a modified industrial zone that was more enabling of residential and commercial activities. We see this as raising the same fundamental issues as the BMUZ; while we have received substantial evidence relating to the need and justification for the extent of the GIZ zone proposed by the Council, we have no evidence supporting any need for additional residential or commercial activities in the Glenda Drive area or its wider context. We are ultimately satisfied that there is no such demand or need, although this is not of itself determinative of whether the submission should succeed or fail.

233. Our own observation of the land and its context is that it does not stand out as an appropriate location for residential or commercial activities. When we consider the strategic objectives and policies of the PDP in Chapter 3, we find that the land:

- a.) Is located relatively close to the Queenstown Airport runway and Queenstown oxidation ponds, and is in an immediate land use environment that is likely to generate nuisance and noise.
- b.) Is not spatially proximate to public open space or an identified commercial centre.
- c.) Does not integrate logically or successfully as a location of residential or commercial-dominant land use in the scheme of the wider Frankton Flats as a whole, and where the eastern ‘fringe’ of the land stands out as being suited to lower-intensity, lower-value employment activity.

234. We see the above as indicative that the relief sought is not appropriate. We suggest a very compelling evidential case would be needed to overcome our concerns and no such case was put forward that might have persuaded us to disagree with Mr. Place’s recommendations.

235. The submitter did not specify what such a modified industrial zone might look like or contain, and this has limited our ability to test its merits. As has been discussed separately in our report, we have identified a need to change the provisions of the GISZ to make clear what it intends to achieve, and to also better-recognise existing activities occurring within the zone at this time. We are satisfied that this is likely to offer partial relief to existing development on some of the allotments that are subject to the appeal. On this basis we recommend the submission is **accepted in part**.

¹³² Ibid., paragraph 9.66

236. In our view, no further changes or relief are appropriate.

J McMillan¹³³

237. J McMillan has requested that an area of land on the northern side of Stage Highway 6 at 179 Frankton-Ladies Mile Highway be rezoned from MDRZ zone to GIZ.

238. In his s.42A report¹³⁴, Mr. Place recommended the relief sought be rejected. Mr Place was principally concerned that creating an area of GIZ north of SH6 would not achieve strategic PDP policy 4.2.2.2 in relation to connectivity and integration with other GIZ land.

239. The submitter called no expert evidence and did not appear at the hearing.

240. The land on the northern side of Frankton-Ladies Mile Highway is a long and narrow linear flat area that rises steeply upwards as Queenstown Hill. To the north-east of the land subject to the submission and wrapping around and up the eastern elevated base of Queenstown Hill (with views of Lake Hayes) is the established Quail Rise residential neighbourhood. The land that is the subject of the submission was zoned MDRZ in Stage 1 of the PDP (and is under appeal). The extent of MDRZ extends to the south-west and includes a strip of BMUZ land extending west from Hawthorne Drive to Joe O'Connell Drive (from which point a Local Shopping Centre zone centred on the Frankton Road / Kawarau Road roundabout is located).

241. One effect of the PDP zone framework is that for travellers on the Highway, the base of the Queenstown Hill would come to be characterised by smaller-scaled, and higher-quality residential developments. Larger buildings in either of the BMUZ or the Local Shopping Centre zone would, because of the consent requirements that apply to new buildings in each, also have to demonstrate a suitable design quality was being achieved including in relation to the Highway frontage. We find that this is an appropriate means of responding to the landscape and landform feature that is Queenstown Hill. Visually prominent GISZ development, which could occur as a permitted activity and which is in general expected to exhibit lower visual amenity values than the other urban zones, is in our view likely to be anomalous and not acceptable.



Aerial photo of subject site showing area of re-zoning request outlined in red.

¹³³ Submission #3348.11

¹³⁴ S.42A report of Luke Place, Stream 17, paragraphs 9.11 – 9.18

242. We accept Mr. Place's observation¹³⁵ that the Frankton-Ladies Mile Highway serves as a zone boundary between an intended residential neighbourhood on the north side and flank of Queenstown Hill, and a commercial and industrial area on the southern side across the Frankton Flats. This strikes us a logical outcome.
243. We find that the land has characteristics and a context that makes it more appropriate for residential-dominant use than GISZ uses. Granting the relief sought would in our view raise the real prospect of land use incompatibility with the adjacent residential activities and residential zoned land around the submitter's site. We are concerned that the land is not sufficiently large to make a stand-alone GISZ development self sufficient or independent of the GISZ zoned land on the south side of the highway, and we have particular concerns about the suitability of vehicle access on the north side of the Highway given the heavy and large commercial vehicles that GISZ activities could give rise to. No evidence is available to us to demonstrate that these concerns can be overcome.
244. For the above reasons we accept Mr. Place's recommendation and on that basis we recommend the submission is **rejected**.

Reavers (NZ) Ltd¹³⁶

245. This submitter supported the notified GIZ being applied to land zoned Rural zone and un-stopped road in the ODP.
246. In his s.42A report¹³⁷, Mr. Place recommended that the submission be **accepted**.
247. We heard from Mr. Daniel Thorne, planner, who gave expert evidence on behalf of the submitter¹³⁸.
248. We find that although we have made refinements to the notified GIZ zone, in its end state as the GISZ zone, it has lost no utility as it relates to the industrial uses enabled by the notified provisions. On that basis we are satisfied that the refined zone will achieve the same land use outcomes for the land as was notified and we agree with Mr. Place and recommend the submission be **accepted**.

¹³⁵ Ibid., paragraph 9.16.

¹³⁶ Submission #3340.3

¹³⁷ S.42A report of Luke Place, Stream 17, paragraph 9.75

¹³⁸ Statement of evidence of Daniel Ian Thorne, 29 May 2020

249. More generally in relation to the Glenda Drive area, Gillian Macleod¹³⁹ sought that consideration be given to the Frankton Flats Master Plan that shows a mixture of residential zones at the northern end of Glenda Drive, and also addresses the zoning of land outside the notified GIZ. Mr Place noted¹⁴⁰ that this is a draft plan offering an aspirational conceptual view of land uses 30 years into the future. He did not regard it as directing the content of the PDP.
250. Ms Macleod did not appear to provide evidence and we agree that we can put little weight on a draft Plan of this nature without evidence supporting the concepts that underly it. We therefore recommend Ms Macleod's submission be rejected.

¹³⁹ Submission #3015

¹⁴⁰ S.42A report of Luke Place, paragraph 7.14

5.3 Bush Creek Road, Arrowtown



Aerial photo of subject site showing area of the submitter's re-zoning request outlined in red.



Aerial photo of subject site showing area of the M Thomas re-zoning request outlined in red.

251. M Thomas¹⁴¹; Bush Creek Property Holdings Ltd., and Bush Creek Property Holdings No. 2 Ltd.¹⁴²; and Bush Creek Investments Ltd.¹⁴³, lodged submissions relating to land at Bush Creek, Arrowtown. The submitters sought the land to be rezoned from GIZ to BMUZ (or a bespoke GISZ zone more enabling of commercial and residential activities). M Thomas additionally requested that a small parcel of land that had not been included within any other Stage 3 PDP zone and was within an ONL be included in the GIZ. Another submitter, Arrow Irrigation Co. Ltd.¹⁴⁴, supported the notified GIZ zone at 31 Bush Creek Road.
252. In his s.42A report¹⁴⁵, Mr. Place recommended acceptance of Arrow Irrigation Co. Ltd.'s submission, and rejection of the other submissions. Mr. Place was of the opinion that at this time, the area predominantly accommodates industrial activities. He was concerned that BMUZ, if developed entirely as residential activities, would result in a loss of important employment land near Arrowtown. If developed with many commercial activities, the area could come to function similar to a centre zone in such a way as to potentially undermine the Arrowtown Town Centre.
253. Ms. Hampson also reviewed the relief sought on behalf of the Council and opposed it. She was concerned that the BMUZ would result in an inappropriate outcome¹⁴⁶:

“The GIZ is the most appropriate zone to maintain and protect the existing industrial and service activities which dominate the land-use in Bush Creek Road (17 of the 24 predominant business activities surveyed in the zone by Council are either Service, Yard Service or Light Industrial). Such activities play a key role in the QLD’s industrial economy. I consider that the BMUZ would adversely affect the ongoing commercial viability of the existing low-intensity and yard based activities along Bush Creek Road, increasing the value of the land and encouraging redevelopment to higher value land uses. A BMUZ would also potentially increase the number of incompatible activities which could give rise to greater reverse sensitivity effects on these existing businesses.”

254. Expert planning evidence was filed by Hayley Mahon on behalf of M Thomas, Bush Creek Property Holdings Ltd. and Bush Creek Property Holdings No. 2 Ltd., and Bush Creek Investments Ltd¹⁴⁷. In summary Ms. Mahon considered that the BMUZ zone would be the most appropriate outcome because:

¹⁴¹ Submissions #3003.1, #3355.1 and #3355.2

¹⁴² Submissions #3353.1 and #3353.2

¹⁴³ Submissions #3354.1 and #3354.2

¹⁴⁴ Submission #3161.1

¹⁴⁵ S.42A report of Luke Place, Stream 17, paragraphs 10.1 – 10.18

¹⁴⁶ Statement of Evidence of Natalie Dianne Hampson, 18 March 2020, paragraph 12.7

¹⁴⁷ Statement of Evidence of Hayley Jane Mahon, 29 May 2020

“...it best achieves the purpose of the Act and the Strategic Direction of the PDP, best takes into account the activities currently occurring within the area, best reduces reverse sensitivity effects on surrounding residential land, enables the Arrowtown community and achieves the best urban design outcomes for the area.”

255. Ms. Mahon did not agree with the conclusions of Mr. Place or Ms. Hampson. In Ms. Mahon’s opinion the majority of the land was already used for activities that were more reflective of the BMUZ and that it would be more efficient, and more in line with the NPSUDC, to zone the land in a manner that reflected this.
256. Mr. Place filed a statement of rebuttal evidence on 12 June 2020 responding to the issues raised in Ms. Mahon’s evidence¹⁴⁸. Mr. Place explained why, in his opinion, he and Ms. Mahon had reached different conclusions as to what the predominant activities currently occurring on the land should be classified as. He stated:

“Ms Mahon appears to separate Light Industrial activities from Industrial activities. The list of defined terms relevant to the GIZ are address in the s32 report⁶⁶ and I note in regard to this matter that under Chapter 2 (Definitions) of the PDP, Light Industrial activities are not distinguished from Industrial activities. Given this, I consider that the identified Light Industrial activities within the Arrowtown GIZ should be considered Industrial activities under the proposed GIZ framework. I am not of the view that these previously defined Light Industrial activities would be better suited to being located within a BMUZ in terms of their long term operation and growth.”

257. On the basis of Mr. Place’s approach to categorising activities, the majority of the activities occurring on the land at this time are industrial in nature and are not more or better-thought of as BMUZ activities.
258. Ms. Mahon filed a statement of supplementary evidence responding specifically to the NPSUD, 2020. In Ms. Mahon’s view this did not change her position or reasons in support of the change from GISZ to BMUZ.
259. At the Hearing, the submitters were represented by Counsel Mr. Joshua Leckie, and planner Mr. John Edmonds (who adopted Ms Mahon’s pre-circulated evidence). Mr. Leckie presented submissions on the following points:
- a.) That the Bush Creek area was of a poor size, shape and location for GIZ activities.
 - b.) That the proximity of residential zoned land made the submitter’s land less suited for GIZ activities.

¹⁴⁸ Statement of rebuttal evidence of Luke Thomas Place, 12 June 2020.

- c.) That the BMUZ was a better fit in terms of the above and in terms of future land use demand.
- d.) That changing the land to BMUZ would not result in any material loss of industrial land.
260. Mr. Leckie then introduced alternative BMUZ provisions in recognition of the Council's opposition to the relief sought. This was a modified BMUZ that enabled more industrial activities than is otherwise the case. In Mr. Leckie's submission, this modified zone would bring the zone more into line with "...the National Planning Standards intention for mixed use zones."¹⁴⁹ Mr. Leckie also took us through the provisions of the NPSUD that are relevant, in his opinion. Overall, Mr. Leckie urged us to prefer Ms. Mahon's assessment and conclusions and support the rezoning.
261. In response to questions from us, Mr. Leckie expressed the view that it is legally inappropriate to introduce a prohibited activity status into a Plan applying to existing activities on the land, when there is no intent to prevent or stop them. This, we note, was a recurrent theme across our interactions with the submitters and we refer elsewhere in our report to the reasons why we made key changes to the text of the zone provisions.
262. Mr. Edmonds responded to our questions arising from Ms Mahon's written evidence. We focused on the existing activities in Bush Creek and the reasons why they might be better described as industrial, service, commercial or other activities. In Mr. Edmonds' opinion the Bush Creek area was populated by predominantly non-industrial activities, and he concluded that BMUZ would be the most appropriate outcome.
263. After the Hearing Mr. Place, provided a statement of reply evidence¹⁵⁰. He clarified the status of residential-zoned land south-west of the Bush Creek area (the Meadow Park Special Zone) and confirmed his opinion that this presented no uncertainty or other matter that would change his support of the GIZ zone applying to the submitters' land. He also provided brief reasons why in his opinion retaining the GIZ would better serve the NPSUD than the BMUZ zone.
264. Having considered all of the above and visited the Bush Creek Area, we accept Mr. Leckie's legal submissions that the land is of a small and irregular shape, and not well located. This is consistent with Ms Hampson's evidence. She accepted that if the area was a greenfield or blank-slate site, the location and small size of the area would not make it a likely candidate for industrial zoning. However, for all its shortcomings, it cannot as we see it be fatally unusable because it does and for a long period of time has accommodated industrial and service activities. We are satisfied that although unlikely to play a pivotal role in the District's industrial economy, the Bush Creek area does serve a locally important employment purpose in and around Arrowtown.

¹⁴⁹ Legal submissions of Joshua Leckie, 7 August 2020, paragraph 19.

¹⁵⁰ Statement of Reply of Luke Place, 7 September 2020.

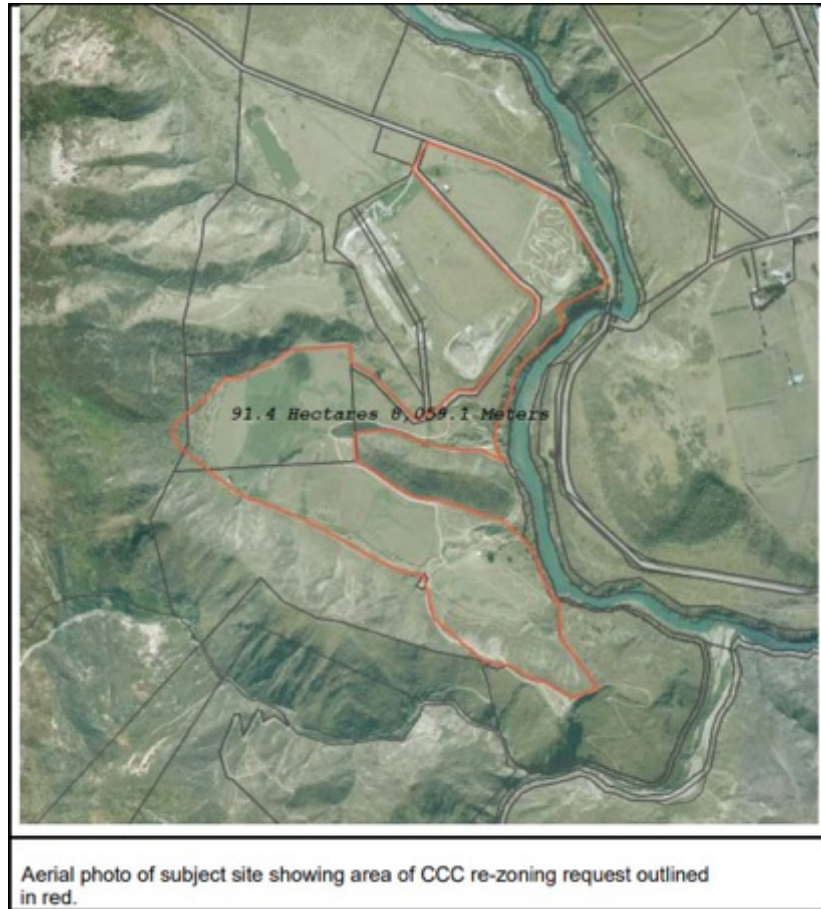
265. We are persuaded that the majority of the land is at this time in industrial or service activities of the sort enabled by the GISZ. We also note that as a consequence of changes we have made to the zone on the basis of other submissions, it is now clearer that many of the service-type uses that the submitters felt were not industrial activities are in fact still appropriate for an industrial zone. This would ensure that the zone would not prejudice or otherwise imperil existing activities that would have become prohibited activities under the notified zone provisions.
266. We agree with Mr. Place that the land provides employment land close to and that benefits the Arrowtown settlement. We accept his view that local employment close to settlements like Arrowtown better serves the NPSUD than not having such employment. The BMUZ does provide for a variety of commercial activities, but it also permits unrestricted residential activity. Having considered the creation of a bespoke 'BMUZ-minus' or a 'GISZ-plus' type zone that sought to sit something in between the zones, we find that this would not be appropriate or justified on the evidence before us, and that the refined GISZ we have developed in response to the GISZ submissions as a whole will provide an appropriate solution in that regard.
267. Ultimately rezoning the land to BMUZ would create the potential for it to become mostly or fully occupied by medium to high density residential development, or commercial activities that would in our view be better-suited within Arrowtown Town Centre. We find that the loss of this area of industrial and service-based employment land would be both problematic and inappropriate. Given the importance of employment land outside the higher-value and constrained Arrowtown Town Centre, we find that protecting this as a resource is a valid resource management priority in terms of Chapter 3 of the PDP. For the reasons set out by Mr. Place, the GISZ is the most appropriate means of achieving this. We therefore **accept the submissions in part** to the extent that the GISZ as we have modified it places greater emphasis on service activities and those non-industrial activities that exist at this time and have been lawfully established.
268. As it relates to M Thomas' submission to rezone a small area of rural-zoned land to GISZ, we have not been persuaded that changing the zone is appropriate. The land is very small and of a triangular shape. We received no evidence to demonstrate that the ONL notation on the land was improper. As a result of this we cannot see that the land could be used for GISZ uses and zoning it such would not be effective or efficient. It is more appropriate to retain the existing rural zone and in this respect the submission is **rejected**.
269. Lastly, it follows that based on the above we **accept** the submission of Arrow Irrigation Co. Ltd.

5.4 Cardrona Cattle Company Limited (CCCL) - Victoria Flat

270. CCCL sought to rezone an area of land (the “site”) at Victoria Flats in Gibbston from Rural (RZ) and Gibbston Character Zone (GCZ) to the GIZ. The land comprises 91.4 hectares in area. Part of the land is affected by Designation #76 - the Victoria Flats landfill buffer area.

271. Approximately 26.6 Ha (or 45.5%) of the site is located within an ONL (being the Rural Zoned parts of the land). This comprises proposed activity areas 1 and 2 (areas able to be developed) at the northern portion of the site (adjoining SH6), as well as activity areas 2 and 3 at the southern portion of the site (behind the landfill). The remaining area of land (approximately 31.9 Ha) sought to be rezoned to GIZ is located within the Gibbston Character Zone¹⁵¹.

272. The extent to which the site could be developed if re zoned was addressed by Mr Milne, the submitter’s landscape architect. Mr Milne addressed this in this evidence; mainly in his evidence-in-chief under the hearing “*The GIZ Proposal*”¹⁵². As set out by Mr Milne the proposal is supported by a Structure Plan setting out the developable areas, green corridors and planted Amenity Setbacks and Mitigation Planting Zones. The developable areas include¹⁵³:



*General Industrial Area 1–7.5 ha (with a maximum building coverage of 25%)*¹⁵⁴

Located on the periphery of the development, these areas are intermittently visible from SH6 and transition the edge of the zone into the rural surrounds. The proposed zone is for small

¹⁵¹ These were the areas calculated by Mr Place and set out in his reply evidence at paragraph 5.4

¹⁵² Page 8 of Mr Milne’s evidence-in-chief

¹⁵³ Paragraphs 22 to 27 of Mr Milne’s evidence-in-chief

¹⁵⁴ Provided by Mr Giddens in his revised zone provisions tabled at the hearing (12/8/20).

scale industrial uses which prioritise open space over built form. Height of built form is limited to 6m with proposed controls relating to form and colour, adapted from the Rural zone.

General Industrial Area 2–19.9 ha (with a maximum building coverage of 50%)¹⁵⁵

These areas are less visible and are generally internal to the Zone. If visible, they are seen at a greater distance and can be largely screened from views along State Highway 6 with amenity set backs or mitigation planting. Built form is limited to a height of 7m, with an exception for towers up to 12m.

General Industrial Area 3–10.3 ha (with a maximum building coverage of 80%)¹⁵⁶

Located internal to the development, these areas are not visible as they are setback a significant distance from State Highway 6 and contained by localised topography. The proposed height limit for built form is 10m, with exception for up to 12m for towers¹⁵⁷.

Green Corridors

Green corridors are proposed between industrial zones which allow for ecological improvements through revegetation of waterways and stormwater retention. They will also provide visual amenity for those visiting and working in the zone.

Planted Amenity Setbacks & Mitigation Planting Zones

Amenity planting setbacks provide separation and screening between different industrial zone types and uses. This will increase amenity within the development for the site's users. This will also provide a degree of screening and mitigation from viewpoints along State Highway 6 in order to minimise visual amenity effects of the proposal for viewers within the receiving environment.

273. It was not entirely clear from CCCL's evidence what the overall density or amount of development that could be undertaken was for the requested rezoning. However, Mr Edwards told us in answer to our question that he estimated that something in the order of 85,000 m² was possible (assuming a 28% site coverage).
274. Amendments were sought to some of the GIZ provisions as set out in the submission. We have addressed those later. In response to the evidence of Scope Resources Limited (Scope)¹⁵⁸, the rebuttal evidence and further evidence presented at the hearing by Mr Giddens, CCCL's planner,

¹⁵⁵ *ibid*

¹⁵⁶ *ibid*

¹⁵⁷ We find there is no scope for the 12m height limit as CCCL's submission sought a maximum height of 10m.

¹⁵⁸ A Further Submitter in opposition to the zoning request

identified further amendments to the GIZ rules in respect of the land within the designation buffer land. This was to prohibit activities (currently not prohibited in the notified GIZ) involving:

- Residential buildings and activities;
- Visitor accommodation activities;
- Commercial recreation and recreation activities; and
- Community activities.

275. In addition, CCCL also offered:

- An easement over the designation buffer land in relation to air contaminants including odour, for the benefit of the landfill site;
- Restrictions on the use of the land within the designation buffer (to be applied through the Structure Plan) limiting activities to the heavy industrial activities with no managerial or caretaker accommodation allowed; and
- Development thresholds triggering upgrades to the intersection of Victoria Flat Road and SH6.

276. Ms Steven QC, CCCL's legal counsel, set out in her legal submissions that the rezoning was sought on the basis that¹⁵⁹:

- *The zone change is consistent with the objectives and policies of the proposed GISZ;*
- *The zone change is consistent with the PDP Strategic Directions chapters (Chapters 3-6);*
- *The rezoning gives effect to the National Policy Statement for Urban Development Capacity (NPS –UDC); more particularly the recently announced NPS-UD 2020 and the Operative Regional Policy Statements;*
- *The changes are consistent with PDP maps that indicate additional overlays or constraints;*
- *The GISZ changes take into account the location and environmental features of the site, including infrastructure, hazards and roading, which will be dealt with through the provisions of the PDP;*
- *There is adequate separation and/or management between land uses provided for under the GIZ, in particular the landfill;*
- *The CCCL site is more suited to industrial use than for viticulture and farming activity (due to soil and climatic conditions and proximity to the existing landfill).*

277. The further submission (and legal submissions and evidence) from Scope opposed the rezoning, ostensibly due to reverse sensitivity effects in relation to the landfill¹⁶⁰. Mr Place, the Council's planner also recommended (in his section 42A report and evidence) that the GIZ request be rejected.

¹⁵⁹ Paragraph 10 of Ms Steven's legal submissions

¹⁶⁰ We note that the issue of scope of the CCCL request to rezone its land raised by Mr Nolan QC, legal counsel for Scope, has been addressed in our Introductory Report (20.1), and is not addressed here

278. CCCL presented evidence supporting the rezoning request from; Mr Giddens, resource management consultant; Mr Milne, landscape architect; Mr Angus, economic evidence; and Mr Edwards, traffic engineer.
279. As already set out, we recommend rejecting CCCL’s rezoning request. The reasons that follow are set out in two tranches – strategic, and the potential effects. On ‘both’ of these grounds it is our view that in section 32 terms the zoning of this land as GISZ is neither the most appropriate nor efficient use of this land.

Strategic Planning Issues

280. Ms Steven, in her opening legal submission at the hearing, advanced the argument that the effect of re zoning the land GIZ was not urban development or urban in nature. On this basis, the provisions of the RPS, but more particularly those in Chapters 3 and 4 (Strategic Direction) were either not relevant or less relevant. Her submission that this rezoning was not ‘urban’ relied on Mr Milne’s landscape evidence where he stated¹⁶¹:

“It is important to consider that a General Industrial Zone does not necessarily equate to an urban form and density of development. While the proposal will introduce new elements into the landscape, the proposed Structure Plan and provisions display a considered response to the site. Essentially this will introduce a new typology of general industrial built form with design standards to ensure development can be appropriately integrated into a rural setting”

281. In his Summary Statement of his evidence, he stated¹⁶²

“In the context of visual amenity effects, I consider a pared back, rather than generic version, of the GIZ as proposed does not necessarily equate to an urban form. The proposed Structure Plan displays an appropriate response to the site and paired with appropriate provisions will ensure that the rural-industrial character that will result from the development of the zone is not urban in character because of its scale, intensity, visual character and dominance of built structures”. (emphasis added).

282. We have set out the likely scale of the development that would either be enabled or provided for had the site been recommended to be rezoned GISZ above. It is our view that the zoning and structure plan would enable a substantial amount of built development on the site. For the reasons that follow, we disagree with Ms Steven and Mr Milne that the rezoning proposal is not urban development.
283. Mr Giddens appeared to accept that the GIZ zoning requested would equate to urban development. An example, in his evidence-in-chief was:¹⁶³

¹⁶¹ Paragraph 45 of Mr Milne’s evidence-in-chief

¹⁶² Paragraph 10 of Mr Milne’s summary statement (dated 12 August 2020)

¹⁶³ Paragraph 45 of Mr Giddens’ evidence-in-chief

To provide for “urban development” (as defined under the PDP) that would eventuate from the GIZ, I suggest that an urban growth boundary is included around the parameter of the zone. This is provided for in the relief sought by CCCL as a consequential relief to give effect to the matters raised in the submission”.

284. Moreover, Mr Giddens also stated:¹⁶⁴

Mr Milne responds to the question of urban form at [45] and [46], which I reproduce below. (emphasis added).

285. While Mr Giddens reproduced Mr Milne’s paragraphs (which suggested that a GIZ does not necessarily equate to an urban form and density, and that this development would be well integrated into the site), he did not offer an opinion whether or not he agreed with Mr Milne or not. Furthermore, while Mr Giddens addressed the issue of urban development, it appeared to us to be in the context of whether or not an UGB is necessarily a corollary of zoning land urban, which we discuss in more detail below. It is our view that no-where in Mr Giddens’ evidence does he consider that the rezoning would not be urban in character.

286. We also note that Mr Edwards, when asked by the Panel for his view on whether from a transport perspective, the scale of development was urban, he was unequivocal that it was of an urban scale.

287. When we discussed the character of the proposed development with Mr Milne, it was evident that he was basing his opinion on a ‘whole-of-zone’ approach and assuming that standards providing for denser development such as Area 3 (with 80% site coverage and a 10m height standard- as we observed to him, taller and denser than almost everywhere except CBDs) would not in fact be utilised to their full extent. We consider this a dubious assumption, taking the view that CCCL would not have asked for those standards if it did not intend to use the capacity they create. Even accepting Mr Milne’s assumption though, he said he had taken a density of development one would expect in an industrial zone, which suggests an urban character to us.

288. The evidence of Mr Jones, landscape architect for the Council, was that due to the nature and scale of the rezoning request it would be an urban development within the rural setting. In his reply evidence Mr Jones stated:

After consideration of Mr Milne’s ‘Further Exhibits’, I maintain my original assessment and remain opposed to the requested rezoning. In my opinion, from a landscape perspective, the proposed GIZ rezoning will inappropriately introduce urban elements, uncharacteristic to this landscape and will not protect the values of the ONL

289. Mr Place’s opinion, as set out in section 42A report and evidence which we address in more detail below, is that the proposed rezoning would be urban in character due to its nature and scale, and that the GIZ zone, by definition, is an urban zone being in Part 3 – Urban Environment of the PDP.

¹⁶⁴ Paragraph 67 of Mr Giddens’ evidence-in-chief

290. We are of the view that CCCL's rezoning request would be to create an urban zoning (i.e. GISZ) on land currently zoned Rural/Gibbston Character. This finding means we need to evaluate the proposal, among other things, in terms of the relevant Strategic Direction provisions (of Chapters 3 and 4) including the use of UGB's as a strategic planning tool; as well as the NPSUD. We address these below.
291. Ms Steven, in her opening legal submissions sought, to the extent it was required, that an UGB be drawn around the area of land to be zoned GIZ as a consequential amendment¹⁶⁵. It was the Council's view (legal counsel and planner) that the UGB is a key strategic mechanism with respect to urban growth; and that it was not a consequential amendment as submitted by Ms Steven or suggested by Mr Giddens.
292. In opening submissions for the Council¹⁶⁶, Ms Scott raised as an issue, the fact that the relief sought by CCCL did not expressly seek that the UGB be drawn around the GIZ in the location being pursued in its submission. It was suggested by Ms Scott that any attempt on CCCL's part to rely on the consequential relief sought in its submission would be a 'bottom up' approach to the plan preparation, and would require a very liberal interpretation of consequential relief in terms of clause 10(2) Schedule 1. .
293. This was raised specifically in the context of the application of Chapters 3 (Strategic) and 4 (Urban Development) of the PDP describing the UGB as a "top down approach" to preparing the Plan. Ms Scott noted that Chapter 4 is clear that the location of new UGBs or movement of existing UGBs is to allow for expansion of the urban environment is driven by the objectives and policies (and criteria in 4.2.1.4) in Chapter 4.
294. Ms Scott again addressed this issue of the UGB in some detail in the Council's Reply Submissions¹⁶⁷. She reiterated her previous position that a UGB around the GIZ boundary cannot be a consequential amendment to a rezoning request through clause 10(2)(b) of Schedule 1. We agree with Ms Scott's submission that a new UGB cannot be a consequential amendment to a rezoning, as¹⁶⁸.

“rather the structure of the Queenstown Lakes PDP is that Chapter 3 provides overarching strategic direction for the District. The Chapter 3 strategic objectives and policies are further elaborated on in Chapters 4-6, with Chapter 4 providing more detailed objectives and policies for urban development. The principal role of Chapters 3 – 6 collectively is to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the district plan. To be more specific, it is SO 3.2.2.1 and Chapter 4 that provide strategic

¹⁶⁵ CCCL had not sought in its submission an UGB

¹⁶⁶ Paragraph 7.21 of the Opening Legal Submissions for the Council

¹⁶⁷ Paragraphs 7.12 to 7.20 of the Council's Legal Reply Submissions

¹⁶⁸ Paragraph 7.13 of the Council's Legal Reply Submissions

direction for where and how to consider any extensions to existing UGBs, or where any new UGBs should be located”.

295. It was Mr Place’s opinion also that the use of UGB is a strategic planning tool and is not a consequential ‘add on’ after the fact. Mr Place had addressed strategic urban development considerations, including the overall intent of Chapters 3 and 4 in respect to the application of UGBs and urban zoning on this site in his section 42A report¹⁶⁹ and in his second rebuttal evidence¹⁷⁰.
296. We agree with the Council position that the UGB needs to be established ahead of, or in our view at least at the same time as any urban zoning is contemplated. Moreover, in agreeing with the Council position, we find that SO3.2.2.1 and the policy direction in Chapter 4 Urban Development must be the first consideration – i.e. the plan structure of the Queenstown Lakes District Plan. The fact that the relevant provisions of Chapters 3 and 4 were resolved by the Environment Court shortly after our hearing concluded¹⁷¹ reinforces their importance in our view. We also note that there is a direct link between Chapter 4 and any new or amendments to the UGBs.
297. Objective 4.2.1¹⁷², and associated Policies 4.2.1.1 through 4.2.1.6 (as amended), set out the essential function of UGBs - as a tool is to manage both the growth of urban areas and location of urban development. The policies in Chapter 4 provide further elaboration on this direction, including through:
- Policy 4.2.1.2, which directs that urban development be focussed primarily within and adjacent to existing larger areas, and to a lesser extent within and adjacent to smaller urban areas, towns and rural settlements. Mr Giddens suggested, somewhat faintly it must be said, that Victoria Flat constitutes (or forms part of) a rural settlement for this purpose. We do not agree. Among other things, that view is inconsistent with Mr Milne’s description of the rural character of the area. Accordingly, the CCCL submission does not achieve either of the outcomes Policy 4.2.1.2 seeks;
 - Policy 4.2.1.3, which directs that, other than urban development within existing towns and rural settlements (which will, in most cases, be zoned as Settlement Zone or some type of Special Zone), all other urban development is avoided outside of the defined UGBs.
 - Wakātipu Basin Specific Policies 4.2.2.13 and 4.2.2.20, which direct that urban area are based on existing urbanised areas, the values of ONFs and ONLs and avoid sprawling and sporadic urban development across the rural areas of the Wakātipu Basin, and that rural

¹⁶⁹ Paragraphs 9.33 – 9.34 of the Section 42A report

¹⁷⁰ Paragraphs 5.57 to 5.62 of Mr Place’s second statement of Rebuttal Evidence

¹⁷¹ Environment Court Consent Order dated 20 August 2020

¹⁷² Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defensible urban edges.

land outside of the UGB is not used for urban development until a change to the Plan amends the UGB.

298. Ms Steven, as part of her legal submissions, addressed the relevance of the NPSUD to her client's land and rezoning request.
299. As we have addressed in some detail above, the land subject to the CCCL rezoning request is currently within the Rural Zone and Gibbston Character Zone. This location is not within the District's urban environment as defined by the NPSUD. Given this, many of the objectives and policies of the NPSUD which apply to existing urban environments, are not relevant to this rezoning request.
300. However, Objective 6 and Policy 8 of the NPSUD are relevant in the context of responsiveness and infrastructure, particularly with regard to unanticipated or out of sequence developments that provide significant capacity. In addition to these provisions, any rezoning needs to give effect to the other (relevant) objectives and policies, notably Objective 1 and the need to contribute to a well-functioning urban environment.
301. Mr Angus, in his evidence-in-chief concluded that a key to the viability of industrial development/growth would be the supply of industrial land, and ultimately the cost of that industrial land; with cheaper alternatives being a "*critical part in developing the industrial market*"¹⁷³, and that the submitter's land "*represents one of the few sources of such land*"¹⁷⁴.
302. Mr Giddens said in his evidence-in-chief that CCCL proposal "*presents an opportunity to provide for industrial growth now and into the future. It is the only option available to the QLDC*"¹⁷⁵. (emphasis added)
303. Ms Hampson did not agree with Mr Angus nor Mr Giddens, and addressed this matter in her second rebuttal evidence stating¹⁷⁶:

I consider the following to be relevant:

- *There is currently capacity for short-medium term demand growth for industrial activity in the Wakatipu Ward, although Coneburn is not yet development ready. There is, therefore, capacity to cater for any post-Covid recovery that may result in a greater role of the industrial economy as suggested by Mr Angus (his paragraph 18).*
- *Coneburn is likely, when released, to offer a cheaper alternative location for industrial development.*

¹⁷³ Paragraph 21 (and reiterated in paragraph 29) of Mr Angus' evidence-in-chief

¹⁷⁴ *ibid*

¹⁷⁵ Paragraph 113 of Mr Giddens' evidence-in-chief

¹⁷⁶ Paragraph 4.1 of Ms Hampson's second rebuttal evidence

- *The expectation is that the FDS (Spatial Plan) will identify suitable areas for the long-term growth of the industrial economy in the Wakatipu Ward, based on a holistic and strategic approach to future urban form outcomes. I consider that allowing the FDS to run its course is preferable to pre-empting that process in the Wakatipu Ward through the plan review process. Once identified in the FDS, such growth areas may be able to be zoned sooner rather than later if monitoring of supply indicates that this would be prudent (and they can be serviced).*
- *In the future, any new GIZ zones in the Wakatipu ward, assuming they will be greenfield rather than brownfield sites, will most likely offer lower industrial land prices to the market (in that they are likely to be zoned Rural at present and will have a greater chance of being in single ownership). The opportunity to combine both greenfield (rural) and GIZ (and the benefits that will come with that in terms of ‘increasing competition in the supply of industrial land’ as raised in paragraph 47 of Mr Angus’ evidence) is not limited to the Victoria Flats location.*
- *If the zoning relief is not accepted, future industrial growth will not be jeopardised so long as the FDS (Spatial Plan) achieves its purpose (i.e. the risk of not acting will be low).*

304. Mr Angus also stated that zoning the submitter’s land GIZ would be likely to “bring back ‘Queenstown-based’ firms into the district”¹⁷⁷ and CCCL’s proposal would “also significantly lower commuter traffic through the Kawarau Gorge, which would bring further economic benefits”¹⁷⁸. Mr Angus did not provide any evidence to substantiate his opinion that firms serving the Queenstown market have been leaving the Queenstown District and/or that new firms wanting to serve the Queenstown market are choosing to do so by establishing outside the Queenstown District in the first instance – eg Cromwell. It was Ms Hampson’s view that Mr Angus’ claims were overstated.

305. Ms Hampson set out her opinion on Cromwell’s industrial ‘capacity’ and ‘attractiveness’. In a direct response to Mr Angus’ evidence, she stated¹⁷⁹:

For those industrial and service businesses that have chosen to locate in Cromwell and serve the Queenstown market, a Cromwell location offers several operational benefits not limited to a cheaper land price. Cromwell is central to both Queenstown, Wanaka and Alexandra and is therefore ideally suited to those businesses wanting to (or needing to) serve a wide catchment (in addition to the local Cromwell catchment which is also growing fast). The GIZ proposed at Victoria Flats (on the Queenstown side of the Kawarau Gorge) may not outweigh the locational benefits offered by Cromwell for many industrial businesses. I think the ability to entice businesses from Cromwell to Victoria Flats will be very limited and should not be relied on as a key effect of the zoning relief.

¹⁷⁷ Paragraph 48 of Mr Angus’ evidence-in-chief

¹⁷⁸ *ibid*

¹⁷⁹ Paragraph 4.3 of Ms Hampson’s second rebuttal evidence

306. Having considered Mr Angus' (and Mr Giddens') evidence we are not persuaded that there is a strong economic argument in relation to rezoning the land GISZ. In this case, we are more persuaded by the evidence of Ms Hampson.
307. In terms of the capacity issue and the need or desirability of more GISZ zoned land we have already addressed the "at least" sufficient GISZ development capacity in relation to the Tussock Rise submissions above. We have not repeated that here, but it is clearly relevant in terms of Mr Angus' (and Mr Giddens') evidence. That earlier reasoning in relation to Tussock Rise forms a part of our findings and recommendation to not zone CCCL's land GISZ.
308. Moreover, we do not think that the zoning of the CCCL land to GISZ would contribute to a well-function urban environment. This is due to all of the reasons set out above, as well as: the site not being adjacent to either the Queenstown or Wānaka existing urban environments; it does not have good accessibility for all people between housing, jobs, community services, natural spaces and open spaces, including by way of public or active transport; and would not support reductions in greenhouse gas emissions. It is our finding that the rezoning proposal is not particularly well 'supported' by the NPSUD.
309. Overall, we agree with the Council position and Mr Place's evidence that the UGBs are a key underlying tool in the PDP to promote a strategic and integrated approach to the location of urban development within the District. Chapters 3 and 4, as addressed above, establish a framework where the appropriateness of any land to be incorporated into a UGB is considered. Following this, land within the UGB should be zoned according to the directions set out within Chapter 3 and Chapter 4. This is not the case for the CCCL land where an urban zoning has been sought in the absence of a broader strategic consideration of its appropriateness in its District (or sub-district) context. We also find that the rezoning would not give effect to the NPSUD for the reasons expressed above, including that the rezoning would not contribute to a well-functioning urban environment as set out in Objective 1.

Potential Adverse Effects of the Rezoning

310. There were a number of potential adverse effects of the rezoning presented to us in the Council's section 42A report and evidence from the Council, CCCL and Scope witnesses. These included reverse sensitivity effects (in relation to the Victoria Flats Landfill, it is odour and noise), landscape and traffic effects. We address these below.

Reverse Sensitivity Effects

311. Scope, via its Legal Counsel and witnesses, addressed the potential reverse sensitivity effects that would be likely to occur should the CCCL land be rezoned. Prior to addressing the reverse sensitivity effects, we record the CCCL had lodged an application with us to strike out Scope's further submission on trade competitor related grounds and the failure to identify direct effects. By Minute 10 (27 March 2020) the Chair declined to strike out the submission.

312. Mr Nolan QC, Scope’s legal counsel, addressed the issue of trade competition and what it means to be “directly affected” in his legal submissions¹⁸⁰, as an alternative to the reasoning that had prompted the Chair’s preliminary procedural decision. Ms Steven QC did not pursue the issue of trade competition as a legal impediment to Scope advancing its further submission. She argued rather that there was no sound foundation in the evidence for the claimed reverse sensitivity effects. To the extent it may remain relevant, we accept Mr Nolan’s submissions and find that if the claimed effects are made out on the evidence, they qualify as ‘direct’ effects. In that event, Scope would be directly affected by the rezoning request in terms of its operation of the Victoria Flats Landfill. In other words, the issue of reverse sensitivity effects is relevant and squarely before us to consider.
313. Ms Van Uden, a witness for Scope¹⁸¹ set out that Victoria Flats Landfill was consented and began operating in 1999. She advised that Scope has a contract with QLDC for the design, build and operation of the Landfill. The term of that contract runs for 35 years to 2034, or until the date the Landfill’s regional consents expire. We were advised by Ms Van Uden that the Landfill’s estimated remaining life is 40 to 50 years depending on the rate of filling¹⁸² (and subject to RMA consenting requirements).
314. The Landfill provides solid waste services for all of the communities of the Queenstown Lakes district and the Central Otago district. Ms Van Uden noted in this respect the Landfill is identified as a strategic asset of QLDC in its Significance and Engagement Policy¹⁸³. She also stated that “*As the only landfill servicing the Central Otago and Queenstown Lakes districts, it is a significant physical resource in the region*”¹⁸⁴. We accept Ms Van Uden’s characterisation of this landfill.
315. The principal off-site effects from the Landfill operation that may give rise to reverse sensitivity effects are odour and noise.

Odour

316. Ms Van Uden set out in her evidence that that despite all reasonably practicable efforts to contain the effects of the Landfill to the site, complaints have still been received, with 10 in the last year relating to odour¹⁸⁵. She outlined that, in the case of two instances of those complaints, odour was found to be strong but not offensive beyond the boundary of the site.

¹⁸⁰ Section 5 of Mr Nolan’s legal submissions.

¹⁸¹ Ms Van Uden is engaged by Scope to undertake contract and systems management services

¹⁸² Paragraph 3.1 of Ms Van Uden’s evidence-in-chief

¹⁸³ Paragraph 2.3 of Ms Van Uden’s evidence-in-chief

¹⁸⁴ *ibid*

¹⁸⁵ Paragraph 3.8 of Ms Van Uden’s evidence-in-chief

317. Dr Rissman, an expert odour consultant, provided evidence in relation to odour. As Dr Rissman was not able to attend the hearing, the Panel provided him with written questions to which he responded. We address his evidence and responses to our questions below.

318. Dr Rissman's expert opinion was that:¹⁸⁶

Should the VFL buffer be occupied by any members of the public through the rezoning proposed..... it is highly likely they will be exposed to odorous trace gases, particularly during winter months. Due to the potential of detectable odour being exacerbated during wintertime temperature inversions, I cannot recommend any intensive people related activities (industrial) go into this locality while the landfill is still in operation. And

"....it is also likely to result in a significant increase in the number of odour complaints, which could include enforcement action against the landfill, potential restriction on operational hours or lead to objections to renewals of the air discharge consent".

319. In response to Dr Rissman's evidence relating to the potential for intensive people-related activities to not occur in the buffer area while the landfill is still in operation, Mr Giddens for CCCL offered a new policy and rule prohibiting residential, visitor accommodation, commercial recreation, recreation, and community activities in the buffer area. We posed the question to Dr Rissman as to whether this would satisfy his concerns?

320. Dr Rissman's replied¹⁸⁷

Mr Giddens' suggestion does not address my concerns. While the removal of these more sensitive activities would reduce the potential for reverse sensitivity complaints, the level of development still enabled by the GIZ would result in pretty intensive use of the zone, by workers and visitors (2,784 daily¹⁸⁸). The buffer is an important mitigating factor in terms of odour where my advice is that is necessary to retain its current rural / agricultural use.

321. No air emissions/odour expert produced any contrary evidence to Dr Rissman's statement. We accept his evidence and find that there are likely to be reverse sensitivity (odour) effects created by the rezoning. However, we also note that the effects from odour, among other things, were addressed in the consents to enable the establishment and operation of the landfill. The Otago Regional Council's discharge permit (97164) the following condition were imposed:

¹⁸⁶ Paragraphs 5.3 and 5.4 of Dr Rissman's evidence-in-chief

¹⁸⁷ Question 4 of Dr Rissman's Answers to Questions from Panel to Dr Rissman

¹⁸⁸ As provided by Dr Rissman - The Buffer Area is 23.2% by land area of the total rezoning. The total vehicles per day is agreed by traffic experts to be 24,000 which equates to 5,568 movements or at least 2,784 drivers to the Buffer Area each day.

- 3 *There shall be no odour emission resulting from the Consent Holder's activities that, in the opinion of an Otago Regional Council enforcement officer, is offensive or objectionable to such an extent that it has an adverse effect on the environment at or beyond the boundary of the consent holder's property.*
- 4 *The consent holder shall minimise the generation of odours from the operations using the best practicable option. This shall include where necessary*
 - *Minimising the working face of the landfill,*
 - *Covering wastes as required to control the generation of odours,*
 - *Provision of a buffer area around the site,*
 - *Installing passive gas vents before covering of cells,*
 - *Minimising the amount of leachate stored in the leachate storage ponds.*

322. In terms of the QLDC landfill consent (designation) for the landfill, the following condition in relation to odour was imposed:

- g *That an operations manual be prepared and approved by the Queenstown Lakes District Council for all aspects of the operation and maintenance of the activity and the manual is to include any on going conditions that are required to be complied with. Aspects to be included in the manual are:*
 - iv *That the effects of odour, dust, vermin and litter will be mitigated to ensure that any adverse effects associated with the site are minor.*

323. We accept there will likely be reverse sensitivity odour effects, but given the consent obligations to avoid more than minor adverse odour effects, we do not find that this would result in significant adverse effects.

Noise

324. In terms of noise, the Landfill is currently permitted to create up to 65 dB LAeq at its boundary. Mr Geddes, planner for Scope, explained in his evidence that the Landfill must also meet 50dB LAeq at the notional boundary of any residential unit under its designation¹⁸⁹.

325. Mr Giddens addressed Mr Geddes concerns about noise in his rebuttal evidence¹⁹⁰. Mr Giddens said that while Mr Geddes had raised concerns about the impacts of the proposal on the landfill in respect of noise effects on future occupiers of custodial residential living and workers accommodation in the GIZ, his recommendation in his evidence-in-chief¹⁹¹ was that residential activity be non-complying in the GIZ at Victoria Flats, and not permitted.

¹⁸⁹ Paragraphs 32 - 35 of Mr Geddes evidence-in-chief

¹⁹⁰ Paragraphs 26 - 35 of Mr Giddens rebuttal evidence

¹⁹¹ Paragraph 51 of Mr Giddens evidence-in-chief

326. As highlighted earlier, Mr Giddens recommended also (at the hearing) that a number of activities in the buffer area be prohibited, including residential buildings and activities. Mr Geddes responded to this in his Summary Statement presented at the hearing stating¹⁹²:

The CCCL zoning submission has been amended to prohibit residential activities within the landfill buffer. This removes the issue I identified in my evidence in relation to the landfill having to reduce its authorised noise emission level.

Overall Findings regarding Reverse Sensitivity Effects

327. Notwithstanding Mr Geddes concession with respect to noise, it was his opinion that industrial activities in this location are not the most compatible activity to coincide with landfill operations – as Mr Giddens had suggested¹⁹³. Mr Geddes maintained his view that “*reverse sensitivity effects will make consenting a landfill more complex and whether via the consenting process or otherwise it will be inevitable that there will be complaints and pressure to constrain or limit landfill activities which compromises operational efficiency, long term viability and the capacity of the landfill to cater for the future disposal of the District’s solid waste*”¹⁹⁴.

328. In this respect, both Mr Nolan QC in his legal submissions and Mr Geddes in his evidence (summary statement) considered that the reverse sensitivity effects would bring the rezoning proposal into conflict with the district-wide provisions in the Utilities Chapter of the PDP, which include¹⁹⁵:

- Objective 30.2.5 - The growth and development of the District is supported by utilities that are able to operate effectively and efficiently.
- Policy 30.2.5.2 - Ensure the efficient management of solid waste by:
 - b providing landfill sites with the capacity to cater for the present and future disposal of solid waste;
- Objective 30.2.6 - The establishment, continued operation and maintenance of utilities supports the well-being of the community.
- Policy 30.2.6.5 - Manage land use, development and/or subdivision in locations which could compromise the safe and efficient operation of utilities.

329. We agree with both Mr Nolan and Mr Geddes with respect to the issue of reverse sensitivity. The rezoning will most likely create reverse sensitivity effects, particularly in relation to odour, that cannot be avoided, remedied or mitigated. As a consequence of this, it is our finding that the rezoning as requested by CCCL would be in conflict with the Chapter 30 provisions set out above. However, given the consent conditions referred to earlier, we accept the noise and odour effects

¹⁹² Paragraph 3 of Mr Geddes summary of evidence

¹⁹³ Paragraph 111 of Mr Giddens evidence-in-chief

¹⁹⁴ Paragraph 5 of Mr Geddes summary of evidence

¹⁹⁵ Noting that a landfill is by definition a “*waste management facility*” which is a “*utility*”

would unlikely be significant, and had this been the only issue, it would not be of a sufficient scale to rule out the rezoning, particularly beyond the buffer area.

Traffic Effects

330. Mr Edwards, CCCL's traffic expert, addressed the transportation/traffic matters associated with CCCL's rezoning request. His opinion was that the key transportation issue with the proposal was safely catering for site generated traffic turning into and out of Victoria Flats Road on to and off the State Highway. It was his opinion that if the CCCL site was developed as requested (50.4 ha of developable area)¹⁹⁶, this would result in traffic generation of around 24,200 vehicles per day.
331. He confirmed that the current Victoria Flats Road intersection design is inadequate to safely cater for predicted future traffic flows and would need to be upgraded, noting that any proposed development of the site would be staged over many years. It was his view that an upgraded intersection with a right turn bay for Victoria Flats Road traffic would cater for a certain level of development of the CCCL site stating¹⁹⁷:
- "The installation of such an intersection design would require shortening of the current passing lanes to the east of Victoria Flats Road however a compliant passing lane length would be able to be maintained."*
332. Mr Edwards acknowledged that the full development of the CCCL site would require a more comprehensive intersection upgrade with the *"logical intersection design option being a roundabout in order to be consistent with similar situations elsewhere along State Highway 6 (for example Glenda Drive and Lower Shotover Road)"*¹⁹⁸. He considered that the trigger point for changing the intersection layout from priority control to roundabout control should be based on the performance of the critical right turn movement into Victoria Flats Road in the weekday AM peak period; such that a suitable level of turn movement performance is maintained above level of service F. He estimated that this trigger point will occur at around 40% of site development.
333. In summary, Mr Edwards' opinion was that¹⁹⁹:
- "any traffic related effects of the proposal on the intersection of Victoria Flats Road with State Highway 6 are able to be suitably mitigated through the adoption of standard intersection upgrade designs such that road capacity and road safety at this location is able to be maintained"*.
334. Mr Bartlett, Scope's traffic expert, recorded his view that the CCCL proposal to rezone the land GIZ could have a traffic generation 14,000 to 38,000 vehicle movements per day²⁰⁰. In his opinion

¹⁹⁶ Mr Edwards estimated this at 50.4 ha as set out in his evidence-in-chief – Paragraph 12

¹⁹⁷ Paragraph 6d of Mr Edwards' evidence-in-chief

¹⁹⁸ Paragraph 6e of Mr Edwards' evidence-in-chief

¹⁹⁹ Paragraph 7 of Mr Edwards' evidence-in-chief

²⁰⁰ Paragraph 24 of Mr Bartlett's evidence-in-chief

this level of traffic generation would “*have an effect on the Landfill operation by delays and reduced safety at the access to the Landfill from Victoria Flats Rd and at the nearby intersection of Victoria Flats Rd and SH6*”²⁰¹.

335. Mr Bartlett’s Transport Assessment Summary²⁰² was that the requested zoning will have significant effects on the operation of the Landfill from a traffic perspective, including delay to all vehicle movement at the Landfill access, the nearby State Highway 6 intersection. In his Conclusion he stated:²⁰³

“It is likely that this increased traffic flow would result in the need for significant intersection upgrades to achieve safe and efficient access. These upgrades would need to be agreed by the Road Controlling Authority (NZTA or QLDC)”.

336. Mr Rossiter, the Council’s traffic expert, filed detailed reply evidence in relation to the traffic related matters to CCCL’s rezoning request and traffic evidence filed by CCCL as requested by us. It clearly addresses a range of issues necessary for us to come to a view on the traffic related matters in relation to the rezoning request²⁰⁴:

On 19 June, Mr Edwards filed late evidence on behalf of the submitter, providing further information on potential access arrangements. Acknowledging that I had not had sufficient opportunity to review and respond to this evidence, the Panel requested that I address Mr Edwards’ evidence in this statement of reply.

In summary:

- (a) I disagree with Mr Edwards’ point at paragraph 6(d) and 22, that a safe intersection could be formed in the current location based on provision of a right turn bay only.*
- (b) I disagree with Mr Edwards’ statement at paragraph 6(f) that the transition to LOS F represents an appropriate threshold for triggering a more comprehensive upgrade of the intersection to a roundabout because this is not consistent with a Safe Systems design.*
- (c) I do agree with his point at paragraph 6(e) that a roundabout would be an appropriate intersection form to enable development of the CCCL land under the requested GIZ.*
- (d) The roundabout concept design proposed by Mr Edwards is reliant upon access to land that is not owned by CCCL or QLDC and so there is no guarantee that the roundabout could be constructed as proposed by the submitter.*

²⁰¹ *ibid*

²⁰² Paragraph 32 of Mr Bartlett’s evidence-in-chief

²⁰³ Paragraph 37 of Mr Bartlett’s evidence-in-chief

²⁰⁴ Paragraphs 4.1 to 4.9 of Mr Rossiter’s Reply Statement

The Transport Assessment attached to Mr Edwards' evidence at Appendix A includes an assessment of the performance of the Victoria Flats Road intersection with different levels of development (Table 12, Page 12). This indicates that delays at the intersection would start to rise rapidly once roughly 30 percent of the site was developed. In my opinion, any trigger threshold for construction for a roundabout should be aligned to this lower level of development rather than a transition to LOS F as suggested by Mr Edwards. Accepting a high level of delay at the intersection will contribute to greater driver frustration, which typically generates higher risk behaviour and increases the potential for crashes. Any crashes at the intersection are likely to result in serious injury or fatalities because of the high-speed environment. I do not consider that this is consistent with a Safe System design.

Mr Edwards' design for a simple upgrade to include a right turn bay requires that the passing lane be shortened and that the State Highway be widened. There is a high demand of passing in this location and the distance required to pass is affected by the uphill gradient. I do not agree with the option of reducing the length of the passing bay because there would be inadequate separation distance between the end of the passing lane and the left turn deceleration bay.

In terms of construction, Mr Edwards has stated (at paragraph 20(f)) that the improvement works could be achieved "on-site". The term "on-site" is ambiguous here because while the local topography would allow for an intersection configuration of the form proposed, in my opinion, it would require land outside the existing road corridor. I am not aware of any evidence to indicate that this land would be available to CCCL to allow the improvements to proceed.

I agree that a roundabout would provide a good intersection design solution if it was located so that it could provide access to land to the north and south of the highway. However, this requires the use of land that is not owned by CCCL, NZTA or by QLDC and so there is no guarantee that the land would be available to enable construction.

The location of the roundabout a short distance beyond the end of the passing lane means that vehicle approach speeds are likely to be high. I anticipate that some changes to the concept design would be necessary to address this but acknowledge that a design solution is likely to be possible subject to any amendments being required through the Safety Audit process or required by Waka Kotahi NZTA. I note that no information has been presented to suggest that Waka Kotahi NZTA have approved the concept design in any form and only acknowledges that an engineering solution is possible. I agree that an engineering solution is possible but I anticipate that changes to the design would be required to address safety which are likely to require additional land that is not under CCCL ownership.

Overall, I do not consider that the requested GIZ is appropriate on the basis there is no certainty that a safe access can be formed and there is no agreed trigger for its construction.
(emphasis added)

337. It is clear to us that the rezoning request would substantially increase traffic to this area. This is not in dispute between any of the traffic or planning experts. The traffic experts agree there is an engineering traffic solution (the roundabout on State Highway 6), but do not agree about when or what development threshold would need to be triggered before it was required. There is also

the issue that there is no agreement with Waka Kotahi NZTA about its construction (including the need to address potential wider transport network issues, including the Shotover River Bridge), who would fund it, and if it was possible as the additional land not already road corridor is not owned by CCCL.

338. Mr Giddens proposed a suite of rules that he considered would address the staging of development should the land be rezoned and timing of any roading upgrades. He proposed a different set of building coverages for the three activity areas²⁰⁵ represented on the proposed structure plan prepared by Mr Milne. Mr Giddens suggested that a threshold be incorporated into a rule to prevent development of greater than 40% of the zone until a roundabout on State Highway 6 is installed and operational²⁰⁶.

339. In relation to Mr Giddens' suggested rule framework, Mr Place, in his reply evidence, stated²⁰⁷:

I do not consider this approach to be efficient or effective. It is assumed that the Council would be required to maintain some sort of tally of built form within the land in order for the rule to be triggered. Further, it is not clear what party would be responsible for covering the cost of any such upgrade that would be required. It is presumed that the zone may be somewhat developed prior to this 40% threshold being reached and that an individual landowner/tenant may find themselves breaching this rule. In the absence of any other information, it is not clear what party would be responsible for such upgrades.

340. We agree with Mr Place. However, we go further. We are not convinced by CCCL's evidence that 40% is the correct threshold, or if a threshold is appropriate at all (i.e. whether, if traffic upgrades are required, they should occur before any substantial development of the site occurs). If there was to be one, we prefer Mr Rossiter's view that if it were appropriate to stage any development within the zone, it should be aligned to a lower level of development rather than a transition to LOS F as suggested by Mr Edwards. In short, we are not at all persuaded by the planning provisions suggested by Mr Giddens.

341. Like Mr Place, it is not clear to us who would be responsible for the road upgrade. If there was one developer/owner of the entire site it would be clear. However, if there were multiple developer/owners, it is likely that whoever triggers the 'magic threshold number' would be required to provide the road upgrades. Given the scale of the upgrade (a roundabout on the State Highway), it is highly likely, in our view, that that no further development would occur until a landowner /funding solution was found. If not, it could mean the land remains vacant, and this would be inefficient. Alternatively, the Council would come under pressure to waive the requirement, resulting in unsatisfactory traffic outcomes.

²⁰⁵ Rule 18A.5.4.2, Mr Giddens, Planning Summary, 12 August 2020

²⁰⁶ Paragraph 11 of Mr Giddens' Summary of Evidence dated 12 August 2020

²⁰⁷ Paragraph 5.14 of Mr Place's Reply Evidence

342. The other somewhat obvious point is that there is no agreement to the road upgrading with Waka Kotahi NZTA. Without this, in our view, it is clearly premature to be contemplating any rezoning of the land from a transport/traffic perspective.

Landscape Effects

343. Expert landscape evidence was presented by Mr Milne (for CCCL) and Mr Jones (for the Council) in relation to the ‘acceptability’ of the rezoning request from a landscape perspective. Their professional opinions differed significantly.

344. Mr Milne provided evidence-in-chief where he addressed:

- A description of the landscape values of the site and surrounds•
- A description of methodology
- A description of the proposal
- Matters raised in the section 42A landscape evidence; and
- Commentary on a second submission for part of the application site as Rural Visitor Zone²⁰⁸.

345. Mr Milne also filed a summary statement (which he presented at the hearing), and at our request an “Addendum to Landscape and Visual Amenity Assessment for Gibbston Valley Station” – showing the proposed development area overlaid on a photograph from the Crown Range.

346. Mr Milne described the localised receiving environment for the site as Victoria Flats, with the values of the ONL primarily associated with the surrounding mountainous landforms which contribute to high natural character, landscape and amenity values²⁰⁹. It was his opinion that on the Flats, a rural character exists due to “a dominance of open space and low density of built form. Land use across Victoria Flats has intensified since establishment of the QLD landfill and now includes, industrial and recreation activities. Mitigation treatments for these activities includes bunding, planting along the highway corridor and shelterbelt planting, these human interventions have allowed significant modification to occur but have reduced the naturalness and openness of the river terrace”²¹⁰.

347. Mr Milne’s opinion of the landscape and visual amenity effects from the rezoning and the structure plan (addressed earlier) are concisely set out in his summary statement and are²¹¹:

“In the context of landscape effects on the ONL, I consider that the application site has capacity to absorb a degree of development as both the site and the river terrace are modified

²⁰⁸ Noting that this aspect of the submission was not pursued by CCCL and is not addressed in this report.

²⁰⁹ We have set out earlier the extent to which the subject site is an ONL.

²¹⁰ Paragraph 5 of Mr Milne’s summary statement

²¹¹ Paragraphs 9 and 10 of Mr Milne’s summary statement –noting we have previously quoted paragraph 10 earlier, but in a different context, hence it is important to re quote it here.

and portray values which clearly differ from the values of the ONL. I consider effects on the landscape values of the ONL will be in the range of moderate to low.

In the context of visual amenity effects, I consider a pared back, rather than generic version, of the GIZ as proposed does not necessarily equate to an urban form. The proposed Structure Plan displays an appropriate response to the site and paired with appropriate provisions will ensure that the rural-industrial character that will result from the development of the zone is not urban in character because of its scale, intensity, visual character and dominance of built structures.”

348. As we have previously noted, Mr Milne considered it essential that the Structure Plan Area he recommended be paired with provisions regarding mitigation planting, setbacks, building height, building coverage and building form, material and colour. This was to ensure, in his view, that the effects on landscape and visual amenity would be acceptable and that a rural-industrial character would prevail.
349. Mr Jones prepared evidence-in-chief, rebuttal evidence and reply evidence in relation to the CCCL submission. Mr Jones accepted that Mr Milne’s evidence provided a detailed and comprehensive analysis and assessment of the site and surrounding environment in relation to²¹²:
- The landscape values of the site and receiving environment;
 - The landscape attributes and values in relation to landscape character, rural character and natural character, amenity and visual amenity;
 - The identification of the site specific landscape opportunities and constraints; and
 - The landscape sensitivity (and the identification of GISZ Developable Areas as part of a Structure Plan).
350. He also agreed with Mr Milne’s description of the attributes and values of the site and receiving environment outlined. However, Mr Jones had a differing and opposing view to Mr Milne regarding the ‘acceptability’ of the landscape and visual amenity effects of the rezoning proposal. His reasons for this are mostly addressed in his rebuttal evidence²¹³.
351. Mr Jones considered Mr Milne underplayed the visibility of the site especially in relation to those views afforded from State Highway 6. Mr Jones’ opinion was that the majority of the north site and the eastern reaches of the southern site will be visible for long stretches along State Highway 6²¹⁴. We agree and observed this on our site visit.

²¹² Paragraphs 5.6 and 5.7 of Mr Jones’ rebuttal evidence

²¹³ Pages 10 to 18 of Mr Jones’ rebuttal evidence

²¹⁴ Paragraph 5.12 of Mr Jones’ rebuttal evidence

352. Mr Milne stated²¹⁵ that GIA 3 (in the Structure Plan) is not visible due to being located internal to the development and setback from State Highway 6. Mr Jones disagreed, saying²¹⁶

“The ZTV undertaken provides topographical analysis of the visibility of the site and surrounding area. It is unclear as to whether the analysis is to the respective ground level of the receiving environment, but it is assumed so. As such, the respective 6m, 7m and 10m (up to 12m) height allowances for the respective GIAs will provide a different level of visibility analysis outcomes. Although I agree that the locations are somewhat discrete, I consider that there will likely be visibility of the built form at the scale enabled by the recommended provisions. As such, I consider that the site will not be able to absorb the scale of development to the extent that Mr Milne describes”.

353. A further point made by Mr Jones is that the CCCL site is located at the ‘gateway’ entry to the District. He stated²¹⁷:

“When travelling west along SH6 toward Queenstown from Cromwell, when one comes around the sweeping corner the GIZ site will be immediately visible and in my opinion, development at the scaled anticipated within the GIAs will not be in keeping with the landscape character of the area and will not protect the values of the ONL.

354. Furthermore, Mr Jones was not convinced that the Structure Plan provisions relating to the height, building coverage, setbacks, mitigation planting and green corridors (which he accepted would provide a positive outcome and an element of enhanced amenity to the site), would provide the level of mitigation anticipated by Mr Milne. On this basis, Mr Jones considered there could be no guarantee that they would serve their intended purpose, particularly in terms of protecting the landscape values of the ONL.

355. Mr Milne stated²¹⁸

“the “key consideration is that future development will not compromise the underlying landscape values of the ONL nor the visual amenity and landscape character of the rural landscape as experienced from State Highway 6”.

356. Mr Jones had a different opinion. In response, he stated²¹⁹:

In my opinion, the values will be compromised and the proposal will not protect the landscape values of the ONL. It introduces an urban element and activity to the site at a scale (height and coverage) which is inappropriate in this setting and out of character resulting in adverse

²¹⁵ Paragraph 25 of Mr Milne’s evidence-in-chief

²¹⁶ Paragraph 5.23 of Mr Jones’ rebuttal evidence

²¹⁷ Paragraph 5.24 of Mr Jones’ rebuttal evidence

²¹⁸ Paragraph 31 of Mr Milne’s evidence-in-chief

²¹⁹ Paragraph 5.25 of Mr Jones’ rebuttal evidence

effects on landscape character. Although Mr Milne states that some of the GIA's will not be visible, where they are visible they will be seen out of context and result in adverse effects on visual amenity.

357. During the Hearing, we requested that Mr Milne prepare additional visualisations illustrating the respective boundaries of the proposed “development areas” when viewed from SH6, heading west from Cromwell. Mr Milne undertook ZTV analysis for ground level, 6m and 10m in relation to views of the southern part of the site.
358. Mr Milne and Mr Jones agreed on the locations of these representative viewpoints, and both agreed that GIZ development would be visible when travelling west along this stretch of State Highway 6 given the scale of future GIZ development anticipated by the requested rezoning. However they differed in their opinions on the extent to which the visible nature of the development would be an adverse landscape and visual effect.
359. It was Mr Milne’s opinion that *“These further studies demonstrate that only some of the proposed Developable/Activity Areas will be visible and paired with the planted amenity setbacks and further provisions, I consider that the site will be able to absorb the scale of development proposed”*²²⁰.
360. In his reply evidence, having reviewed Mr Milne’s evidence and Summary Statement, Mr Jones stated²²¹:
- “After consideration of Mr Milne’s ‘Further Exhibits’²²², I maintain my original assessment and remain opposed to the requested rezoning. In my opinion, from a landscape perspective, the proposed GIZ rezoning will inappropriately introduce urban elements, uncharacteristic to this landscape and will not protect the values of the ONL”.*
361. We have already addressed this issue of whether the rezoning request would create an urban environment (as Mr Jones suggested) or not (as Mr Milne suggested). We agree with Mr Jones that the rezoning would introduce “urban elements”, but go further and say that in our view, it will introduce an urban environment.
362. Mr Jones’ overall view of the request from a landscape and visual amenity perspective is that the GIZ proposal (and the development potential enabled) would provide a large scale change and introduce new and uncharacteristic features into this landscape. He acknowledged that the site has been subject to human modification in which the landscape values of the site and surrounding landscape have been adversely affected by that development. However, he was clearly of the view that this proposal would be inconsistent with the surrounding environment and would not serve to protect the landscape values of the ONL.

²²⁰ Paragraph 20 of Mr Milne’s Summary Statement of Evidence

²²¹ Paragraph 3.3 of Mr Jones Reply Evidence

²²² Attached to his Summary Statement and dated 12 August 2020

363. Mr Place also maintained his opposition to the CCCL request. In terms of the landscape matters he did not consider that the suite of planning provisions proposed by Mr Milne and Mr Giddens in the Structure Plan, and other bespoke zoning provisions, would appropriately address or protect the values of the ONL. In his reply evidence, he stated²²³:

“For clarity, the total area that might be subject to built form would be less as a result of the proposed ‘Green Corridors’ and ‘Planted Amenity Setbacks’. However, I note that there are a number of areas identified on Mr Milne’s structure plan that are located within areas subject to the GIZ rezoning request, that are also not within either of the proposed ‘Green Corridors’ or ‘Planted Amenity Setbacks’. This issue relates to land both within and outside of the ONL.

In the absence of any other land use controls, development in these ‘other’ ONL areas would be subject to the standard set of provisions within Chapter 18A which have not been drafted to have the effect of managing specific effects of urban development within ONLs. In my opinion this presents a high level of incongruity with the proposal and is likely to result in unacceptable adverse effects on the ONL in this location.”

364. We are not convinced by Mr Milne’s or Mr Giddens’ evidence that the landscape values of the ONLs will be protected by the rezoning request. We are more persuaded by Mr Jones’ and Mr Place’s evidence. The reasons are those already set out above. We find that the rezoning request would likely be contrary to the Environment Court’s interim landscape decision which gives a clear direction as to the provisions, noting that at the time of preparing this report there were no signed consent orders, being:

- Outstanding Natural Features and Outstanding Natural Landscapes – 3.2.5x and 3.2.5xx, and
- Rural Character Landscapes – 3.2.5.2, 3.2.5.2 iv and 3.2.5.2 v.

365. We agree with Mr Jones that the ONLs will not be protected due to the nature and scale of the development that would be enabled, and consider that that the adverse effects would be more than minor. While we accept Mr Milne’s opinion that the site would have some capacity to absorb change, again due to the nature and scale of the development that would be enabled, it could not without materially detracting from the existing rural character and visual amenity values.

366. The rezoning proposal would be contrary to policy 6.3.4 which seeks to “avoid urban development and subdivision to urban densities in the rural zones”²²⁴. We have already set out that we consider this rezoning to be urban development.

367. Overall, we find that CCCL’s rezoning request is inappropriate from a landscape and visual amenity perspective. The reasons for this are those set out above.

²²³ Paragraphs 5.5 and 5.6 of Mr Place’s reply evidence

²²⁴ This policy is renumbered 6.3.2.1 in the Environment Court’s Interim decision on Chapter 6 but retains the same wording as 6.3.4 in the revised Chapter 6 we were provided with by Council.

Range of Other Bespoke Provisions

368. Mr Giddens proposed a range of bespoke provisions, some of which we have addressed above. These included a range of prohibited activities with the landfill buffer area, building coverages and building heights in the three activity areas in the Structure Plan, green corridors, planted amenity setbacks, and a threshold coverage to trigger potential road upgrades.
369. We have not addressed some of these provisions in any detail as we have recommended that the submission be rejected on strategic, plan policy and adverse effects grounds. Given this, and that we find the suggested provisions would not overcome our reasons for our recommendation, we see no point in addressing those provisions in any greater detail. CCCL also sought a Rural Visitor Zone for this site. This rezoning request is addressed in Report 20.7: Chapter 46 Rural Visitor Zone.
370. We note that The Station at Waitiri Ltd²²⁵ sought rezoning of a block of The Station, on the opposite side of State Highway 6 from the CCCL, land to GIZ, along with bespoke zone provisions. The submitter provided no evidence to support its relief. It was evident to us that many of the issues discussed in this section would also apply to that relief. Mr Place considered the two submissions and recommended rejection of both. In the absence of any evidence supporting The Station at Waitiri submission and/or demonstrating how it could be distinguished from CCCL, we agree that its relief should be rejected.

²²⁵ Submission #3357

5.5 Upper Clutha Transport Limited and Richardson re zoning

371. Upper Clutha Transport Limited and H W Richardson Group (UCT) sought two separate but related outcomes in their submission.

- Submission #3256– the rezoning of 13.89 ha of land at Church Road, Luggate (Church Road site) from Rural Zone to General Industrial Zone; and
- Submission #3285 – the rezoning of land at 114-126 and 132 Main Road, Luggate from Settlement Zone to Settlement Zone with a Commercial Precinct Overlay, or to Business Mixed Use Zone.



Aerial photo of subject site showing area of re-zoning request from Upper Clutha Transport Limited outlined in red.

372. While the submissions are closely related (UCT wishes to relocate its activities from its existing Main Road site to the Church Road site), they have each been addressed separately on their merits. This report only relates to the requested rezoning of the Church Road site. The Main Road site rezoning request is addressed in the Report 20.8.

373. UCT is long-established rural transport operator. It operates from its site at 114-126 Main Road, Luggate. The site activities comprise an office, workshop building, open-sided fertiliser shed and various other sheds and structures, storage areas, and vehicle parking and manoeuvring areas. The existing site is on SH6 within the Luggate settlement. UCT's business activities include freight and livestock movement, bulk cartage, earthmoving, fertiliser spreading, and the bulk supply of aggregate, sand, landscaping supplies and fertiliser.

374. We understand that UCT holds a contract to purchase the Church Road site; this site, having been identified by them as suitable for relocation of its business.

375. As set out by Mr Christensen, UCT’s legal counsel²²⁶:

“Importantly, industrial zoning for the Church Road Site will effectively “close the circle”, by facilitating the opportunity for UCT to relocate (subject to obtaining resource consent and the usual commercial decision-making process) thereby paving the way for the more sustainable development of the existing site in Luggate township.

376. Mr Christensen told us at paragraphs 21 and 22 of his legal submissions²²⁷ that the Industrial zoning of the Church Road Site would also be consistent with the Strategic Direction chapters of the PDP, ensuring that future land use changes the rezoning would enable are not at odds with the overall direction established through the new District Plan.

377. We do not agree with Mr Christensen or Mr Edgar that zoning the site GISZ would be consistent with the Strategic Direction chapters of the PDP, and in this respect, we agree with Mr Place. We address this below.

378. Mr Christensen went on to say *“While the UCT submission sought GIZ zoning for the Church Road Site, an alternative industrial zoning is available under the PDP that would achieve a similar outcome –Rural Industrial Sub-Zone (RISZ)”*²²⁸. Mr Place’s recommendation is that the site be rezoned RISZ. It also appears to us, via Mr Place’s reply evidence, that Mr Edgar (at least) would support the RISZ outcome. For the reasons that follow, we agree and have, accordingly, recommended the site be zoned RISZ.

379. Mr Place advised in his section 42A report²²⁹ that he was opposed to the GIZ zoning of the site. Of particular note is paragraph 8.1, set out below, with which we agree:

I note that the GIZ is an urban zone, and granting the re-zoning request would result in an isolated pocket of urban development surrounded by rural land. In my view, this outcome is inconsistent with the strategic direction in Chapters 3 and 4 of the PDP. Strategic Objective 3.2.2.1 seeks to promote a compact, well designed and integrated urban form, and to protect the District’s rural landscapes from sporadic and sprawling development, among other things. Strategic Policy 3.3.14 seeks to avoid urban development outside UGBs, and Strategic Policy 3.3.15 seeks to locate urban development associated with settlements within land zoned for settlement purposes. This theme is carried through in the policies in Chapter 4. Of particular relevance, Policy 4.2.2.23, which is specific to the Upper Clutha Basin, requires that rural land outside of UGBs is not used for urban development until investigations indicate it is needed to meet urban development demand and UGBs are changed.

²²⁶ Paragraph 2 of Mr Christensen’s Legal Submissions.

²²⁷ Mr Edgar also addressed this in his planning evidence

²²⁸ Paragraph 22 of Mr Christensen’s legal submissions

²²⁹ Paragraph 8.14 – 8.7 (noting the out of sequencing of the numbers) and pages 80 to 86 of the section 42A report

380. Mr Edgar outlined in his evidence that “...*there is in my opinion no expectation in the PDP that all GIZ land must be located within a UGB*”²³⁰. We do not agree, and agree with Mr Place in this regard. Mr Place addressed this matter in some detail in his rebuttal evidence, setting out the relevant strategic provisions and the definition of urban development as per the relevant consent order that was before the Environment Court (Council’s legal Reply Statement attached the signed Consent Order, noting that the consent order removes from 4.2.2.23 the need to establish a demand for more land for urban development before an urban growth boundary is revised and land rezoned.
381. We have addressed the purpose, role and function of the UGB in relation to the CCCL request above. However, Luggate, as a settlement, does not have an UGB, and its settlement zoning provides primarily for low density residential activity with some limited visitor accommodation, commercial, commercial recreation and community activities. Commercial activity provided for where it is small-scale, primarily serving the local convenience purpose, and maintains residential amenity and character.
382. The activity proposed by UCT (and indeed its existing activity within Luggate) does not ‘fit’ within the Settlement Zone. Also, as the Church Road site is geographically separated from the ‘urban’ part of Luggate (by approximately 1 km) it is not ‘adjacent’ to the urban area of Luggate for the purposes of Policy 4.2.1.2. Moreover, urban development on the site would not be within Luggate as required by Policy 4.2.1.3. We do not find that an urban zoning, and in particular GISZ, is appropriate for this site.
383. As stated, we do not agree that the site should be zoned GISZ as we do not think that an ‘urban industrial park’ is appropriate in this location. However, we accept, on the evidence before us, that the site remain Rural, but with a RISZ over it. We find this is appropriate and better ‘fit’ for the site than GISZ and it will enable a smaller scale Rural Industrial sub zone. We address this below.
384. The RISZ’s²³¹ purpose is to provide for Rural Industrial Activity which the PDP defines as “*the use of land and buildings for the purpose of manufacturing, fabricating, processing, packing and/or storage of goods and materials grown or sourced within the Rural Zone and the storage of goods, materials and machinery associated with commercial contracting undertaken within the Rural Zone*”. We find that UCT’s activities would fit within that definition.
385. The purpose statement of RISZ (Chapter 21) states the following in regard to the RISZ:
‘In addition, the Rural Industrial Sub-Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.’
386. Objective 21.2.13 and its associated policies (21.2.13.1 and 21.2.12.2) provide the more specific direction for the RISZ and state the following: Objective 21.2.13

²³⁰ Paragraph 76 of Mr Edgar’s evidence-in-chief

²³¹ Chapter 21 of the PDP

‘Rural industrial activities and infrastructure within the Rural Industrial Sub-Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.’

387. Policy 21.2.13.1 states:

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

388. Policy 21.2.13.2 states:

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

389. It is our view that the activities undertaken by UCT, subject to the provisions we have imposed with respect to landscape, amenity and traffic matters, ‘fit’ with the objectives and policies stated above. Zoning the site RISZ would also assist in consolidating an “*established nodes of industrial development*” as set out in Policy 21.2.13.1.

390. We note that the adjoining site on Church Road currently contains an area of RISZ immediately to the south. This RISZ contains the operations of Upper Clutha Sawmill and Wānaka Firewood Ltd (located at 60 Church Road) as well as Alpine Deer New Zealand (located at 50 Church Road). We add for completeness that the site which adjoins the Submitter’s land immediately to the north (116 Church Road) appears to be used for a range of Industrial and Service activities including Central Trusses and Frames Ltd, Wānaka Towing Services, Restoration Blasting Central Otago Ltd and Alpine Powder Coating Ltd, but is not located within the RISZ.

391. It is clear to us that the immediate and wider context of land uses along Church Road, lends itself to being considered an established node of industrial development as specified in Policy 21.2.13.1.

392. Overall, we agree with Mr Place that the RISZ is an appropriate mechanism to provide for the submitter’s request. Subject to some limitations on the use of the land (which we address below) we find that UCT’s activities are sufficiently supported by the Chapter 21 provisions to recommend a RISZ be applied over the site.

Scale of the Proposed Built Form and Activities Proposed by UCT

393. At the hearing, we expressed some concern as to the potential scale of development that could occur at the site should the land be rezoned RISZ, and whether this would protect, maintain and enhance landscape and amenity values as required by Policy 21.2.13.1. We noted that Rule 21.13.4 permits buildings for Rural Industrial Activities provided they meet the standards set out within Table 11 of Chapter 21. Rule 21.14.2 restricts buildings to a ground floor area of 500 m², beyond which a restricted discretionary activity resource consent is required.

394. In his reply evidence, Mr Place advised that following the close of the hearing, Mr Edgar (planning expert for the Submitter) and Mr Espie (landscape expert for the Submitter) had been in discussion with Mr Jones (landscape expert for Council) and Mr Place to seek agreement, where possible, on a set of RISZ provisions to address, among other things, landscape issues. While we understand Mr Edgar and Mr Espie do not fully agree with the revised provisions provided by the

Council's expert, including the structure plan provisions (addressed below), we are of the view that not only they are necessary from a landscape, rural character and amenity, but that additional controls are necessary to restrict the scale of buildings that can be built before a Restricted Discretionary resource consent is necessary.

395. We specifically requested Mr Jones provide comment on the Chapter 6 Policy 6.3.4.6 (as renumbered in the latest version of Chapter 6 we were provided with, reflecting the outcome of Environment Court interim decisions and mediations) as to whether the Upper Clutha Transport rezoning proposal will:

“Avoid adverse effects on visual amenity from subdivision, use and development that:

- (a) is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
- (b) forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads...” (emphasis added).*

396. In particular, we were concerned about the relevance of public views from the Department of Conservation Upper Clutha River Track, and also whether the site, if rezoned as requested, would restrict or obstruct views of the ONL (Grandview Ranges). Having re-visited the site and undertaken an assessment of the proposal, it was Mr Jones' opinion that mitigation was required if the site was to be suitable from a landscape perspective for the zoning sought. This included BRAs, the identification of three separate Activity Areas with specific building setbacks from the respective boundaries, building height restrictions and landscape planting measures.

397. Mr Jones detailed these requirements, and these were set out in his reply evidence. This included:

- (a) A BRA setback along the eastern boundary (extending from the southern boundary north to Activity Area 1 – AA1) being widened to 40m (the submission originally proposed a setback of 20m) with the setback being measured from the ONF line where it is located within the boundary of the site or the site boundary, whichever is further west;
- (b) To the west of this BRA setback, a 10m wide strip to be included (Activity Area 2 – AA2) with a maximum building height of 6m. This strip extends adjacent to Activity Area 3 (AA3) north to AA1. The 6m maximum height ensures a 'step' in building height to AA3, which has a maximum building height of 10m;
- (c) Along the eastern and northern boundaries (adjacent to AA1 within the northern part of the site) the BRA should be at least 20m wide;
- (d) A 20m BRA and 10m wide AA2 area to be provided along the southern boundary;
- (e) A 20m BRA is retained along the western boundary with Church Road; and
- (f) Comprehensive landscape planting treatment is provided within the BRA areas. This is to include vegetation that can grow to a height that will significantly screen future built form within the site when viewing from the north and east, and visual softening when viewing from the west.

398. It was Mr Jones' opinion that the landscape planting treatment must significantly screen new buildings across the site, particularly when viewing from the east from the public track. It was his view that if the measures he recommended were imposed they would provide a landscape buffer and additional setback for future buildings away from the Clutha River ONF and public track, and surety to the level of screening to be provided. Furthermore, it was his recommendation that the landscape treatment along the respective edges (within the BRAs) would be *"critical to the integration of future built form on this site. In my opinion, the plan provision should also state that the landscape treatment (within all BRAs) must be implemented prior to the commencement of any construction within the site"*²³².
399. We agree, and given the values of the site in terms of landscape and amenity, the proposed measures will assist in avoiding potential adverse effects on visual amenity in the context of the surrounding environment. However, we have determined that on landscape and amenity grounds, some total ground floor area scale is needed so as to limit what could be built as of right²³³, and beyond that, assess the impact on landscape and amenity through a Restricted Discretionary resource consent.
400. We therefore recommend a limit (as a permitted activity) a total of no more than 5 buildings within Activity Areas 1, 2 and 3 (on the structure plan)²³⁴ with Rule 21.14.2 restricting the maximum ground floor area of any individual building within those Activity Areas to 500m². Beyond this total number of buildings a Restricted Discretionary resource consent is required, with discretion restricted to:
- Landscape effects; and
 - Visual amenity effects of the height, scale, location and appearance of the buildings when viewed from adjacent sites, roads and public places
401. In order to ensure that landscape-related matters of discretion are able to be taken into account for larger individual buildings in these Activity Areas, we also recommend that reference to "landscape effects" be included in Rule 21.14.2.

Traffic Related Matters

402. Mr Carr presented expert traffic related evidence in relation to UCT's proposal to develop the site. He estimated that without any specific control on the extent of buildings, the proposed GISZ (as sought) could accommodate in the region of 50,000m² of gross floor area. Mr Edgar pointed out in his evidence²³⁵ *"...that this was an outcome far in excess of what the submitter envisages for*

²³² Paragraph 2.10 of Mr Jones' Reply evidence

²³³ We were advised by UCT this could be up to 25,000 m².

²³⁴ Noting that no buildings are permitted as of right in Activity Area 1

²³⁵ Paragraph 69 of Mr Edgar's evidence-in-chief

the site and could potentially compromise the safety and efficiency of the surrounding road network”.

403. Mr Edgar considered that in order to control the extent of built development that the site could accommodate, and in turn limit the extent of projected vehicle movements, a limit of 25,000 m² of gross floor area within the zone was required. Mr Edgar noted that, *“The submitter’s immediate plans for the submission site (being the relocation of existing activities from the Main Road site) would account for less than half of the proposed total gross floor area. As such the proposed floor area limit comfortably provides for current and potential future aspirations for the development of the site”*²³⁶.

404. Mr Rossiter’s (transport expert for Council) reply evidence addressed this matter. Overall, he was not opposed to the land being rezoned RISZ. However, he observed²³⁷ that, *“As noted by Mr Carr in his Evidence in Chief, the average traffic generation rates of Industrial type activities can vary widely (paragraph 29). Based on the information available in the Trips and Parking Database, I have estimated that the average daily traffic generation rates are five to ten times the peak hour generation rates. Based on an average daily traffic generation rate of 10vpd per 100m² GFA (five times Mr Carr’s peak hour rate), an average daily traffic generation of about 1,000vpd could be expected when 10,000m² GFA was established within the zone.*

On this basis, I consider that it would be appropriate for development above this threshold to be a restricted discretionary activity with matters of discretion including effects on the transport network”.

405. Mr Place agreed with Mr Rossiter and proposed the ‘threshold’ of 10,000m² GFA, after which a Restricted Discretionary resource consent would be required. He proposed that discretion be restricted to:

- Effects on the transport network;
- Access, onsite manoeuvring and loading; and
- Any necessary roading upgrades.

406. We agree with the views of Mr Rossiter and Mr Place, and have recommended the 10,000m² GFA threshold.

Workers Accommodation (Residential Accommodation)

407. UCT sought that “workers accommodation” be a Restricted Discretionary activity on their rezoned site at Luggate²³⁸. It was Mr Edgar’s opinion that workers accommodation in the GISZ or RISZ at

²³⁶ Paragraph 70 of Mr Edgar’s evidence-in-chief

²³⁷ Paragraphs 3.7 and 3.8 of Mr Rossiter’s reply evidence

²³⁸ Mr Edgar proposed a rule for the GISZ zone and the RISZ

Luggate that is ancillary to industrial and service activities was both necessary and appropriate. As a Restricted Discretionary activity, he proposed that discretion be restricted to:

- a acoustic insulation; and
- b The extent to which the workers accommodation fulfils the functional needs of the associated industrial and service activities.

408. We had initially understood that the worker's accommodation was for overnighting truck drivers who needed a place to sleep before either an on-going journey or to return home, in order to meet the requisite number of hours 'break' needed from driving. However, it was made clear at the hearing that UCT was seeking permanent residential accommodation for its workers.

409. In terms of the RISZ and the rural provisions there is no objective or policy 'support' for residential activity. Policy 21.2. 13.1 seeks to provide for "*limited retail and administrative activities within the Rural Industrial SubZone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site*". While not directly referencing residential or workers accommodation, it can be inferred that the rural zone and the sub-zone would not support residential accommodation as sought by UCT. Moreover, the residential accommodation as sought by UCT, under a RISZ, would be a discretionary activity under the current rules (rule 21.4.9).

410. Mr Place addressed UCT's (and Mr Edgar's evidence) request for accommodation for workers in his section 42A report²³⁹ and Rebuttal evidence. He did not support provision for workers accommodation. He stated (in reference to the GISZ zoning request):²⁴⁰

"In my opinion the Zone is not suitable for residential accommodation. In particular, I do not consider that the Zone would provide desirable, healthy or safe places to live²⁴¹. While the Zone provisions are set out to provide a level of amenity which make it a healthy and safe place to work and visit, this does not extend to the Zone as being a place to live and it is not expected that the level of amenity within the Zone provide for this on account of the type of effects associated with the activities likely to locate within it.

411. Mr Place went on to say that he understood (as we did) that UCT sought the facilities as required for 'rest' purposes. He did not consider that such facilities would be precluded by the notified provisions, as the provision of a room or other space for employees to rest or recuperate from their activities would not be a separate 'residential' activity. We agree.

412. We also note that Luggate, Hāwea and Wānaka are not too distant from the Church Road site. Residential accommodation is provided for in those urban environments for those who require more than a 'rest'.

²³⁹ Paragraphs 5.88 – 5.90 of Mr Place's Section 42A report and paragraphs 10.15 to 10.17 of his Rebuttal Evidence

²⁴⁰ Paragraphs 5.89 of Mr Place's Section 42A report

²⁴¹ Referencing Strategic Objectives 3.2.2.1(c) and 3.2.6

Overall Conclusion

413. For all of the reasons set out above, we have recommend that the Church Road site remain zoned Rural, but be included within a RISZ. Given the landscape, character and amenity values of the site and its surroundings we have suggested a limitation on the total development of the site to ensure that those landscape and amenity values are protected, maintained and enhanced by any development. We have also ensured that transportation matters can be appropriately addressed by identifying a GFA threshold beyond which an assessment is required in terms of traffic related issues.

5.6 Willowridge Developments Limited – expanding the land zoned GISZ on Ballantyne Road and Riverside Drive.

Area on the Corner of Ballantyne Road and Riverside Drive

414. Willowridge Developments Limited (Willowridge) sought to extend the notified GISZ to include the entirety of the site at 135 Ballantyne Road. The consequence of this relief is that land in the southern corner (contained within the PDP Rural Zone)²⁴² of 0.35 hectares of land be rezoned to GISZ.

415. The submitter suggested that Area 1 (the land currently within the PDP Rural Zone) is too small to serve any useful purpose for rural zone related activities, that it is surrounded by industrial activity, and that it is therefore more appropriately located within the GIZ. The surrounding land uses consist of the QLDC animal control pound, Wānaka Wastebusters, Wānaka Landfill Ltd and the ORC yard, as well as being next to Designation ref 571 (Purpose: Electricity Substation and Ancillary Purposes) and Designation ref 50 (Purpose: Closed landfill and Transfer Facility).



Aerial photo of subject site showing area of re-zoning request outlined in red.

²⁴² Shown in the section 42A report as Area 1 in Figure 5 –page 76

416. Ms Devlin, in-house planner for Willowridge, stated in her evidence-in-chief:²⁴³

Excluding this area from the GIZ would result in a very small area of the land parcel remaining Rural Zone with no practical ability to use it for rural purposes. The land is hemmed in by Riverbank and Ballantyne Road and the adjacent land uses comprise the QLDC animal pound, and Aurora Energy substation and Wanaka Wastebusters, all of which are industrial-type activities. The most appropriate zoning for this remaining piece of land is industrial. I note the QLDC's S42A report prepared by Luke Place recommends the land be included in the GIZ for these reasons.

417. We agree with both Mr Place and Ms Devlin that the land should be zoned GISZ and not Rural. The reasons are those in the section 42A report²⁴⁴ and Ms Devlin's evidence²⁴⁵.

418. However, as noted by Mr Place, given his view that an urban rezoning is appropriate on the site, he considered that an extension of the Urban Growth Boundary (UGB) was appropriate in this context (as the spatial extent was so small), noting that Willowridge had not sought that the UGB be extended. Ms Devlin agreed²⁴⁶.

419. We accept that extending the UGB to accommodate this small zone extension is appropriate in this case due to the small scale and lack of any strategic consequences, and that it will 'give effect' to the urban strategic provisions of the PDP. Furthermore, we find that the relief sought for this area of land better achieves the PDP Strategic Direction and Urban Development Objectives than the notified rural zoning and provisions that would have otherwise applied to the site.

Area on Riverside Drive and Adjoining land zoned LDSRZ

420. Willowridge requested that approximately 0.57 hectares of land in the eastern corner of the site (contained within the Notified LDSRZ (Three Parks)²⁴⁷ be rezoned to GISZ. Ms Devlin said in her evidence-in-chief that²⁴⁸:

This area of land is a narrow point of Sec 2 SO519746 between the proposed GIZ and Three Parks residential zone that reads more as part of Lot 3 DP17123 than Sec 2 SO519746. A residential subdivision design on this site would be constrained by the dimensions of the site

²⁴³ Paragraph 14 of Ms Devlin evidence-in-chief

²⁴⁴ Paragraphs 8.3 to 8.7 of the section 42A report (pages 77 – 78)

²⁴⁵ Paragraphs 13 -15 of Ms Devlin evidence-in-chief

²⁴⁶ Paragraph 15 of Ms Devlin evidence-in-chief

²⁴⁷ Shown in the section 42A report as Area 2 in Figure 5 –page 76

²⁴⁸ Paragraph 7.1 of Ms Devlin's evidence-in-chief

and the need to protect the amenity of the residential sites from the reverse sensitivity effects of the GIZ. The site would be more effectively developed as part of the GIZ.

421. We note that we have addressed the zoning of the 5 metre wide strip of land from Riverbank Drive to the 101 Ballantyne Road site²⁴⁹ immediately to the west of the land the subject of submission in Report 20.5 – Open Space and Recreation – Active Sport and Recreation Subzone (101 Ballantyne Road). Relevant to this report, we have recommended retention of the zoning of that strip of land as GISZ, due to its likely use (pedestrian/non-motorised access to the 101 Ballantyne Road) and it forming a ‘buffer’ between the land zoned for residential and industrial and service activities.

422. Mr Place addressed the issue in his Section 42A report²⁵⁰ as follows:

For the area to the east (Area 2), where it is sought to rezone notified LDSRZ land to GIZ, Willowridge submits that in order to achieve the best urban design outcome, the boundary of the GIZ should move further to the east in line with the land at 101 Ballantyne Road so as not to create a strip of residential activity that may be adversely affected by future industrial activity. Whether there is adequate separation between incompatible land uses is a relevant rezoning principle to consider.

In my view the relief sought does not improve on the notified provisions, other than having a marginally smaller shared boundary. The notified GIZ provisions require a 7 metre setback for buildings between zones and the noise provisions of the adjoining zone would apply as it is measured within the zone which it could effect [sic]. No building setback between zones are [sic] required where a site adjoins other sites within the GIZ. Further, Objective 18A.2.4 and its associated policies set out that activities and development within the GIZ are to be undertaken in a way that does not adversely affect the amenity of other zones.



Aerial photo of subject site showing area of re-zoning request outlined in red.

²⁴⁹ This strip is part of the 101 Ballantyne Road title, and owned by the Council

²⁵⁰ Paragraphs 8.9 and 8.10 of the section 42A report (page 79)

423. On balance we prefer the view of Mr Place, and do not think it is the most appropriate outcome to rezone the land GISZ.

6. OVERALL RECOMMENDATION

424. Having considered the evidence before us, we have formed the view that save as identified above, the notified provisions of the Chapter 18A and the variations are the most appropriate way to give effect to the stated objectives. To the extent that we have recommended amendments to the notified provisions, our reasons are as set out above.

425. Accordingly, we recommend that Chapter 18A and the variations be adopted by Council in the form attached.

426. We also attach as an appendix to our Report, a summary table setting out our recommendation in relation to each primary submission. We have not listed further submissions as the result in respect of any further submission necessarily follows the recommendation on the primary submission, whether that be supported or opposed.



Trevor Robinson
Chair
Stream 17 Hearing Panel

Dated: 12 January 2021

Attachments

Appendix 1- Recommended Revised Proposed Plan Provisions

Appendix 2- Table of Submitter Recommendations

Appendix 1- Recommended Revised Plan Provisions

18A General Industrial and Service Zone

18A.1 Purpose

The purpose of the General Industrial and Service Zone is to provide for the establishment, operation and long term viability of Industrial and Service activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient industrial development capacity.

The Zone seeks to ensure a range of site sizes are available, including for those Industrial and Service activities which require larger buildings and more space for the purpose of outdoor storage, manoeuvring of vehicles including heavy vehicles. Ancillary Office, Retail and Commercial activities are important in supporting Industrial and Service activities and are enabled. Activities and development that would not primarily result in sites being used for Industrial and Service activities are avoided. This includes new Office, Retail and Commercial activities.

A number of existing Office, Retail and Commercial activities were established within the Zone under the previous District Plan framework. The Zone seeks to recognise these activities by permitting them, and to provide for them to change overtime through the resource consent process. Any changes to these activities are likely to be limited in nature and scale so as to support the overall intent of the Zone to provide for Industrial and Service activities.

While the Zone seeks to provide for land uses more commonly associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.

18A.2 Objectives and Policies

18A.2.1 Objective - Industrial and Service activities are enabled within the Zone and their long-term operation and viability is supported.

Policies

- 18A.2.1.1 Enable a diverse range of Industrial and Service activities that provide benefit in the form of economic growth and skilled employment opportunities.
- 18A.2.1.2 Enable Office, Retail and Commercial activities that are ancillary to Industrial or Service activities.
- 18A.2.1.3 Enable existing Office, Retail and Commercial activities that have been lawfully established under previous zoning provisions to continue provided they remain the same or similar character, intensity and scale.
- 18A.2.1.4 Enable the operation of food and beverage retail activities which serve the daily needs and convenience of workers and visitors to the Zone.
- 18A.2.1.5 Recognise that Industrial and Service activities have the potential to create noise, glare, dust, odour, shading, traffic effects and other effects that can be incompatible with activities that are enabled in adjacent or nearby non-industrial zones.

18A.2.1.6 Recognise and provide for Trade Suppliers within the Zone only where the following can be demonstrated:

- a. the activity plays a role in supporting the establishment, operation and long term viability of Industrial and Service activities;
- b. the activity is primarily involved in wholesaling related trade comprising the storage, sale and distribution of goods to other businesses and institutional customers, including trade customers; and
- c. the activity has an operational need to be located within the Zone due to space requirements for buildings, storage and loading of materials, and for the manoeuvring of heavy vehicles.

18A.2.1.7 Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial and Service activities now and into the future.

18A.2.2 Objective – The establishment, operation and growth of Industrial and Service activities within the Zone is not undermined by incompatible land uses.

Policies

18A.2.2.1 Avoid activities that are not compatible with the primary function of the zone and that have the ability to displace or constrain the establishment, operation and long term viability of Industrial and Service activities including:

- a. Office, Retail and Commercial activities unless:
 - i. they are ancillary to Industrial or Service activities, or
 - ii. the activity is an existing Office, Retail or Commercial activity lawfully established prior to [xx date Chapter 18A becomes operative] and has remained the same or similar character, intensity and scale;
- b. Large Format Retail;
- c. Residential Activity, Residential Units and Residential Flats, and
- d. Visitor accommodation, Residential Visitor accommodation and Homestay activities.

18A.2.2.2 Avoid Trade Suppliers within the Zone where the activity:

- a. is predominantly in the business of retailing such that they become retail destinations or commercial attractions for use by the general public and which do not support the operation and long term viability of Industrial and Service activities;
- b. could give rise to reverse sensitivity effects on Industrial or Service activities; and
- c. could give rise to adverse effects on the safety and efficiency of the transportation network.

- 18A.2.2.3 Avoid the cumulative establishment of activities and development within the Zone that would undermine the role played by town centre and other key business zones as the District's strategic hubs of economic activity.
- 18A.2.2.4 Limit the scale, location and function of Office, Retail and Commercial activities to ensure they are ancillary to Industrial or Service activities.
- 18A.2.2.5 Ensure all Office, Retail and Commercial activities are constructed and operated to mitigate adverse reverse sensitivity effects to Industrial or Service activities.
- 18A.2.2.6 Limit the scale, location and function of food and beverage related commercial activities within the Zone to ensure they serve the direct needs of workers and visitors to the Zone or directly relate to and support the operation of an Industrial activity.

18A.2.3 Objective - Activities and development within the Zone provide a level of amenity which make it a pleasant, healthy and safe place to work in and visit.

Policies

- 18A.2.3.1 Manage activities and development, both within sites and at their interface with public spaces, to ensure that people working in and visiting the Zone enjoy a pleasant level of amenity while recognising that the type of amenity experienced within the Zone may be lower than that anticipated within zones intended to accommodate more sensitive land uses.
- 18A.2.3.2 Control the location of ancillary Office, Retail and Commercial activities and encourage them to actively engage with the street frontage and public places.
- 18A.2.3.3 Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial and Service activities.
- 18A.2.3.4 Control activities and development by applying sound insulation ventilation standards or other appropriate mitigation to ensure they are not significantly adversely affected by Industrial and Service activities or by airport noise.

18A.2.4 Objective - Activities and development within the Zone are undertaken in a way that does not adversely affect the amenity of other zones.

- 18A.2.4.1 Manage noise, glare, dust, odour, shading, visual and traffic effects of activities and development within the Zone to ensure the amenity of other zones is not adversely affected, including through the use of Building Restriction Areas.
- 18A.2.4.2 Manage adverse effects of activities on the visual amenity of main gateway routes into Queenstown, Wanaka and Arrowtown through the use of landscaping and by controlling the bulk and location of buildings and development.

18A.2.5 Objective - Activities sensitive to aircraft noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are avoided or managed to mitigate noise and reverse sensitivity effects.

Policies

18A.2.5.1 Require as necessary all alterations and additions to buildings containing an Activity Sensitive to Aircraft Noise located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed and built to achieve specified design controls.

18A.2.5.2 Avoid any new Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary.

18A.3 Other Provisions and Rules

18A.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision and Development
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation and Biodiversity
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	38 Open Space and Recreation	39 Wāhi Tūpuna
District Plan web mapping application		

18A.3.2 Interpreting and Applying the Rules

18A.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.

18A.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.

18A.3.2.3 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its discretion to the matters listed in the rule.

18A.3.2.4 These following abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

18A.3.2.5 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 (Energy and Utilities) part 30.3.2.c has additional information in relation to activities and obligations under NZECP43:2001.

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

18A.4 Rules – Activities

	Table 18A.4 – Activities in the General Industrial and Service Zone	Activity Status
18A.4.1	Industrial activities and Service activities	P
18A.4.2	Office, Retail and Commercial activities that are ancillary to Industrial or Service activities on the same site	P
18A.4.3	Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises	P
18A.4.4	Outdoor Storage	P
18A.4.5	Existing Office, Retail or Commercial activities lawfully established prior to [date rules become operative], including the relocation of the existing Office, Retail or Commercial activity within the same building or tenancy on the same site as the lawfully established activity.	P

	Table 18A.4 – Activities in the General Industrial and Service Zone	Activity Status
18A.4.6	<p>Buildings</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance, including materials and colours; landscaping at the interface of the site with adjacent roads and public places; signage platforms; lighting; the external appearance and proximity to the street front of any ancillary activities, including Office, Retail and Commercial activities; servicing, including water supply, stormwater and wastewater; access, manoeuvring, and loading; location and provision of waste and recycling storage space; the contribution the building makes to the safety of the General Industrial and Service Zone through adherence to CPTED principles; natural hazards; and where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure. 	RD
18A.4.7	<p>Buildings within the Outer Control Boundary</p> <ol style="list-style-type: none"> Any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise (ASAN) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB). Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 or by submitting a certificate to the Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the design, construction, orientation and location of the alterations or additions to achieve adequate indoor sound insulation from aircraft noise. 	RD

	Table 18A.4 – Activities in the General Industrial and Service Zone	Activity Status
18A.4.8	Trade Suppliers	D
18A.4.9	Outdoor storage and Outdoor waste storage within any building restriction area shown on any structure plan within Chapter 27 (Subdivision and Development)	NC
18A.4.10	Commercial Recreation and Recreation activities	NC
18A.4.11	Community activities and Community Facilities	NC
18A.4.12	Any activity requiring an Offensive Trade Licence under the Health Act 1956 other than the “collection and storage of used bottles for sale” and “refuse collection and disposal” (as listed in that Act)	NC
18A.4.13	Any building within a Building Restriction Area that is identified on the District Plan web mapping application	NC
18A.4.14	Activities that are not listed in this Table	NC
18A.4.15	Large Format Retail	PR
18A.4.16	Activities Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary or the Queenstown Airport Air Noise Boundary	PR
18A.4.17	Existing Office, Retail and Commercial activities [<i>date rules become operative</i>] that do not comply with rule 18A.4.5	NC
18A.4.18	Office, Retail and Commercial activities not otherwise identified	PR
18A.4.19	Residential Activity, Residential Units and Residential Flats	PR
18A.4.20	Visitor Accommodation, Residential Visitor Accommodation and Homestay activities	PR
18A.4.21	Airport	PR
18A.4.22	Mining activities	PR

18A.5 Rules – Standards

	Table 18A.5 - Standards for activities located within the General Industrial and Service Zone	Non-compliance status
18A.5.1	<p>Ancillary Office, Retail and Commercial activities</p> <ol style="list-style-type: none"> The total area used for the activity within a building shall not exceed 30% of GFA excluding any outdoor area provided for in d. below; The activity shall occur within the same building as the associated Industrial or Service activity, except where provided for in d. below; For Retail and Commercial activities, only goods manufactured, fabricated, processed, packaged, distributed, maintained or repaired in association with an Industrial or Service activity may be sold from the site; Any part of the activity which stores, displays or otherwise operates outside a building shall be contained within a single area not exceeding 10 m² that directly adjoins and can be directly accessed from the building; and Where the activity fronts the street and is located on the ground floor, there shall be visually transparent glazing on the elevation facing the street for a minimum of 20% of that elevation. <p>Note: Any Critical Listening Environments will be assessed against those noise insulation and ventilation requirements set out in Table 5 of Chapter 36 (Noise).</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the relationship of the activity to Industrial or Service activities operating on the site and the extent to which the activity is clearly ancillary to Industrial or Service activities; reasons why the activity could not reasonably locate in another zone; cumulative effects on industrial development capacity; reverse sensitivity effects on surrounding Industrial and Service activities; the scale of the activity in terms of the total indoor and outdoor area required, the number of staff and anticipated number of customers; the effect of the activity on access and onsite manoeuvring and loading; the location of the activity on the site and within the building or unit; and visual effects including any signage, colour, materials, outdoor storage and other outdoor area associated with the activity.
18A.5.2	<p>Existing Office, Commercial or Retail activities provided for under 18A.4.5:</p> <ol style="list-style-type: none"> Must occur within the same building or tenancy on the same site as the lawfully established activity; and Must not result in an increase to: 	<p>NC</p>

	Table 18A.5 - Standards for activities located within the General Industrial and Service Zone	Non-compliance status
	<ul style="list-style-type: none"> i. the gross floor area occupied by the existing lawfully established activity of more than 10%; ii. any outdoor area occupied by the existing lawfully established activity. 	
18A.5.3	<p>Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding the sale of liquor)</p> <ul style="list-style-type: none"> a. The total area used for the activity shall not exceed 60m². This includes any area contained within a building and any area located outside of a building used for storage, display, seating or otherwise associated with the activity; b. Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; c. Any Licensed Premises shall be ancillary to an Industrial activity; and d. Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site. 	NC
18A.5.4	<p>Minimum Boundary Setbacks</p> <ul style="list-style-type: none"> a. Road boundary setbacks <ul style="list-style-type: none"> i. fronting any of the following residential zones – 7m <ul style="list-style-type: none"> • Lower Density Suburban Residential Zone • Medium Density Residential Zone • High Density Residential Zone • Meadow Park Special Zone • Large Lot Residential Zone ii. all other road boundaries – 3m iii. State Highway boundaries – 5m b. Internal boundary setbacks <ul style="list-style-type: none"> i. where a site adjoins any other zone outside of the General Industrial and Service Zone – 7m 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. visual effects of the height, scale, location and appearance of the built form when viewed from adjacent sites, roads and public places; b. the nature of the activity, including any noise, vibration, odour, dust, glare, traffic or any other nuisance effects; c. landscaping and screening; and d. compatibility with the appearance, layout and scale of surrounding sites.

	Table 18A.5 - Standards for activities located within the General Industrial and Service Zone	Non-compliance status
	<p>ii. no minimum internal setbacks are required where a site adjoins other sites within the General Industrial and Service Zone</p>	
18A.5.5	<p>Building coverage</p> <p>Maximum building coverage of 75%</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> site layout and the location of buildings; traffic effects of additional building coverage including adequate provision of access, loading and manoeuvring; visual effects of the height, scale, location and appearance of the built form when viewed from adjacent sites, roads and public places; landscaping and screening; and adequate provision and location of outdoor storage space, including waste and recycling storage and servicing areas.
18A.5.6	<p>Building Height</p> <p>Maximum building height of 10m except where specified in Rule 18A.5.7 and 18A.5.8 below.</p>	NC
18A.5.7	<p>Building Height – Wanaka General Industrial and Service Zone land identified on the District Plan web mapping application located between Connell Terrace and Gordon Road</p> <p>Maximum building height of 7 metres except where specified in Rule 18A.5.8 below.</p>	NC
18A.5.8	<p>Building Height – Sites adjoining or separated by a road from any of the following zones</p> <ul style="list-style-type: none"> Lower Density Suburban Residential Zone Medium Density Residential Zone High Density Residential Zone Meadow Park Special Zone Large Lot Residential Zone 	NC

	Table 18A.5 - Standards for activities located within the General Industrial and Service Zone	Non-compliance status
	<ul style="list-style-type: none"> a. Maximum building height of 7m; b. A recession plane applies for all buildings which is inclined towards the site from a point 3m above ground level at the following angles: <ul style="list-style-type: none"> i. 45° applied on the northern site boundary; and ii. 35° applied on all other site boundaries. 	
18A.5.9	<p>Glare</p> <p>All lighting shall comply with the following:</p> <ul style="list-style-type: none"> a. All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky; b. No activity shall result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property; and c. No activity on any site shall result in greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property which is zoned residential (including the Meadow Park Special Zone and the Large Lot Residential Zone) measured at any point more than 2m inside the boundary of the adjoining property. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects of glare on amenity values, the transportation network and the night sky
18A.5.10	<p>Outdoor storage</p> <p>All outdoor storage shall comply with the following:</p> <ul style="list-style-type: none"> a. not be located within any road boundary setbacks; and b. where adjoining any zone, excluding the Rural Zone, shall be screened by a solid fence at least 2m in height or by dense planting of the same height. 	<p>RD</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> a. visual impacts of the material to be stored within the setback when viewed from adjacent sites, roads and public places; b. the nature of the activity, including any noise, vibration, odour, dust, glare or any other

	Table 18A.5 - Standards for activities located within the General Industrial and Service Zone	Non-compliance status
		nuisance effects emitted from the activity; c. the type and volume of material to be stored; d. landscaping and screening; and e. whether pedestrian or vehicle access is compromised.
18A.5.11	Fencing a. Any site adjoining any of the following zones shall establish a solid fence at least 2m in height, or dense planting that shall achieve the same height, along the site boundary; <ul style="list-style-type: none"> • Lower Density Suburban Residential Zone • Medium Density Residential Zone • High Density Residential Zone • Meadow Park Special Zone • Large Lot Residential Zone b. In the General Industrial and Service Zone in Wanaka, the following additional standards shall apply in regard to Building Restriction areas shown on any structure plan shown in Chapter 27 (Subdivision and Development): <ol style="list-style-type: none"> i. Fences on or within 4m of open space areas shall be no higher than 1.2m ii. This standard shall not apply to fences which are at right angles to the boundary of the open space area. c. No razor wire or barbed wire shall be used on any fencing.	RD Discretion is restricted to the following: <ol style="list-style-type: none"> a. visual impacts of the material to be stored when viewed from adjacent sites, roads and public places; b. the nature and scale of the activity; c. the type and volume of materials to be stored; and d. landscaping and screening.

18A.6 Non-Notification of Applications

18A.6.1 Except as provided for under Rule 18A6.1.3 the following restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

18A.6.1.1 18A.4.6 Buildings

18A.6.1.2 18A.5.1 Ancillary Office, Retail and Commercial activities

18A.6.1.3 For any application for resource consent where Rule 18A4.6 (k) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991.

18A.6.2 The following restricted discretionary activities will not be publicly notified but notice may be served on those persons considered to be adversely affected if those persons have not given their written approval:

18A.6.2.1 Additions and alterations to buildings within the Outer Control Boundary - Queenstown Airport

Variations to the Proposed District Plan

Key:

Underlined text for additions and strike through text for deletions

Variation to Chapter 25 - Earthworks

25.5.5	<u>General Industrial and Service Zone</u>	500m ³
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Variation to Chapter 27 - Subdivision and Development

General Industrial and Service Zone

Objective

27.3.13 Subdivision within the General Industrial and Service Zone enables the establishment, operation and long term viability of Industrial and Service activities which cannot locate elsewhere in this District, including those Industrial and Service activities which require larger buildings and more space for the purpose of vehicle manoeuvring and loading.

Policies

27.3.13.1 Enable subdivision and development within the General Industrial and Service Zone that provides for the establishment, operation and long term viability of Industrial and Service activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.

27.3.13.2 Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial and Service Zone where there is a demonstrated need for Industrial and Service activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.

27.3.13.3 Ensure any new subdivision provides adequate road access, loading and manoeuvring suitable for the activities anticipated to establish within the lots.

27.3.13.4 Ensure any new subdivision integrates well with current and future transport networks, including roads and public and active transport systems by managing the functional layout and arrangement of lots and their access.

27.3.13.5 Ensure subdivision only occurs where the necessary infrastructure exists to service the lots.

27.3.13.6 Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial and Service Zone to provide for the long term establishment, operation and long term viability of Industrial and Service Activities.

Connell Terrace Structure Plan

27.3.13.7 Ensure subdivision is consistent with the Connell Terrace Structure Plan by requiring;

- a. landscaping and on-going maintenance of the Building Line Restriction Area shown on the Connell Terrace Structure Plan; and
- b. a roading layout that is consistent with the Connell Terrace Structure Plan.

Ballantyne Road Structure Plan

27.3.13.8 Ensure subdivision is consistent with the Ballantyne Road Structure Plan by requiring;

- a. landscaping and on-going maintenance of the Building Line Restriction Area shown in the Ballantyne Road Structure Plan; and
- b. a roading layout that is consistent with the Ballantyne Road Structure Plan.

27.5 Rules – Subdivision

27.5.7	<p>All urban subdivision activities, unless otherwise provided for, within the following zones:</p> <p><u>10. General Industrial and Service Zone</u></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks; k. open space and recreation; l. ecological and natural values; m. historic heritage; and n. easements. <p>For the avoidance of doubt, where a site is governed by a Structure Plan, that is included in the District Plan, subdivision activities shall be assessed in accordance with the rules in Table 27.7.</p>	RD
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27.6 Rules - Standards for Minimum Lot Areas

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.

Zone	Minimum Lot Area
<u>General Industrial and Service</u>	<p><u>1000m²</u></p> <p><u>Except:</u></p> <p><u>Subdivision of lots between 1000m² and 500m² shall be a discretionary activity.</u></p> <p><u>Subdivision of lots less than 500m² shall be a non-complying activity.</u></p>

27.7 Zone – Location Specific Rules

	Zone and location specific Rules	Activity Status
<u>27.7.14</u>	<p><u>Connell Terrace Structure Plan</u></p> <p><u>27.7.14.1</u> In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision consistent with the Connell Terrace Structure Plan, the following shall be additional matters of discretion:</p> <ol style="list-style-type: none"> <u>roading layout;</u> <u>the provision and location of walkways and the green network; and</u> <u>the integrated approach to landscaping of the building restriction areas.</u> 	<u>RD</u>
	<p><u>27.7.14.2</u> Any subdivision that does not comply with the Connell Terrace Structure Plan located in Section 27.13.</p> <p><u>For the purposes of this rule:</u></p> <ol style="list-style-type: none"> <u>any fixed roads shown on the Structure Plan may be moved no more than 20 metres;</u> <u>the boundaries of any fixed open spaces shown on the Structure Plan may be moved up to 5 metres; and</u> <u>Landscaping along the western boundary of the BRA shall be either;</u> 	<u>NC</u>

	Zone and location specific Rules	Activity Status
	<ul style="list-style-type: none"> i. <u>a 3-5m height and 15-20m width mounding with predominantly evergreen planting with a height of 5-6m; or</u> ii. <u>a 30m strip of dense predominantly evergreen planting with a height of at least 8 metres.</u> 	
<u>27.7.15</u>	<p><u>Ballantyne Road Structure Plan</u></p> <p><u>27.7.15.1 In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision consistent the Ballantyne Road Structure Plan shown in part 27.13, the following shall be additional matters of discretion:</u></p> <ul style="list-style-type: none"> a. <u>roading layout;</u> b. <u>the provision and location of walkways and the green network; and</u> c. <u>the integrated approach to landscaping of the building restriction areas.</u> 	<u>RD</u>
	<p><u>27.7.15.2 Any subdivision that does not comply with the Ballantyne Road Structure Plan located in Section 27.13.</u></p> <p><u>For the purposes of this rule:</u></p> <ul style="list-style-type: none"> a. <u>any fixed roads shown on the Structure Plan may be moved no more than 20 metres; and</u> b. <u>the boundaries of any fixed open spaces shown on the Structure Plan may be moved no more than 5 metres.</u> 	<u>NC</u>

Variation to Chapter 29 - Transport

Policies

- 29.2.4.9 Ensure the location, design, and layout of access, manoeuvring, car parking spaces and loading spaces of Industrial activities, Service activities and vehicle-orientated commercial activities, such as service stations and rural selling places, avoids or mitigates adverse effects on the safety and efficiency of the adjoining road(s) and provides for the safe movement of pedestrians within and beyond the site, taking into account:
- The relative proximity of other accesses or road intersections and the potential for cumulative adverse effects; and
 - The ability to mitigate any potential adverse effect of the access on the safe and efficient functioning of the transport network.

Table 29.3 – Standards for activities outside of roads

	Table 29.3 - Standards for activities outside roads	Non-compliance status						
29.5.10	<p>Loading Spaces</p> <p>a. Off-street loading shall be provided in accordance with this standard on every site in the <u>General Industrial and Service Zone</u>, Business Mixed Use Zone, the Town Centre zones, and the Local Shopping Centre Zone, except in relation to unstaffed utility sites and on sites where access is only available from the following roads:</p> <ul style="list-style-type: none"> • Queenstown Mall • Beach Street • Shotover Street • Camp Street • Rees Street • Marine Parade • Church Street • Earl Street • Ballarat Street • Memorial Street • Helwick Street • Buckingham Street. <p>b. Every loading space shall meet the following dimensions:</p> <table border="1"> <thead> <tr> <th></th> <th>Activity</th> <th>Minimum size</th> </tr> </thead> <tbody> <tr> <td>(i)</td> <td>Offices and activities of less than 1500m² floor area not handling goods and where on-street parking for occasional delivery is available.</td> <td>6m length 3m wide 2.6m high</td> </tr> </tbody> </table>		Activity	Minimum size	(i)	Offices and activities of less than 1500m ² floor area not handling goods and where on-street parking for occasional delivery is available.	6m length 3m wide 2.6m high	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> The location, size, and design of the loading space and associated manoeuvring. Effects on safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment.
	Activity	Minimum size						
(i)	Offices and activities of less than 1500m ² floor area not handling goods and where on-street parking for occasional delivery is available.	6m length 3m wide 2.6m high						

Table 29.3 - Standards for activities outside roads			Non-compliance status
(ii)	All other activities except residential, visitor accommodation, and those listed in Rule 29.5.13(ii)(a) above.	9m length 3.5m wide 4.5m high	
c. Notwithstanding the above:			
i. Where articulated trucks are used in connection with any site sufficient space not less than 20m in depth shall be provided.			
ii. Each loading space required shall have unobstructed vehicular access to a road or service lane.			
iii. Parking areas and loading areas may be served in whole or in part by a common manoeuvre area, which shall remain unobstructed.			

29.8 Minimum Parking Requirements

Table 29.4			
	Minimum Parking Requirements,	Resident/ Visitor	Staff/ Guest
29.8.19	Industrial activity or Service activity, other than where the activity is more specifically defined elsewhere in this table (Table 29.5)	0	1 per 50m ² of indoor and outdoor area/ GFA; except 1 per 100m ² of GFA used for warehousing and indoor or outdoor storage (including self-storage units); and 1 per 100m ² of GFA for distribution centres

Variation to Chapter - 36 Noise

36.5 Rules – Standards

Table 3: Specific Standards

Rule Number	Specific Standards				Non-compliance Status
	Activity or sound source	Assessment location	Time	Noise Limits	
36.5.15	<p><u>Sound from activities in the General Industrial and Service Zone.</u></p> <p><u>Note: For the purpose of this rule, a road that is located outside this zone is not deemed to be a “site outside this zone” and, as such, the noise levels specified in a above may be exceeded on road reserves adjacent to this zone.</u></p>	<p><u>At any point within any site located in any other zone.</u></p>	<p><u>Refer to standard relevant to the zone in which noise is received.</u></p>	<p><u>Refer to standard relevant to the zone in which noise is received.</u></p>	<p><u>NC</u></p>

36.7 Ventilation Requirements for other Zones (Table 5)

The following table (Table 5) sets out the ventilation requirements in the Wanaka and Queenstown Town Centre Zones, the Local Shopping Centre Zone, General Industrial and Service Zone and the Business Mixed Use Zone.

Table 5

Room Type	Outdoor Air Ventilation Rate (Air Changes Room Type per Hour, ac/hr)	
	Low Setting	High Setting
Bedrooms	1-2 ac/hr	Min. 5 ac/hr
Other Critical Listening Environments	1-2 ac/hr	Min. 15 ac/hr
Noise from ventilation systems shall not exceed 35 dB $L_{Aeq(1\ min)}$, on High Setting and 30 dB $L_{Aeq(1\ min)}$, on Low Setting. Noise levels shall be measured at a distance of to 2 m from any diffuser.		
Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.		
Each system providing the low setting flow rates is to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.		

If air conditioning is provided to any space then the high setting ventilation requirement for that space is not required.

Variation to Chapter - 31 Signs

31.6 Rules - Activity Status of Signs in Commercial Areas

The rules relating to signs in Table 31.6 are additional to those in Table 31.4 and are subject to the standards in Table 31.7. If there is a conflict between the rules in Table 31.4 and the rules in Table 31.6, the rules in Table 31.6 apply.

Table 31.6 – Activity Status of Signs in Commercial Areas		General Industrial and Service Zone
31.6.1	<p>Static signage platforms that is one of the sign types listed in Rules 31.6.2 to 31.6.5 below and complies with the standards applying to that sign type.</p> <p>Control is reserved to the matters set out in Rule 31.14.</p>	<u>C</u>
31.6.2	Arcade directory signs.	<u>P</u>
31.6.3	Upstairs entrance signs.	<u>P</u>
31.6.4	<p>All signs located within the ground floor facade of a building</p> <p>In those zones where this is a controlled activity, control is reserved to the matters set out in Rule 31.14.</p> <p>Note: Parts 31.3.2 and 31.16 of this Chapter explain and illustrate the application of this rule.</p>	<u>C</u>
31.6.5	<p>Above ground floor signs.</p> <p>In those zones where this is a controlled activity, control is reserved to the matters set out in Rule 31.14.</p> <p>Note: Part 31.16.7 of this Chapter has a diagram which illustrates the application of this rule.</p>	<u>C</u>
31.6.6	Digital signage platforms within the ground floor facade of a building	<u>PR</u>
31.6.7	Digital signage platforms above ground floor level	<u>PR</u>
31.6.8	Digital signs not located within a digital signage platform	<u>PR</u>

Table 31.6 – Activity Status of Signs in Commercial Areas		General Industrial and Service Zone
31.6.9	Billboard signs	PR
31.6.10	Any sign activity which is not listed in Table 31.4 or Rules 31.6.1 to 31.6.9 inclusive	D

Variation to Chapter 30 – Energy and Utilities

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.6	<p>Poles</p> <p>With a maximum height no greater than:</p> <ul style="list-style-type: none"> a. 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; b. 25m in the Rural Zone; c. 15m in the Business Mixed Use Zone (Queenstown); d. 13m in the Local Shopping Centre, Business Mixed Use (Wanaka), or Jacks Point zones; e. <u>18m in the General Industrial and Service Zone provided that</u> <ul style="list-style-type: none"> i. <u>On sites adjoining or separated by a road from a Residential zone (including the Meadow Park Special Zone and the Large Lot Residential Zone) the pole does not breach the recession plane standard set out within Rule 18A.5.8(b).</u> f. 11m in any other zone; and g. 8m in any identified Outstanding Natural Landscape. <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Character Landscape, poles must be finished in colours with a light reflectance value of less than 16%.</p>	P

Variation to Chapter 21 – Rural Zone

Policies

21.2.13.3

Manage activities and development within areas of the Rural Industrial Sub-Zone in Luggate by:

- a applying development controls and landscaping requirements within Activity Areas and Building Restriction Areas that are spatially defined on the District Plan web mapping application to avoid adverse effects on landscape values and visual amenity, and
- b applying development controls in relation to the scale of activities within Activity Areas that are spatially defined on the District Plan web mapping application to avoid adverse effects on the adjoining road and the transport network.

21.13 Rules - Activities in Rural Industrial Sub-Zone

	Table 10 - Activities in Rural Industrial Sub-Zone Additional to those activities listed in Table 1.	Activity Status
<u>21.13.5</u>	<u>Landscaping within the Building Restriction Areas identified on the District Plan web mapping application at Luggate</u>	<p>RD</p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The development of a landscape planting plan identifying the proposed species, their height at planting and maturity, density and coverage;</u> b. <u>The extent to which any landscaping will screen building and activities, including any goods, materials, vehicles or machinery when viewed from public places;</u> c. <u>The development of a landscape management and maintenance plan identifying the programme of maintenance, including ownership, over no less than a 5 year timeframe; and</u>

		d. <u>The need for breaks in screening to facilitate access into the site from Church Road.</u>
<u>21.13.6</u>	<u>Any Building, Outdoor Storage or Outdoor Waste Storage within a Building Restriction Area that is identified on the District Plan web mapping application at Luggate</u>	NC
<u>21.13.7</u>	<u>Buildings within Activity Area 1 identified on the District Plan web mapping application at Luggate</u>	NC

12.14 Rules - Standards for Activities within Rural Industrial Sub-Zone

	Table 11 - Standards for activities within the Rural Industrial Sub Zone.	Non Compliance Status
	These Standards apply to activities listed in Table 1 and Table 10	
21.14.3	<p>Building Height</p> <p>a. <u>The height of any industrial building must not exceed 10m, except as specified below.</u></p> <p>b. <u>Within Activity Area 2 identified on the District Plan web mapping application at Luggate</u></p> <p style="padding-left: 40px;">i. <u>Maximum building height of 6m.</u></p> <p>c. <u>Within Activity Area 3 identified on the District Plan web mapping application at Luggate</u></p> <p style="padding-left: 40px;">ii. <u>Maximum building height of 10m.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. rural amenity and landscape character; and</p> <p>b. privacy, outlook and amenity from adjoining properties.</p>
<u>21.14.6</u>	<p><u>Development of Land Uses</u></p> <p><u>Prior to the construction of any building, or commencement of any activity within Activity Areas 1, 2 or 3 identified on the District Plan web mapping application at Luggate, the landscaping specified in Rule 21.13.5 must be undertaken.</u></p>	NC

<p><u>21.14.7</u></p>	<p><u>Number of Buildings and Total Building Coverage. (for landscape and visual amenity related matters)</u></p> <p>a. <u>There shall be no more than five (5) buildings in total within Activity Areas 2 and 3 identified on the District Plan web mapping application at Luggate; and</u></p> <p>b. <u>The maximum ground floor area of any building within Activity Areas 2 or 3 identified on the District Plan web mapping application at Luggate shall be 500m².</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>External appearance; and</u></p> <p>b. <u>Landscape effects; and</u></p> <p>c. <u>Visual amenity effects of the height, scale, location and appearance of the buildings when viewed from adjacent sites, roads and public places; and</u></p> <p>d. <u>Privacy, outlook and amenity from adjoining properties.</u></p>
<p><u>21.14.8</u></p>	<p><u>Total Building Coverage (for transport related matters)</u></p> <p><u>Total building coverage within the Activity Areas 1, 2 or 3 identified on the District Plan web mapping application at Luggate shall not exceed a cumulative total Gross Floor Area of 10,000m².</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Effects on the transport network;</u></p> <p>b. <u>Access, onsite manoeuvring and loading; and</u></p> <p>c. <u>Any necessary roading upgrades.</u></p>

Appendix 2- Table of Submitter Recommendations

o.	Submitter	Submission	Recommendation	Section where Addressed
3003	Thomas Michael	That the Bush Creek Road area of Arrowtown be rezoned from General Industrial to a mixed use zone.	Accept in Part	5.3
3003	Thomas Michael	That the submitter's property at 14 Bush Creek Road, Arrowtown, is rezoned to one zone, rather than the current split zoning.	Reject	5.3
3003	Thomas Michael	That the General Industrial Zone chapter be Reject.	Accept in Part	4
3004	Peter Bullen	That the operative Industrial B Zone be retained.	Reject	4
3004	Peter Bullen	That the proposed General Industrial Zone only applies to newly developed vacant land.	Reject	4.2
3015	Gillian Macleod	That other areas within the District be rezoned for industrial purposes, for example at Kingston or other hidden areas similar to the Coneburn Industrial Zone.	Reject	5.2
3015	Gillian Macleod	That the General Industrial Zone provisions should not take away people's existing use rights.	Accept in Part	4.2
3015	Gillian Macleod	That the Frankton Flats master plan included in section 5 of the submission be considered.	Reject	5.2
3015	Gillian Macleod	That consideration be given to the tension between the intent to retain industrial land and the Frankton Flats Mater Plan.	Reject	5.2
3017	Rae & Dave Wilson	That the current Industrial B Zone provisions restricting building height to 7 metres be retained for that land located between Gordon Road and Frederick Street in Wanaka.	Accept in Part	4.2
3017	Rae & Dave Wilson	That the existing 7 metre height restriction be retained on any industrial areas situated on high visible land.	Accept in Part	4.2
3030	Jacqueline Macdonald	That Chapter 18A General Industrial Zone be Reject.	Accept in Part	4
3032	Spark, Chorus and Vodafone	That Rule 30.5.6.6(a) is amended by adding the General Industrial Zone to the list of zones subject to an 18m height limit.	Accept in Part	4.2
3034	Anne McConnell	That an alternative proposal with Business Mixed Use Zone located close to residential areas be adopted.	Reject	5.1
3034	Anne McConnell	That the General Industrial Zone be rezoned to Business Mixed Use close to residential areas.	Reject	5.1

o.	Submitter	Submission	Recommendation	Section where Addressed
3041	Horder family	That the objectives, policies and Rule 18A.4.12 which states that Trade Suppliers in the General Industrial Zone are a prohibited activity be Reject.	Accept in Part	4.2
3044	Michael Hetherington	That the Alternative Plan as shown in the Upper Clutha Messenger (6/11/19, pp.26-27) is adopted.	Reject	5.1
3047	Queenstown Engineering	That a minimum of 100 additional car parks be installed in the Glenda Drive area	Reject	4.2
3049	Peter Wheen	That the General Industrial Zone be rezoned to Business Mixed Use	Reject	5.1
3070	Susan Vogel	That there should be a sensible transition from residential to Business Mixed Use to Industrial.	Reject	5.1
3070	Susan Vogel	That there should be no heavy industry.	Reject	5.1
3070	Susan Vogel	That there should be less area in General Industrial Zone.	Reject	5.1
3070	Susan Vogel	That there should be clean air around schools and retirement villages.	Reject	5.1
3072	Millet Investments	That chapter 18A General Industrial Zone be Reject.	Accept in Part	4
3072	Millet Investments	That 134 Ballantyne Road be rezoned from notified General Industrial Zone and retain the Industrial A zoning.	Reject	5.1
3079	Millet Investments	That Industrial use should be kept to Ballantyne Road and other outlying purpose build industrial areas.	Reject	5.1
3080	Transpower New Zealand Limited	That 18A.3.3 be amended to include the following advice note: 18A.3.3.1 Land use activities within the National Grid Yard are managed in Chapter 30 Energy and Utilities.	Accept in Part	4.2
3109	Southern District Health Board	That the intent of the General Industrial Zone is retained as notified.	Accept in Part	4
3109	Southern District Health Board	That a staged approach be applied in removing Residential Activities from the General Industrial Zone.	Reject	4.2
3111	Schist Holdings Limited	That further consideration be given to a two zone approach that reflects the nature of the industrial area or that the objectives, policies and rules be amended to reflect that existing industrial areas zoned Industrial A have been developed already in a way that is not pure industrial and to provide continual operation of these premises.	Accept in Part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3111	Schist Holdings Limited	That the proposed General Industrial Zone provisions apply to new greenfield industrial areas only rather than existing industrial areas or that the objectives, policies and rules be amended to reflect that existing industrial areas zoned Industrial A have been developed already in a way that is not pure industrial and to provide continual operation of these premise.	Accept in Part	4.2
3111	Schist Holdings Limited	That the General Industrial Zone be split into A and B zones to reflect the different nature of the existing industrial areas within the Queenstown Lakes District or alternatively: Amend Chapter 18A to reflect the different nature of the areas currently zoned Industrial A, in particular, the Glenda Drive area which has more office and commercial uses, than industrial and light industrial uses; Amend 18A.1 (Purpose) to recognise the different nature of the Glenda Drive area which contains many commercial and office activities and is more business in nature; Amend Objective 27.3.13 to recognise the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather office and commercial activities are common; Amend Policy 18A.2.2.1 to exclude the Glenda Drive industrial area and other industrial areas zoned Industrial A under the Operative District Plan; Add a new Policy 18A.2.2.1A as follows: Recognise the Glenda Drive industrial area contains a large number of established office and commercial activities and enable their continued operation; Amend Policy 27.3.13.1 to recognise that the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather offices and commercial activities are common; Amend Policy 27.3.13.6 to recognise that the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather offices and commercial activities are common Amend Rule 18A.4.5 for Buildings from Restricted Discretionary to Controlled and amend the matters of discretion to matters of control; Amend Rule 18A.4.10 from non-complying to discretionary, in recognition that offensive trades will inevitably be located in General Industrial Zone (as amended through submissions). Amend Rule 18A.4.12 to remove Trade Suppliers from being a prohibited activity and make these a controlled activity in the Glenda Drive Industrial area; Amend Rule 18A.4.14 to remove Office and Commercial activities and make these a controlled activity in the Glenda Drive industrial area. Amend Rule 18A.5.1 to enable a greater amount of ancillary office, retail	Accept in Part	4

o.	Submitter	Submission	Recommendation	Section where Addressed
		<p>and commercial activities in the Glenda Drive industrial area, specifically, provide for between 50 - 150 m2 as a controlled activity, and 150m2 or greater as a restricted discretionary activity; Amend Rule 18A.5.2 to clarify it, as it contains confusing wording listing Licensed Premises as non-complying but then has in brackets (Excluding the sale of liquor).</p>		

o.	Submitter	Submission	Recommendation	Section where Addressed
3111	Schist Holdings Limited	<p>That a revised zoning apply to those areas currently zoned Industrial A under the Operative District Plan that is more enabling of commercial, office and trade supply activity or alternatively: Amend Chapter 18A to reflect the different nature of the areas currently zoned Industrial A, in particular, the Glenda Drive area which has more office and commercial uses, than industrial and light industrial uses; Amend 18A.1 (Purpose) to recognise the different nature of the Glenda Drive area which contains many commercial and office activities and is more business in nature; Amend Objective 27.3.13 to recognise the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather office and commercial activities are common; Amend Policy 18A.2.2.1 to exclude the Glenda Drive industrial area and other industrial areas zoned Industrial A under the Operative District Plan; Add a new Policy 18A.2.2.1A as follows: Recognise the Glenda Drive industrial area contains a large number of established office and commercial activities and enable their continued operation; Amend Policy 27.3.13.1 to recognise that the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather offices and commercial activities are common; Amend Policy 27.3.13.6 to recognise that the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather offices and commercial activities are common Amend Rule 18A.4.5 for Buildings from Restricted Discretionary to Controlled and amend the matters of discretion to matters of control; Amend Rule 18A.4.10 from non-complying to discretionary, in recognition that offensive trades will inevitably be located in General Industrial Zone (as amended through submissions).</p> <p>Amend Rule 18A.4.12 to remove Trade Suppliers from being a prohibited activity and make these a controlled activity in the Glenda Drive Industrial area; Amend Rule 18A.4.14 to remove Office and Commercial activities and make these a controlled activity in the Glenda Drive industrial area. Amend Rule 18A.5.1 to enable a greater amount of ancillary office, retail and commercial activities in the Glenda Drive industrial area, specifically, provide for between 50 - 150 m2 as a controlled activity, and 150m2 or greater as a restricted discretionary activity; Amend Rule 18A.5.2 to clarify it, as it contains confusing wording listing Licensed Premises as non-complying but then has in brackets (Excluding the sale of liquor).</p>	Accept in Part	4

o.	Submitter	Submission	Recommendation	Section where Addressed
3111	Schist Holdings Limited	That any other consequential changes necessary to achieve the relief in the submission be provided.	Consequential	Consequential
3128	Tussock Rise Limited	That the notified General Industrial Zone be Reject and rezoned to Business Mixed Use Zone, or split zone the Tussock Rise site Low Density Suburban Residential and Business Mixed Use Zone with separating boundary generally being the future road connection between Connell Terrace and Gordon Road .	Reject	5.1
3128	Tussock Rise Limited	That the notified General Industrial Zone over land south of the row of subdivided lots on the southern side of Frederick Street, and South of the former oxidation ponds be supported.	Accept	5.1
3128	Tussock Rise Limited	That the General Industrial Zone be split into A and B zones to reflect the different nature of the developed industrial area south of Frederick Street compared to the possible greenfield industrial areas on the former oxidation pond site and south of the former oxidation pond site.	Reject	4.2, 5.1
3128	Tussock Rise Limited	That any other consequential changes necessary be made to achieve the submission's relief sought.	Consequential	Consequential
3129	Queenstown Lakes District Council	That provision 31.6.1 (Table 31.6 of Chapter 31 -Signs) be varied to identify static signage platforms that is one of the sign types listed in Rules 31.6.2 to 31.6.5 and complies with the relevant Chapter 31 standards in the notified General Industrial Zone as a controlled activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.2 (Table 31.6 of Chapter 31-Signs) be varied to identify arcade directory signs in the notified General Industrial Zone as a permitted activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.3 (Table 31.6 of Chapter 31 - Signs) be varied to identify upstairs entrance signs in the notified General Industrial Zone as a permitted activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.4 (Table 31.6 of Chapter 31 -Signs) be varied to identify all signs located within the ground floor facade of a building in the notified General Industrial Zone as a controlled activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.5 (Table 31.6 of Chapter 31 -Signs) be varied to identify above ground floor signs in the notified General Industrial Zone as a controlled activity.	Accept	4.3

o.	Submitter	Submission	Recommendation	Section where Addressed
3129	Queenstown Lakes District Council	That provision 31.6.6 (Table 31 of Chapter 31-Signs) be varied to identify digital signage platforms within the ground floor facade of a building in the notified General Industrial Zone as a prohibited activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.7 (Table 31.6 of Chapter 31 -Signs) be varied to identify digital signage platforms above ground floor level in the notified General Industrial Zone as a prohibited activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.8 (Table 31.6 of Chapter 31 - Signs) be varied to identify digital signs not located within a digital signage platform in the notified General Industrial Zone as a prohibited activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.9 (Table 31.6 of Chapter 31 -Signs) be varied to identify billboard signs in the notified General Industrial Zone as a prohibited activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.10 (Table 31.6 of Chapter 31 - Signs) be varied to identify any sign activity which is not listed in Table 31.4 or Rules 31.6.1 to 31.6.9 inclusive in the notified General Industrial Zone as a discretionary activity.	Accept	4.3
3130	Bright Sky Land Limited	That the existing Industrial A and Industrial B land in Wanaka should be rezoned Business Mixed Use or Business Mixed Use and Lower Suburban Residential.	Reject	5.1
3130	Bright Sky Land Limited	That the General Industrial Zone at Ballantyne Road, off Enterprise Drive (Lot 99 DP 445766 & Lot 3 DP 374697) be retained as notified.	Accept	5.1
3130	Bright Sky Land Limited	That areas with existing development within the General Industrial zone have a more enabling framework with less prohibited activities.	Accept in Part	4.2
3130	Bright Sky Land Limited	That the General Industrial Zone at 135 Ballantyne Road is supported as notified.	Accept in part	5.6
3132	Erena Barker	That the Business Mixed Use Zone should be retained.	Reject	4.2, 5.1
3134	Ian Piercy	That the General Industrial Zone is opposed.	Accept in Part	5.1
3134	Ian Piercy	That the alternative proposal as outlined in the Upper Clutha Messenger is adopted.	Reject	5.1
3136	AJ Strain	That the General Industrial Zone proposal be Reject.	Accept in Part	4.2
3136	AJ Strain	That residential and office activities be a permitted activity.	Accept in part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3136	AJ Strain	That the setback remain at 2 metres.	Accept in Part	4.2
3136	AJ Strain	That further review of the General Industrial Zone proposal be undertaken.	Accept in Part	4.2
3136	AJ Strain	That it is not necessary for Council planners to have more control over design, colours and landscaping.	Reject	4.2
3137	Marly Wheen	That the General Industrial Zone as notified in Wanaka should be reduced.	Accept in part	5.1
3137	Marly Wheen	That the area notified in Wanaka as General Industrial Zone instead be zoned as Business Mixed Use.	Reject	5.1
3137	Marly Wheen	That the General Industrial Zone be located away from residential areas.	Reject	5.1
3147	Tekoa House Limited	That the properties on the western side of Ballantyne Road be zoned Business Mixed Use.	Reject	5.1
3151	MCS Holdings Gordon Road	That prohibited activity rule 18A.4.12 be amended so that trade suppliers on 30 Gordon Road are not prohibited.	Accept	4.2
3152	Ministry of Education	That a new policy be added to the policies in section 18A.2 as follows: "Enable educational facilities to establish throughout the General Industrial Zone, ensuring that the scale and effects of these activities do not adversely affect Industrial and Service activities."	Reject	4.2
3152	Ministry of Education	That a new restricted discretionary activity, "Educational Facilities", be added to Table 18A.4, with the following matters of discretion: 1. The extent to which it is necessary to locate the activity with the General Industrial Zone. 2. Reverse sensitivity effects of adjacent activities. 3. The extent to which the activity may adversely impact on the transport network. 4. The extent to which the activity may adversely impact on the streetscape. 5. The extent to which the activity may adversely impact on the noise environment. And any consequential changes that give effect to the relief sought in the submission.	Reject	4.2
3153	Aurora Energy Limited	That "electricity supply" be added to matter of discretion (f) under Rule 18A.4.5 where buildings require restricted discretionary activity resource consent.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3153	Aurora Energy Limited	That a new rule be added to section 18A.6 Non-notification of Applications: "For any application for resource consent where Rule 18A.4.5(k) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991." And make a consequential amendment to Rule 18A.6.1 to add an exception for the new rule, for example by adding the words "Except as provided for under Rule 18A.6.x" at the beginning of Rule 18A.6.1.	Accept in Part	4.2
3153	Aurora Energy Limited	That Policy 27.3.13.5 be retained as notified.	Accept	4.2
3153	Aurora Energy Limited	That the following be added as a matter of discretion to Rule 18A.4.5 (Buildings): "Where Electricity Sub-Transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or the subject site any adverse effects on that infrastructure."	Accept	4.2
3153	Aurora Energy Limited	That the following advice note be added to section 18A.3: "New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34:2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. To assist plan users in complying with NZECP34(2001), the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps. For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice."	Accept in Part	4.2
3153	Aurora Energy Limited	That Policy 27.3.13.5 be retained as notified.	Accept	4.2
3154	Shona & Bob Wallace	That the 10 metre maximum height limit in Rule 18A5.5 for the General Industrial Zone be changed to 7 metres for the high plateau of land between Gordon Road and Frederick Street in Wanaka.	Accept	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3161	Alpine Estates Ltd	That the operative Industrial A and Industrial B land on both sides of Frederick Street, Wanaka, and north of Frederick Street, including the site legally described as Lot 2 DP 477622 be re-zoned Business Mixed Use Zone, or split the site legally described as Lot 2 DP 477622 into Lower Density Suburban Residential and Business Mixed Use with the separating boundary generally being the future road connection between Connell Terrace and Gordon Road.	Reject	5.1
3161	Alpine Estates Ltd	That the notified General Industrial Zone over land south of the row of subdivided lots on the southern side of Frederick Street, Wanaka (Lot 99 DP 445766 & Lot 3 DP 374697) be retained as notified.	Accept	5.1
3161	Alpine Estates Ltd	That the notified General Industrial Zone south of the former oxidation ponds (135 Ballantyne Road, Wanaka) is retained as notified.	Accept in part	5.6
3161	Alpine Estates Ltd	That areas with existing development within the notified General Industrial Zone have a more enabling framework with less prohibited activities.	Accept in Part	4.2
3161	Alpine Estates Ltd	That the General Industrial Zone be split into A and B zones to reflect the different nature of the developed industrial area/lots south of Frederick Street, Wanaka, compared to the possible greenfield industrial areas on the former oxidation ponds site and south of the former oxidation ponds site.	Reject	4.2, 5.1
3165	Orchard Road Holdings Limited	That 'Trade Suppliers' is deleted from Policy 18A.2.2.1 and any other consequential change to provisions.	Accept in Part	4.2
3165	Orchard Road Holdings Limited	That the activity status for buildings in the General Industrial Zone (Rule 18A.4.5) be changed to controlled.	Reject	4.2
3165	Orchard Road Holdings Limited	That the activity status for 'Large Format Retail' (Rule 18A.4.12) in the General Industrial Zone be changed to 'non-complying', with any consequential amendments.	Reject	4.2
3165	Orchard Road Holdings Limited	That the activity status for 'Trade Suppliers' (Rule 18A.4.12) in the General Industrial Zone be changed to 'permitted', with any consequential amendments.	Accept in Part	4.2
3165	Orchard Road Holdings Limited	That the activity status of Office, Retail and Commercial Activities in the General Industrial Zone (Rule 18A.4.14) be changed to 'non-complying', with any consequential amendments.	Accept in part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3165	Orchard Road Holdings Limited	That ancillary office, retail and commercial activities in the General Industrial Zone (Rule 18A.4.2) be a permitted activity up to 100m ² .	Accept in Part	4.2
3165	Orchard Road Holdings Limited	That ancillary office, retail and commercial activities in the General Industrial Zone be a permitted activity up to 100m ² (Rule 18A.5.1).	Accept in Part	4.2
166	Arrow Irrigation Co Ltd	That the General Industrial Zone at 31 Bush Creek Road, Arrowtown (Lot 1 DP 22733) be retained as notified.	Accept	5.3
3201	Willowridge Developments Limited	That the General Industrial Zone be extended to include the entirety of the property at 135 Ballantyne Road (Lot 3 DP 17123).	Accept	5.6
3201	Willowridge Developments Limited	That reference to 'Trade Suppliers' be deleted from Policy 18A.2.2.1 and any consequential changes be made.	Accept in Part	4.2
3201	Willowridge Developments Limited	That the activity status for buildings in Rule 18A.4.5 be changed from Restricted Discretionary to Controlled.	Reject	4.2
3201	Willowridge Developments Limited	That the activity status for Large Format Retail activities in Rule 18A.4.12 be changed from Prohibited to Non-Complying and any consequential changes.	Reject	4.2
3201	Willowridge Developments Limited	That the activity status for 'Trade Suppliers' in Rule 18A.4.12 be changed from Prohibited to Permitted, and any consequential amendments be made.	Accept in Part	4.2
3201	Willowridge Developments Limited	That the activity status for 'Office, Retail and Commercial Activities' in Rule 18A.4.14 be changed from Prohibited to Non-Complying, and any consequential amendments made.	Accept in part	4.2
3201	Willowridge Developments Limited	That Rule 18A.5.1 be amended so that ancillary office, retail and commercial activities up to 100m ² are provided for as a permitted activity.	Accept in Part	4.2
3201	Willowridge Developments Limited	That the notified General Industrial Zone over part of the property at 135 Ballantyne Road, Wanaka (Lot 3 DP 17123) be retained as notified.	Accept	5.6
3224	Zella Downing	That the General Industrial proposal be Reject.	Accept in Part	5.1
3229	NZ Transport Agency	That Objective 18A.2.2 be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Policy 18A.2.2.1 be retained as notified.	Accept in Part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3229	NZ Transport Agency	That Policy 18A.2.2.3 be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Policy 18A.2.2.5 be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Policy 27.3.13.4 be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Policy 27.3.13.5 be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Rule 27.5.7b be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Rule 27.5.7c be amended to read 'Property access, roading and the safety of the transportation network'.	Reject	4.2
3234	The Breen Construction Company Ltd	That the provisions restricting Office and Commercial Activities in the General Industrial Zone in Wanaka be Reject.	Accept in part	4.2
3234	The Breen Construction Company Ltd	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3234	The Breen Construction Company Ltd	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3234	The Breen Construction Company Ltd	That the General Industrial Zone provisions be amended to allow for Office and Commercial Activities that are not ancillary to Industrial or Service Activities, or that Office and Commercial Activities be provided for in a certain area of the General Industrial Zone.	Accept in part	4.2
3234	The Breen Construction Company Ltd	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in the submission.	Consequential	Consequential

o.	Submitter	Submission	Recommendation	Section where Addressed
3234	The Breen Construction Company Ltd	That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Retail and Commercial activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Retail and Commercial activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.	Accept in part	4.1
3234	The Breen Construction Company Ltd	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Office, Retail and Commercial activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Retail and Commercial activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Service, Office, Retail and Commercial activities now and into the future.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Service, Office, Retail and Commercial activities within the Zone is not undermined by incompatible land uses.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3234	The Breen Construction Company Ltd	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Service, Office, Commercial and Retail activities: c. Large Format Retail d. Residential Activity, Residential Units and Residential Flats, and e. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3234	The Breen Construction Company Ltd	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.3.2 is amended to read as follows: Encourage Office, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.4.2 is amended to read as follows: Office, Retail and Commercial activities.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2
3234	The Breen Construction Company Ltd	That 18A.4.14 be Reject in its entirety.	Accept in part	4.2
3234	The Breen Construction Company Ltd	That 18A.5.1 be Reject in its entirety.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3234	The Breen Construction Company Ltd	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3234	The Breen Construction Company Ltd	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2
3234	The Breen Construction Company Ltd	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.	Reject	4.3
3234	The Breen Construction Company Ltd	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3234	The Breen Construction Company Ltd	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3

o.	Submitter	Submission	Recommendation	Section where Addressed
3234	The Breen Construction Company Ltd	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.3
3234	The Breen Construction Company Ltd	That the proposed variation to 27.6.1 is amended as follows: General Industrial: Minimum Lot Area = 1000m ² Except: Subdivision of lots less than 1000m ² shall be a restricted discretionary activity.	Reject	4.3
3234	The Breen Construction Company Ltd	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3234	The Breen Construction Company Ltd	That 27.3.13.8 is Reject in its entirety.	Reject	4.3
3234	The Breen Construction Company Ltd	That 27.7.11 is Reject in its entirety.	Reject	4.3
3234	The Breen Construction Company Ltd	That 27.7.11.2 is Reject in its entirety.	Reject	4.3
3235	J C Breen Family Trust	That the restrictions on non-ancillary Office and Commercial use are not appropriate in the General Industrial Zone.	Accept in part	4.2
3235	J C Breen Family Trust	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3235	J C Breen Family Trust	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3235	J C Breen Family Trust	That the General Industrial Zone provisions be amended to allow for Office and Commercial Activities that are not ancillary to Industrial or Service Activities, or that Office and Commercial Activities be provided for in a certain area of the General Industrial Zone.	Accept in part	4.2
3235	J C Breen Family Trust	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in the submission.	Consequential	Consequential

o.	Submitter	Submission	Recommendation	Section where Addressed
3235	J C Breen Family Trust	That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Retail and Commercial activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Retail and Commercial activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.	Accept in part	4.1
3235	J C Breen Family Trust	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Office, Retail and Commercial activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Retail and Commercial activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Service, Office, Retail and Commercial activities now and into the future.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Service, Office, Commercial and Retail activities within the Zone is not undermined by incompatible land uses.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3235	J C Breen Family Trust	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Service, Office, Commercial and Retail activities: c. Large Format Retail d. Residential Activity, Residential Units and Residential Flats, and e. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3235	J C Breen Family Trust	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.3.2 is amended to read as follows: Encourage Office, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.2
3235	J C Breen Family Trust	That 18A.4.2 is amended to read as follows: Office, Retail and Commercial activities.	Reject	4.2
3235	J C Breen Family Trust	That 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2
3235	J C Breen Family Trust	That 18A.4.14 be Reject in its entirety.	Accept in part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3235	J C Breen Family Trust	That 18A.5.1 be Reject in its entirety.	Reject	4.2
3235	J C Breen Family Trust	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3235	J C Breen Family Trust	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3235	J C Breen Family Trust	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2
3235	J C Breen Family Trust	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of maneuvering, loading and vehicle parking.	Reject	4.3
3235	J C Breen Family Trust	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3235	J C Breen Family Trust	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3

o.	Submitter	Submission	Recommendation	Section where Addressed
3235	J C Breen Family Trust	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Commercial and Retail activities.	Reject	4.3
3235	J C Breen Family Trust	That the proposed variation to 27.6.1 is amended as follows: General Industrial: Minimum Lot Area = 1000m ² Except: Subdivision of lots less than 1000m ² shall be a restricted discretionary activity.	Reject	4.3
3235	J C Breen Family Trust	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3235	J C Breen Family Trust	That 27.3.13.8 is Reject in its entirety.	Reject	4.3
3235	J C Breen Family Trust	That 27.7.11 is Reject in its entirety.	Reject	4.3
3235	J C Breen Family Trust	That 27.7.11.2 is Reject in its entirety.	Reject	4.3
3256	Upper Clutha Transport Limited	That an 8 hectare property located between Church Road and the Clutha River, Luggate (Lot 1 DP 300025 and Lot 1 DP 475297) be re- zoned General Industrial, as shown on the map attached to the submission, with any consequential changes.	Accept in part	5.5
3256	Upper Clutha Transport Limited	That Policy 18A.2.2.1 is amended through the deletion of 'b) Trade Suppliers' and the addition to d. the words ' except for workers accommodation ancillary to Industrial or Service activities,' after 'residential flat', with any consequential changes.	Accept in Part	4.2, 5.5
3256	Upper Clutha Transport Limited	That Policy 18A.2.2.3 is amended to include workers accommodation, so that it reads ' Limit the scale, location and function of Office, Retail, Commercial and Workers Accommodation activities to ensure they are ancillary to Industrial or Service activities, with any consequential changes.	Reject	5.5

o.	Submitter	Submission	Recommendation	Section where Addressed
3256	Upper Clutha Transport Limited	That Policy 18A.2.2.4 is amended to provide for workers accommodation as follows - 'Ensure all Office, Retail, Commercial and Workers Accommodation activities are constructed and operated to mitigate adverse reverse sensitivity effects to Industrial and Service activities, with any consequential changes.	Reject	5.5
3256	Upper Clutha Transport Limited	That Policy 18A.2.3.2 is amended to read as follows ' Control the location of ancillary Office, Retail, Commercial and Workers accommodation activities and encourage them to actively engage with the street frontage and public places, with any consequential changes.	Reject	4.2, 5.5
3256	Upper Clutha Transport Limited	That Rule 18A.4.2 be amended to include Workers accommodation ancillary to Industrial or Service activities as a permitted activity.	Reject	5.5
3256	Upper Clutha Transport Limited	That a Rule be included to provide Trade Suppliers as a discretionary activity, with any consequential changes.	Accept	4.2
3256	Upper Clutha Transport Limited	That Rule 18A.4.12 be amended to refer only to Large Format retail and delete Trade Suppliers as a prohibited activity, with any consequential changes.	Accept in Part	4.2
3256	Upper Clutha Transport Limited	That Rule 18A.4.15 be amended to read ' Residential Activity, Residential Units and Residential Flats not otherwise identified', with any consequential changes.	Reject	4.2
3256	Upper Clutha Transport Limited	That Rule 18A.5.1 is amended to include Workers Accommodation as a permitted activity that the standards apply to, with any consequential changes.	Reject	4.2
3266	Alpine Nominees Ltd	That the provisions restricting Office and Commercial Activities in the General Industrial Zone in Wanaka be Reject.	Accept in part	4.2
3266	Alpine Nominees Ltd	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3266	Alpine Nominees Ltd	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3266	Alpine Nominees Ltd	That the General Industrial Zone provisions be amended to allow for Office and Commercial Activities that are not ancillary to Industrial or Service Activities, or that Office and Commercial Activities be provided for in a certain area of the General Industrial Zone.	Accept in part	4.1
3266	Alpine Nominees Ltd	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in the submission.	Consequential	Consequential

o.	Submitter	Submission	Recommendation	Section where Addressed
3266	Alpine Nominees Ltd	That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Retail and Commercial activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Retail and Commercial activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.	Accept in part	4.1
3266	Alpine Nominees Ltd	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Office, Retail and Commercial activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Retail and Commercial activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Service, Office, Retail and Commercial activities now and into the future.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Service, Office, Retail and Commercial activities within the Zone is not undermined by incompatible land uses.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3266	Alpine Nominees Ltd	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities: c. Large Format Retail d. Residential Activity, Residential Units and Residential Flats, and e. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3266	Alpine Nominees Ltd	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.3.2 is amended to read as follows: Encourage Office, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.4.2 is amended to read as follows: Office, Retail and Commercial activities.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2
3266	Alpine Nominees Ltd	That 18A.4.14 be Reject in its entirety.	Accept in part	4.2
3266	Alpine Nominees Ltd	That 18A.5.1 be Reject in its entirety.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3266	Alpine Nominees Ltd	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3266	Alpine Nominees Ltd	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2
3266	Alpine Nominees Ltd	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the	Reject	4.3

o.	Submitter	Submission	Recommendation	Section where Addressed
		General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities.		
3266	Alpine Nominees Ltd	That the proposed variation to 27.6.1 is amended as follows: General Industrial: Minimum Lot Area = 1000m ² Except: Subdivision of lots less than 1000m ² shall be a restricted discretionary activity.	Reject	4.3
3266	Alpine Nominees Ltd	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.3.13.8 is Reject in its entirety.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.7.11 is Reject in its entirety.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.7.11.2 is Reject in its entirety.	Reject	4.3
3269	Henley Property Trust	That all objectives, policies and rules of the General Industrial Zone that restrict the size of office space are Reject.	Reject	4.2
3269	Henley Property Trust	That all objectives, policies and rules of the General Industrial Zone that restrict the establishment and operation of Trade Suppliers are Reject.	Accept in Part	4.2
3269	Henley Property Trust	That all objectives, policies and rules of the General Industrial Zone that make Large Format Retail activities a prohibited activity are Reject.	Reject	4.2
3269	Henley Property Trust	That the 10m height limit specified under Rule 18A.5.5 is retained as notified.	Accept in part	4.2
3269	Henley Property Trust	That Policy 5.3.3 of the Partially Operative Regional Policy Statement be given effect to through the General Industrial Zone provisions.	Accept	4.2
3269	Henley Property Trust	That Objective 3.2.6 and Strategic Policies 3.3.8, 3.3.10 and 3.3.11 of the Queenstown Lakes District Council Proposed District Plan are given effect to through the General Industrial Zone provisions.	Accept	4.2
3269	Henley Property Trust	That 18A.2.2.1 a (office, retail and commercial activities); 18A.2.2.1 b (trade suppliers); and 18A.2.2.1 c (large format retail), as notified be Reject.	Accept in Part	4.2
3269	Henley Property Trust	That 18A.2.2.3 be amended to the following: " Office, Retail and Commercial activities shall be ancillary to Industrial or Service Activities."	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3269	Henley Property Trust	That Rule 18A.4.12 be amended to remove reference to Trade Suppliers and change the activity status from non-complying to discretionary, so that the rule reads as follows: "Large Format Retail - Discretionary."	Accept in Part	4.2
3269	Henley Property Trust	That Rule 18A.5.1 (a) be Reject.	Reject	4.2
3270	Upper Clutha Transport Limited	That the General Industrial Zone on the submitter's property at 78 Ballantyne Road (Lot 7 DP 19168) be retained as notified.	Accept	5.1
3270	Upper Clutha Transport Limited	That Policy 18A.2.2.1 be amended to delete the reference to Trade Suppliers.	Accept in Part	4.2
3270	Upper Clutha Transport Limited	That an additional rule be added to Table 18A.4 which provides for Trade Suppliers as a discretionary activity.	Accept	4.2
3270	Upper Clutha Transport Limited	That Rule 18A.4.12 be amended to remove reference to Trade Suppliers.	Accept	4.2
3270	Upper Clutha Transport Limited	That other such further, consequential or alternative relief be provided to give effect to the submission.	Consequential	Consequential
3283	Nigel Perkins	That the proposed General Industrial Zoning on the western side of Ballantyne Road and north of Frederick Street be rezoned Business Mixed Use.	Reject	5.1
3286	86 Ballantyne Road Partnership	That the restrictions on non-ancillary Office and Commercial use are not appropriate in the General Industrial Zone around Ballantyne Road.	Accept in part	4.2
3286	86 Ballantyne Road Partnership	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3286	86 Ballantyne Road Partnership	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3286	86 Ballantyne Road Partnership	That the General Industrial Zone provisions be amended to allow for Office and Commercial Activities that are not ancillary to Industrial or Service Activities, or that Office and Commercial Activities be provided for in the Ballantyne Road corridor of the General Industrial Zone.	Accept in part	4.2
3286	86 Ballantyne Road Partnership	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in the submission.	Consequential	Consequential

o.	Submitter	Submission	Recommendation	Section where Addressed
3286	86 Ballantyne Road Partnership	That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Retail and Commercial activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Retail and Commercial activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.	Accept in part	4.1
3286	86 Ballantyne Road Partnership	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Office, Retail and Commercial activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Retail and Commercial activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Service, Office, Retail and Commercial activities now and into the future.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Service, Office, Retail and Commercial activities within the Zone is not undermined by incompatible land uses.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3286	86 Ballantyne Road Partnership	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities: c. Large Format Retail, d. Residential Activity, Residential Units and Residential Flats, and e. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.3.2 is amended to read as follows: Encourage Office, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.4.2 is amended to read as follows: Office, Retail and Commercial activities.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2
3286	86 Ballantyne Road Partnership	That 18A.4.14 be Reject in its entirety.	Accept in part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3286	86 Ballantyne Road Partnership	That 18A.5.1 be Reject in its entirety.	Reject	4.2
3286	86 Ballantyne Road Partnership	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary. Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3286	86 Ballantyne Road Partnership	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.	Reject	4.3
3286	86 Ballantyne Road Partnership	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3286	86 Ballantyne Road Partnership	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3

o.	Submitter	Submission	Recommendation	Section where Addressed
3286	86 Ballantyne Road Partnership	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.3
3286	86 Ballantyne Road Partnership	That the proposed variation to 27.6.1 is amended as follows: General Industrial: Minimum Lot Area = 1000m ² Except: Subdivision of lots less than 1000m ² shall be a restricted discretionary activity.	Reject	4.3
3286	86 Ballantyne Road Partnership	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3286	86 Ballantyne Road Partnership	That 27.3.13.8 is Reject in its entirety.	Reject	4.3
3286	86 Ballantyne Road Partnership	That 27.7.11 is Reject in its entirety.	Reject	4.3
3286	86 Ballantyne Road Partnership	That 27.7.11.2 is Reject in its entirety.	Reject	4.3
3288	Fire and Emergency New Zealand	That Rule 18A.4.5 be amended as follows: Buildings Activity Status = Controlled Activity Control is reserved to... .	Reject	4.2
3288	Fire and Emergency New Zealand	That a new rule be added as follows: 18A.4.X Emergency service facilities: Activity Status = Controlled Activity Control is reserved to: a. Vehicle manoeuvring, parking and access, safety and efficiency; b. Location, design and external appearance of buildings; c. Locational, functional and operational requirements; d. Community safety and resilience; and e. Landscaping.	Reject	4.2
3288	Fire and Emergency New Zealand	That Rule 18A.5.5 be retained as notified.	Accept in part	4.2
3288	Fire and Emergency New Zealand	That Rule 18A.5.6 be retained as notified.	Accept in part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3288	Fire and Emergency New Zealand	That 18A.6.1 be amended as follows: The following controlled and restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified (...).	Reject	4.2
3298	NPR Trading Limited	That the provisions restricting Office, Commercial, Food and Beverage and Retail Activities in the General Industrial Zone around Gordon Road, Wanaka be Reject.	Accept in part	4.2
3298	NPR Trading Limited	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3298	NPR Trading Limited	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3298	NPR Trading Limited	That the General Industrial Zone provisions be amended to allow for Office, Commercial, Food and Beverage and Retail Activities that are not ancillary to Industrial or Service Activities or that Office, Commercial, Food and Beverage and Retail Activities be provided along Gordon Road.	Accept in part	4.2
3298	NPR Trading Limited	That if submission point 3298.4 is Reject; that alternatively rezone Gordon Road to a bespoke Business Mixed Use zone that deters residential and visitor accommodation activities.	Reject	5.1
3298	NPR Trading Limited	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in submission 3298.	Consequential	Consequential
3298	NPR Trading Limited	<p>That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Commercial, Food and Beverage and Retail activities.</p> <p>The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Commercial, Food and Beverage and Retail activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of</p>	Accept in part	4.1

o.	Submitter	Submission	Recommendation	Section where Addressed
		amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.		
3298	NPR Trading Limited	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Service, Office, Commercial, Food and Beverage and Retail activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Commercial, Food and Beverage and Retail activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Office, Commercial, Food and Beverage and Retail activities now and into the future.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Office, Commercial, Food and Beverage and Retail activities within the Zone is not undermined by incompatible land uses.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Office, Commercial, Food and Beverage and Retail activities: a. Residential Activity, Residential Units and Residential Flats, and b. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3298	NPR Trading Limited	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3298	NPR Trading Limited	That 18A.2.3.2 is amended to read as follows: Encourage Office, Food and Beverage, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail, Food and Beverage and Commercial activities.	Reject	4.2
3298	NPR Trading Limited	That Rule 18A.4.2 is amended to read as follows: Office, Retail, Food and Beverage and Commercial activities.	Reject	4.2
3298	NPR Trading Limited	That Rule 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2
3298	NPR Trading Limited	That Rule 18A.4.14 be Reject in its entirety.	Accept in part	4.2
3298	NPR Trading Limited	That 18A.5.1 be Reject in its entirety.	Reject	4.2
3298	NPR Trading Limited	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: Rule 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3298	NPR Trading Limited	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3298	NPR Trading Limited	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3298	NPR Trading Limited	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Food and Beverage Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of maneuvering, loading and vehicle parking.	Reject	4.3
3298	NPR Trading Limited	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail, Food and Beverage and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3298	NPR Trading Limited	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail, Food and Beverage and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3
3298	NPR Trading Limited	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Retail, Food and Beverage and Commercial activities.	Reject	4.3
3298	NPR Trading Limited	That the proposed variation to Rule 27.6 is amended as follows: General Industrial: Minimum Lot Area = 1000m ² Except: Subdivision of lots less than 1000m ² shall be a restricted discretionary activity.	Reject	4.3
3298	NPR Trading Limited	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3300	Ben and Hamish Acland	That the provisions restricting Office and Commercial Activities in the General Industrial Zone in Wanaka be Reject.	Accept in part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3300	Ben and Hamish Acland	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3300	Ben and Hamish Acland	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3300	Ben and Hamish Acland	That the General Industrial Zone provisions be amended to allow for Office and Commercial Activities that are not ancillary to Industrial or Service Activities, or that Office and Commercial Activities be provided for in a certain area of the General Industrial Zone.	Accept in part	4.2
3300	Ben and Hamish Acland	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in the submission.	Consequential	Consequential
3300	Ben and Hamish Acland	That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Retail and Commercial activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Retail and Commercial activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.	Accept in part	4.1
3300	Ben and Hamish Acland	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Office, Retail and Commercial activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Retail and Commercial activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3300	Ben and Hamish Acland	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Service, Office, Retail and Commercial activities now and into the future.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Service, Office, Retail and Commercial activities within the Zone is not undermined by incompatible land uses.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities: a. Residential Activity, Residential Units and Residential Flats, and b. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3300	Ben and Hamish Acland	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.3.2 is amended to read as follows: Encourage Office, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.4.2 is amended to read as follows: Office, Retail and Commercial activities.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3300	Ben and Hamish Acland	That 18A.4.14 be Reject in its entirety.	Accept in part	4.2
3300	Ben and Hamish Acland	That 18A.5.1 be Reject in its entirety.	Reject	4.2
3300	Ben and Hamish Acland	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3300	Ben and Hamish Acland	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2
3300	Ben and Hamish Acland	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.	Reject	4.3
3300	Ben and Hamish Acland	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3300	Ben and Hamish Acland	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3

o.	Submitter	Submission	Recommendation	Section where Addressed
3300	Ben and Hamish Acland	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.3
3300	Ben and Hamish Acland	That the proposed variation to 27.6.1 is amended as follows: General Industrial: Minimum Lot Area = 1000m ² Except: Subdivision of lots less than 1000m ² shall be a restricted discretionary activity.	Reject	4.3
3300	Ben and Hamish Acland	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3316	Queenstown Airport Corporation	That the purpose statement is amended to acknowledge the proximity of Queenstown Airport to the Glenda Drive General Industrial Zone and the need to manage activities that could impact on aircraft operations.	Reject	4.1
3316	Queenstown Airport Corporation	That the words "or by airport noise" are removed from Policy 18A.2.3.4.	Accept in Part	4.2
3316	Queenstown Airport Corporation	That a new objective is inserted into the Chapter as follows: Objective 18A.2.5: Business and industrial areas in proximity to Queenstown Airport to managed to ensure that the operations of the airport are not adversely affected by Activities Sensitive to Aircraft Noise.	Accept in Part	4.2
3316	Queenstown Airport Corporation	That a new objective is inserted into the Chapter as follows: Policy 18A.5.1: Prohibit the location of any new Activity Sensitive to Aircraft Noise on industrial land within the Air Noise Boundary or Outer Control Boundary for Queenstown Airport.	Accept in Part	4.2
3316	Queenstown Airport Corporation	That a new policy is inserted into the Chapter as follows: Policy 18A.5.2: Require as necessary mechanical ventilation for any alternations or additions to Critical Listening Environments within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.	Accept in Part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3316	Queenstown Airport Corporation	That Objective 18A.2.4 is amended to include "or the functioning of Queenstown Airport"	Reject	4.2
3316	Queenstown Airport Corporation	That a new policy is inserted as follows: "Manage glare and dust effects and discourage refuse activities within the zone to avoid adverse effects on aircraft operations at Queenstown Airport".	Reject	4.2
3316	Queenstown Airport Corporation	That a new Clause 18A.3.2.5 is inserted as follows: "Obstacle limitation surfaces at Queenstown and Wanaka Airport: Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land use Controls obstacle limitation surfaces at Queenstown and Wanaka Airport must first obtain written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.	Reject	4.2
3316	Queenstown Airport Corporation	That an addition matter of discretion is added to Rule 18A.4.5, being: "k. the design, construction, orientation and location of the alterations or additions to achieve adequate indoor sound insulation from aircraft noise within the Queenstown Airport Noise Control Boundary or Outer Control Boundary.	Reject	4.2
3316	Queenstown Airport Corporation	That Rule 18A.4.6 is deleted and replaced with proposed new standard 18A.5.10 as follows: Rule 18A.5.10 Buildings within the Outer Control Boundary a. Buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise (ASAN) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. b. Compliance between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB). Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 or by submitting a certificate to the Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.	Accept in Part	4.2
3316	Queenstown Airport Corporation	That the words "and refuse collection and disposal" are removed from Rule 18A.4.10.	Reject	4.2
3316	Queenstown Airport Corporation	That Rule 18A.4.13 be retained as notified.	Accept	4.2
3316	Queenstown Airport Corporation	That the maximum building height in Rule 18A.5.5 be 6m.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3316	Queenstown Airport Corporation	That Rule 18A.5.7 is amended as follows: a. The addition of flight paths to this clause; and an additional standard stating: d. Lighting shall not mimic a design or form that resembles or conflicts with aircraft operations at Queenstown Airport.	Reject	4.2
3316	Queenstown Airport Corporation	That the Matter of Discretion for Rule 18A.5.7 is amended to include aircraft operations.	Reject	4.2
3316	Queenstown Airport Corporation	That Rule 18A.6.2.1 is retained as notified.	Accept	4.2
3316	Queenstown Airport Corporation	That the submitter's property at 27 Lucas Place (Lot 2 DP 472825) with a land area of area 3.27, located on the northern side of Hawthorne Drive approximately 150m west of the intersection with Glenda Drive, be amended as for follows; the Industrial Zone land shown in Attachment B be rezoned to Airport Zone (Stage 1 Decision); or, include new provisions in the General Industrial Zone specific to this land that achieves similar or like relief; or, Rezone the Industrial Zone land shown in Attachment B to Frankton Flats B (Activity Area E1) zone; or including new provisions in the General Industrial Zone specific to this land that achieves similar or like relief; or rezone this land Rural.	Reject	5.2
3340	Reavers (N.Z.) Limited	That Chapter 18A (General Industrial Zone) and all consequential amendments as notified be Reject.	Accept in Part	4
3340	Reavers (N.Z.) Limited	That the adoption of a single industrial zone (the General Industrial Zone) planning framework be retained as notified.	Accept	4
3340	Reavers (N.Z.) Limited	That the rezoning of Rural Zone land and unzoned stopped road in the Glenda Drive area to General Industrial Zone be retained as notified.	Accept	5.2
3340	Reavers (N.Z.) Limited	That the use of prohibited activity statuses in Table 18A.4 be Reject.	Accept in Part	4.2
3340	Reavers (N.Z.) Limited	That the prohibited activity statuses associated with Policy 18A.2.2.1 be Reject.	Accept in Part	4.2
3340	Reavers (N.Z.) Limited	That the use of a prohibited activity status for 'custodial' residential units be Reject.	Reject	4.2
3340	Reavers (N.Z.) Limited	That Rule 18A.4.5 (buildings) be amended to have a controlled activity status.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3340	Reavers (N.Z.) Limited	That the 50 m2 restriction for ancillary office, retail and commercial activities in rule 18A.5.1(a) be Reject.	Reject	4.2
3340	Reavers (N.Z.) Limited	That a ratio/percentage requirement for ancillary office, retail and commercial activities be applied in Rule 18A.5.1(a).	Reject	4.2
3340	Reavers (N.Z.) Limited	That the minimum 5 m road boundary setback specified for buildings in rule 18A.5.3(a)(ii) be Reject.	Accept in Part	4.2
3340	Reavers (N.Z.) Limited	That the 7 m road boundary setback for buildings in rule 18A.5.3(b)(i) be Reject.	Reject	4.2
3340	Reavers (N.Z.) Limited	That the 10 m maximum height for buildings in Rule 18A.5.5 be retained as notified.	Accept in part	4.2
3340	Reavers (N.Z.) Limited	That clarification is provided in regard to the application of Rule 18A.5.6 in respect to the submitter's land: Lot 1 DP 333539 and Section 1 Survey Office Plan 495820 Lot 4 DP 333539 and Section 2 Survey Office Plan 495820 Lot 3 DP 333539 Lot 5 DP 333539 Lot 6 DP 333539 Lot 7 DP 534856 Lot 2 DP 534856 Lot 18 DP 19871 Lot 19 DP 19871 Lot 20 and 21 DP 19862 Lot 9 DP 333539 Lot 10 DP 333539 Lot 11 DP 333539 Lot 14 DP 19871 Lot 14 DP 304880	Accept	5.2
3340	Reavers (N.Z.) Limited	That Rule 27.6.1 be amended to specify no minimum lot area for subdivision in the General Industrial Zone.	Reject	4.3
3340	Reavers (N.Z.) Limited	That further work be undertaken to acknowledge the range, scale and diversity of activities already established within the Glenda Drive industrial environment.	Accept in Part	4.2
3340	Reavers (N.Z.) Limited	That a more efficient and effective proposal for the Glenda Drive industrial environment be notified.	Accept in Part	4.2
3340	Reavers (N.Z.) Limited	That any other additional or consequential relief to the Proposed District Plan be provided that will give effect to the submission.	Consequential	Consequential
3342	Otago Regional Council	That Objective 18A.2.1 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.1.1 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.1.2 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.1.3 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.1.4 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.1.5 be retained as notified.	Accept	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3342	Otago Regional Council	That Objective 18A.2.2 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.2.1 be retained as notified.	Accept in Part	4.2
3342	Otago Regional Council	That Policy 18A.2.2.2 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.2.3 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.2.4 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.2.5 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Objective 18A.2.3 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.3.1 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.3.2 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.3.3 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.3.4 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Objective 18A.2.4 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.4.1 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.4.2 be retained as notified.	Accept	4.2
3343	WAYFARE GROUP LIMITED	That Policy 18A.2.2.1 is amended to clarify that recreation/commercial recreation activities need not be avoided, by inserting the text 'excluding commercial recreation' after commercial activities.	Reject	4.2
3343	WAYFARE GROUP LIMITED	That a new policy is inserted that provides for recreation activities as follows: "Provide for recreation and community activities and facilities, including commercial recreation, where: i. The applicant demonstrates that it is difficult or impractical to locate the activity in other zones; ii. The activity is compatible with the use of industrial land or buildings and iii. The activity is compatible with neighbouring land uses.	Reject	4.2
3343	WAYFAREGROUP LIMITED	That the activity status in Rule 18A.4.8, in relation to recreation and commercial recreation activities is amended from Non-Complying to Discretionary.	Reject	4.2
3343	WAYFARE GROUP LIMITED	That the activity status in Rule 18A.4.9, in relation to community activities and facilities is amended from 'Non-complying' to 'Discretionary'.	Reject	4.2
3343	WAYFARE GROUP LIMITED	That Policy 18A.2.2.4 is amended to clarify that recreation/commercial recreation activities need not be avoided, by inserting the text 'excluding commercial recreation' after commercial activities.	Reject	4.2
3348	J. McMillan	That buildings are controlled activities in respect of landscaping, external appearance, location of offices and showrooms, and visual impact.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3348	J. McMillan	That outdoor storage areas are permitted.	Accept	4.2
3348	J. McMillan	That retail sales are limited to goods manufactured on the site, and ancillary products up to 20% of the gross floor area, or are otherwise non-complying.	Accept in Part	4.2
3348	J. McMillan	That Visitor accommodation is non-complying.	Reject	4.2
3348	J. McMillan	That one residential unit per site is permitted for the purpose of onsite custodial management.	Reject	4.2
3348	J. McMillan	That buildings are to be set back 5m from State Highway 6 and 2m from all other boundaries.	Accept in Part	4.2
3348	J. McMillan	That 80% maximum site coverage is allowed.	Reject	4.2
3348	J. McMillan	That a Maximum building height of 10m is allowed.	Accept in Part	4.2
3348	J. McMillan	That adherence to noise standards measured at any point outside of the zone is allowed.	Reject	4.2
3348	J. McMillan	That there is a no minimum allotment size for subdivision.	Reject	4.3
3348	J. McMillan	That Map 31 is updated to reflect that the submitter's property, Lot 1 DP 308784 located on the northern side of Frankton-Ladies Mile Highway, approximately 170m north-east of the intersection with Hardware Lane, and the surrounding properties, being zoned Industrial, with location specific and consequential changes to those provisions to give effect to the issues raised.	Reject	5.2
3348	J. McMillan	That any other additional or consequential relief to the Proposed Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission; including any other appropriate zoning and provisions.	Consequential	Consequential
3349	Cardrona Cattle Company Limited	That prohibitive activities be removed as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That provision is included for custodial residential living and workers accommodation as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.3, 5.4
3349	Cardrona Cattle Company Limited	That buildings are controlled activities in respect of landscaping, external appearance, location of offices and showrooms, and visual impact, as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That the outdoor storage areas located within any street scene setback are controlled activities in respect of landscaping, screening, appearance and visual impact, as it relates to the Industrial Zone sought at Victoria	Reject	4.2, 5.4

o.	Submitter	Submission	Recommendation	Section where Addressed
		Flat.		
3349	Cardrona Cattle Company Limited	That retail sales are limited to goods manufactured on the site, and ancillary products up to 20% of the gross floor area, or are otherwise non-complying, as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That Visitor accommodation is non-complying as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That buildings are to be set back 10m from State Highway 6 and 2m from all other boundaries as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That 80% maximum site coverage is allowed as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That a maximum building height of 10m is allowed as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That adherence to noise standards measured at any point outside of the zone is allowed as it relates to the Industrial Zone sought at Victoria Flats.	Reject	5.4
3349	Cardrona Cattle Company Limited	That no minimum allotment size for subdivision is allowed as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.3
3349	Cardrona Cattle Company Limited	That all necessary refinements are made to the objectives and policies of the Zone as it relates to the Industrial Zone sought at Victoria Flat.	Consequential	Consequential
3349	Cardrona Cattle Company Limited	That the flat parts (approximately 41 Ha) of the submitter's properties at 3207 Gibbston Highway, located to the immediate east of the landfill site and on the western side of the Kawarau river, be rezoned from Gibbston Character zone to General Industrial Zone, with location specific and consequential changes to those provisions of the Proposed District Plan to give effect to the issues raised in this submission.	Reject	5.4
3349	Cardrona Cattle Company Limited	That any other additional or consequential relief to the Proposed District Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission; including any other appropriate zoning and provisions.	Consequential	Consequential

o.	Submitter	Submission	Recommendation	Section where Addressed
3352	M-Space Partnership Ltd	That the submitter's land, being 7, 11, 12, 17 Sutherland Lane and 226 Glenda Drive, legally described as Lots 5, 8, and 9 DP 521947, Lot 17 DP 540262, and Lot 15 DP 526426, with a land area of 0.3ha, be rezoned from General Industrial to Business Mixed Use with any other additional or consequential relief that will give effect to the submission.	Accept in Part	5.2
3352	M-Space Partnership Ltd	That in the alternative to the Submitter's land, being 7, 11, 12, 17 Sutherland Lane and 226 Glenda Drive, legally described as Lots 5, 8, and 9 DP 521947, Lot 17 DP 540262, and Lot 15 DP 526426, being rezoned to an amended Business Mixed Use Zone as sought in submission 3352.1, that a General Industrial Zone be created that is specific to the Glenda Drive neighbourhood with the provision for more mixed use commercial and residential activities; with any other additional or consequential relief that will fully give effect to the submission.	Accept in Part	4.2, 5.2
3353	Bush Creek Property Holdings Limited Bush Creek Property Holdings No. 2 Limited	That the submitter's land at 7 & 9a Bush Creek Road (Lot 1 DP 27675 with an area of 0.2ha & Lot 1 DP 17215 with a land area of 0.13ha) be rezoned from General Industrial to Business Mixed Use with any other additional or consequential relief that will give effect to the submission.	Accept in Part	4.2, 5.3
3353	Bush Creek Property Holdings Limited Bush Creek Property Holdings No. 2 Limited	That if the Submitter's land at 7 & 9a Bush Creek Road (Lot 1 DP 27675 with an area of 0.2ha & Lot 1 DP 17215 with a land area of 0.13ha) is not rezoned to Business Mixed Use Zone then a General Industrial Zone should be applied that is specific to the neighbourhood with the provision for more mixed use commercial and residential activities; with any other additional or consequential relief that will fully give effect to the submission.	Accept in Part	4.2, 5.3
3354	Bush Creek Investments Limited	That the submitter's land at 11 Bush Creek Road (Lots 1 and 2 DP 18134 with a total land area of 1.8ha) be rezoned from General Industrial to Business Mixed Use with any other additional or consequential relief that will give effect to the submission.	Accept in Part	4.2, 5.3
3354	Bush Creek Investments Limited	That if the Submitter's land at 11 Bush Creek Road (Lots 1 and 2 DP 18134 with a total land area of 1.8ha) is not rezoned to Business Mixed Use Zone sought by submission 3354.1, that a General Industrial Zone that is specific to the neighbourhood should be applied with the provision for more mixed use commercial and residential activities; with any other additional or consequential relief that will fully give effect to the submission.	Accept in Part	4.2, 5.3

o.	Submitter	Submission	Recommendation	Section where Addressed
3355	M J Thomas	That the submitter's land 14 Bush Creek Road, Arrowtown (Lot 1 DP 20056 and Lot 1 DP 24863 with a land area of 0.1ha) be rezoned from General Industrial to Business Mixed Use with any other additional or consequential relief that will give effect to the submission.	Accept in Part	5.3
3355	M J Thomas	That if the Submitter's land at 14 Bush Creek Road, Arrowtown (Lot 1 DP 20056 and Lot 1 DP 24863 with a land area of 0.1ha) is not rezoned to Business Mixed Use Zone as sought by submission 3355.2 then a General Industrial Zone that is specific to the neighbourhood should be applied with the provision for more mixed use commercial and residential activities; with any other additional or consequential relief that will fully give effect to the submission.	Accept in Part	4.2, 5.3
3357	The Station at Waitiri Limited (2)	That buildings are controlled activities in respect of landscaping, external appearance, location of offices and showrooms, and visual impact.	Reject	4.2
3357	The Station at Waitiri Limited (2)	That outdoor storage areas are permitted.	Accept	4.2
3357	The Station at Waitiri Limited (2)	That retail sales are limited to goods manufactured on the site, and ancillary products up to 20% of the gross floor area, or are otherwise non-complying.	Reject	4.2
3357	The Station at Waitiri Limited (2)	That Visitor accommodation is non-complying.	Reject	4.2
3357	The Station at Waitiri Limited (2)	That one residential unit per site is permitted for the purpose of onsite custodial management.	Reject	4.2
3357	The Station at Waitiri Limited (2)	That buildings are to be set back 5m from State Highway 6 and 2m from all other boundaries.	Accept in Part	4.2
3357	The Station at Waitiri Limited (2)	That 80% maximum site coverage is allowed.	Reject	4.2
3357	The Station at Waitiri Limited (2)	That a Maximum building height of 10m is allowed.	Accept in part	4.2
3357	The Station at Waitiri Limited (2)	That adherence to noise standards measured at any point outside of the zone is allowed.	Reject	5.4
3357	The Station at Waitiri Limited (2)	That there is a no minimum allotment size for subdivision.	Reject	5.4

o.	Submitter	Submission	Recommendation	Section where Addressed
3357	The Station at Waitiri Limited (2)	That the submitter's property along Gibbston Valley Highway, being Section 3 SO 24743 and Lot 4 DP 27395, located on the southern side of the Kawarau River and the surrounding properties, being re-zoned Industrial, with location specific and consequential changes to those provisions to give effect to the issues raised.	Reject	5.4
3357	The Station at Waitiri Limited (2)	That any other additional or consequential relief to the Proposed Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission; including any other appropriate zoning and provisions.	Consequential	5.4
3201	Willowridge Developments Limited	That the eastern boundary of the General Industrial Zoned (GIZ) site be moved to the east in lie with the Ponds site so as to not create a strip of residential activity that may be adversely affected by future industrial activity.	Reject	5.6
3381	Danielle Murdoch	That the land identified be re-zoned from General Industrial to Business Mixed Use land and some of the proposed Active Sports and Recreation land zoned General Industrial.	Reject	5.1

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Stage 3 Proposed District Plan

Report and Recommendations of Independent Commissioners

**Report 20.11: Remaining Variations Amending the PDP Chapters and other
General Matters**

Commissioners

Trevor Robinson (Chair)

Sarah Dawson

Greg Hill

Calum Macleod

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1. PRELIMINARY

1.1 Subject Matter of this Report

1. As part of Stage 3, the Council notified a series of Variations to chapters of the PDP. These related to:
 - (a) Chapters 2 & 30 Energy and Utilities
 - (b) Chapter 38 Open Space and Recreation Zones, Chapters 29 & 36 and Planning Maps
 - (c) Chapters 21 - 24, & 38 - Firefighting Water Supply and Access
 - (d) Chapters 7 – 9, 12 – 16 - Glare
 - (e) Planning Maps - Frankton Road Height Control
 - (f) Planning Maps – Wānaka – Medium Density Residential Rezoning
 - (g) Chapter 27 – Location Specific Subdivision Provisions
 - (h) Chapter 26 and Planning Maps - Chalmers Cottage
 - (i) Chapter 2 Definitions – Residential Flat
 - (j) Chapter 7 - 9 – Waste and Recycling
 - (k) Chapter 43 Millbrook – Rule 43.5.2
 - (l) Planning Maps – Atley Road Rezoning
2. The Variations to Chapters 2 & 30 Energy and Utilities were addressed by our report dated 12 September 2020. The Variations to Chapter 38 Open Space and Recreation Zones have been addressed in Report 20.10.
3. This report addresses the submissions and further submissions lodged in respect of each of the other Variations listed above (the Notified Variations). These submissions were considered as part of Stream 18. In addition, this report addresses submissions received on general matters which do not relate specifically to the Stage 3 or 3B Notified Plan Changes or Variations.

1.2 Terminology in this Report

4. The majority of the abbreviations used in this report are set out in Report 20.1. In addition, throughout this report, we use the following abbreviations:

AUP	Auckland Unitary Plan
District	Queenstown Lakes District
EIC	Evidence-in-chief. Also referred to as Section 42A Report
FENZ	Fire and Emergency New Zealand
GCZ	Gibbston Character Zone
Hearing Panel	The Independent Commissioners appointed by the Council and convened to hear and recommend on Stream 18
HDRZ	High Density Residential Zone
LDRZ	Low Density Residential Zone, as notified in Stage 1 of the PDP
LDSRZ	Low Density Suburban Residential Zone

MDRZ	Medium Density Residential Zone
Notified Variation	The version of each Variation notified by the Council on 19 September 2019
NZTA	New Zealand Transport Agency / Waka Kotahi
QAC	Queenstown Airport Corporation
Reply Version	The version of each Variation attached to the Reply of the relevant Council planner
RLZ	Rural Lifestyle Zone
RRZ	Rural Residential Zone
Section 32 Report	The Council's Section 32 Evaluation for each Variation, made publicly available with the relevant Notified Variation.
Section 42A Report	Section 42A Report prepared by the relevant Council's planner in relation to each Notified Variation, dated 18 March 2020. Also referred to as evidence-in-chief.
Section 42A Version	The version of each Variation, attached to the Section 42A Report of the relevant Council's planner
Sky City	Sky City Entertainment Group
Transpower	Transpower New Zealand Limited
Wayfare	Wayfare Group Limited
WBRAZ	Wakātipu Basin Rural Amenity Zone

1.3 Relevant Background

5. Submissions on these variations were heard by the Stream 18 Hearing Panel as part of the broader Stage 3 hearings that commenced on 29 June 2020.
6. Report 20.1 provides background detail on:
 - a) The appointment of commissioners to this Hearing Panel;
 - b) Procedural directions made as part of the hearing process;
 - c) Site visits;
 - d) The hearings;
 - e) The statutory considerations bearing on our recommendations;
 - f) Our approach to issues of scope.
7. We do not therefore repeat those matters.

2. VARIATION TO CHAPTERS 21 - 24 & 38 - FIREFIGHTING WATER SUPPLY AND ACCESS

2.1 Background

8. The Section 32 Report¹ stated that the purpose of the variation is to manage the risk from fire to habitable buildings in areas with no or insufficient reticulated water supply, through provision of adequate on-site water supply and access for firefighting. It proposed changes to permitted activity standards for the four rural Chapters 21 – 24 of the PDP and the Open Space and Recreation Chapter 38.
9. Chapters 21, 22 and 23 were considered in Stage 1 of the PDP review, while Chapters 24 and 38 were considered in Stage 2. There were no appeals on the provisions that are the subject of this proposal. The requirements for firefighting water supply and access vary across these five chapters. There are differences in the volume of water storage required², the requirements for access, and in the application of the requirements (to buildings or to dwellings). The Notified Variation proposed to standardise these requirements to improve consistency across the rural zones.
10. The notified amendments required that all new buildings for residential activities either install a sprinkler system or have 45,000 litres of water available for firefighting purposes with associated connection, hardstand area, and access requirements. The standards were based on the New Zealand Fire Service Firefighting Water Supplies Code of Practice, SNZ PAS 2409:2008 ('the Code of Practice'). Because there are no permitted habitable buildings in the Open Space and Recreation Zones, the proposed standard in Chapter 38 applied to new buildings over 20m² in area. A new policy to support the proposed standard was notified for Chapter 23 GCZ.
11. Ms Elizabeth Simpson, Senior Policy Planner, Urban Development, employed by the Council, prepared a Section 42A Report³ and a Reply statement⁴ relating to the submissions received on the Notified Variation.
12. No expert evidence was provided by the submitters on the Notified Variation. However, we received submissions at the hearing from Mr Warwick Goldsmith, Counsel for Waterfall Park Developments Limited⁵.
13. At the hearing, we asked Ms Simpson for clarification regarding the wording of the proposed amendments to the standard. The proposed water storage standard requires "*a maintained water supply of 45,000 litres*". We asked Ms Simpson what was intended by "*maintained*". She stated that it is intended to mean that the water storage volume is available all the time. She agreed the wording could be clearer. Ms Simpson returned to this in her Reply⁶ where she stated that "*maintained*" is intended to represent a "protected, preserved and static water supply" such that, in the event of a fire, there would be 45,000 litres readily and immediately available to be utilised. She recommended an amendment to clarify the wording to read: "*A water supply of 45,000 litres shall be maintained at all times ...*". Ms Simpson noted there is no submission seeking this change but, in her opinion, it can be made via Clause 16(2) of RMA Schedule 1 on the basis that the alteration is purely grammatical in nature and of minor effect.

¹ Section 32 Evaluation, Variation to Proposed District Plan, For Firefighting Water Supply and Access

² In answer to our questions, Ms Simpson stated that the water storage requirements in the PDP Rural Zones vary from 20,000 to 45,000 litres, with no requirement in the Gibbston Character Zone.

³ Dated 18 March 2020, also referred to as E Simpson, EIC

⁴ Dated 4 September 2020

⁵ Submitter #3063

⁶ E Simpson, Reply, Section 2

2.2 Submissions

14. Submissions were received from three submitters – Waterfall Park Developments Limited (WPD)⁷, Fire and Emergency New Zealand (FENZ)⁸ and Wayfare Group Limited (Wayfare)⁹.
15. FENZ generally supported the Notified Variation, although sought several changes to the detail of the standards. WPD sought to enable potable water storage to be part of the firefighting water supply. Wayfare requested the Notified Variation be deleted or withdrawn and that additional information is provided to clarify how the proposed rules are to be interpreted and applied.
16. Ms Simpson addressed each of the submissions and provided recommendations in her Section 42A Report.
17. We note that, although Mr Ben Farrell presented planning evidence for Wayfare on other Notified Variations, no evidence was presented by Wayfare on this variation. Wayfare's submission¹⁰ expresses interest in the amendments to the Rural Zone and Open Space and Recreation Zone provisions. The submission stated it is unclear why the amendments to Rules 21.7.5 and 38.10.11 are the most appropriate. It sought:
 - (a) deletion or withdrawal of the Notified Variation;
 - (b) additional information to clarify how the proposed rules are to be interpreted and applied; and
 - (c) an additional assessment matter to allow for consideration of "*whether the location and functional need of the activity may justify non-conformance with SPZ PAS 4509:2008 being complied with*".
18. Ms Simpson addressed these submissions from Wayfare in her Section 42A Report¹¹. In her opinion, the notified provisions are clear in their intent and application, and provide clarity and consistency across all rural chapters. Where the proposed standards are not complied with, the Notified Variation requires a restricted discretionary activity consent, with matters of discretion specified. Ms Simpson considered the proposed matters of discretion already provide the discretion sought. She recommended the provisions be generally retained as notified and the submission from Wayfare be rejected.
19. As discussed in Report 20.1, where a submission seeking a change to the notified provisions was only considered in evidence from the Council, without the benefit of evidence from the submitter or from a submitter on a related submission, we have no basis in evidence to depart from the recommendation of the Council's witness. As the changes sought by Wayfare were not supported by any evidence, we adopt the recommendation from Ms Simpson for the reasons she has given and recommend rejecting Submissions #3343.22 and #3343.23 from Wayfare Group Limited.
20. FENZ supported¹² the new policy for the Gibbston Character Zone. As no specific changes were sought or recommended to this policy, Ms Simpson recommended this submission point be accepted.

⁷ Submitter #3063

⁸ Submitter #3288

⁹ Submitter #3343

¹⁰ Submissions #3343.22 & #3343.23

¹¹ E Simpson, EIC, Section 7

¹² Submission #3288.16

21. In addition, FENZ sought to add the words “*and any necessary couplings*” to the proposed standards for the Rural Zones, and to include a new standard requiring that all non-residential habitable buildings in the Rural Zones comply with New Zealand Fire Service Firefighting Water Supplies Code of Practice, SNZ PAS 2409:2008¹³. Ms Simpson addressed these submissions from FENZ in her Section 42A Report¹⁴.
22. With respect to adding reference to “*couplings*”. Ms Simpson understood this hardware is important in enabling fire trucks to connect to the water supply. She recommended these submission points be accepted on the basis that it is an appropriate clarification for the standard.
23. With respect to “*non-residential habitable buildings*”, Ms Simpson noted there is no definition of this term in the PDP. She assumed it could refer to all possible non-residential use of buildings in the Rural Zones. She advised these all required resource consent under rules that provide discretion to the Council to consider firefighting water supply. In Ms Simpson’s opinion, this provides sufficient certainty that the Council can consider imposing firefighting water supply conditions that are appropriate to the particular non-residential activity. She considered this was more appropriate than adding a standard referring to the Code of Practice, which itself is not sufficiently certain, unambiguous or free from the exercise of discretion to act as a standard. For these reasons, she recommended these submission points from FENZ be rejected.
24. We received no evidence from FENZ supporting its submission points. As the changes sought by FENZ to the notified provisions are not supported by any evidence, other than from the Council, we adopt the recommendations from Ms Simpson for the reasons she has given. We recommend accepting Submissions #3288.12, #3288.14, #3288.16, #3288.17, #3288.19 and #3288.21, with the amendments to the Notified Variation recommended by Ms Simpson in her Section 42A Report. We recommend rejecting Submissions #3288.13, #3288.15, #3288.18 and #3288.20 from Fire and Emergency New Zealand.

2.3 Matters Remaining in Contention

25. The remaining matter of contention related to the submission points¹⁵ from WPD which sought to enable potable water storage to be part of the firefighting water supply for each of the Rural Zones and the Open Space and Recreation Zones.
26. Ms Simpson addressed this submission in her Section 42A Report¹⁶. She summarised the reasons provided in the submission:
 - (a) Storage of water for firefighting and storage of water for potable supply are generally contained within the same tanks and therefore it is sensible to combine the water storage requirements in the same tank(s).
 - (b) The use of the words ‘potable storage’ is ambiguous as the PDP does not include any standard requirements for potable water storage, referring to Rule 27.7.16.3¹⁷ of the Subdivision and Development Chapter which has a supply, but not a storage requirement.

¹³ Where no, or insufficient, reticulated water supply is available

¹⁴ E Simpson, EIC, Sections 5 & 6

¹⁵ Submissions #3063.1 – #3063.5

¹⁶ E Simpson, EIC, Section 4

¹⁷ No Rule 27.7.19.3 in the Consolidated Decisions Version of the PDP

- (c) There is little evidence to suggest the previous 20,000 litre storage requirement (in the RRZ, RLZ and WBRAZ) is inadequate.
 - (d) The requirement to separate the potable water storage from the firefighting water storage quantum is questioned, given it would be unlikely the potable water supply would be in use at the same time that the firefighting supply was required.
27. At the hearing, Mr Goldsmith reinforced the reasons provided in the WPD submission. He emphasised there is no “storage” or “volume” requirement in the PDP for private water supplies, rather the requirement in Chapter 27 Subdivision and Development is for a water supply “flow” of 1000 litres per day per lot. He considered the proposed standard would be incorrect if it referred to either a storage or volume requirement in the PDP for potable water, but without knowing how much storage is required for potable water, the firefighting storage standard is unclear. Mr Goldsmith also challenged the need for additional water storage for firefighting over and above any that is stored for potable water supply. He expressed concern that people would be forced to have more water storage than is needed.
28. Ms Simpson clarified her understanding that the proposed standards are intended to require a water storage of at least 45,000 litres be maintained for firefighting, over and above any domestic potable water storage. She acknowledged that both firefighting water and potable water may be stored in the same tank(s). This would require two outlet connections – one for firefighting and one for potable water, and that any water stored for potable use would need to be in excess of the firefighting water reserve which is to be not less than 45,000 litres at any time. In her opinion, the wording of the standard expressed this sufficiently clearly and did not require amendment.
29. Ms Simpson also acknowledged the point made by WPD and Mr Goldsmith that there is no requirement in the PDP for potable water storage and that Rule 27.7.19.3 is a daily flow requirement for each lot. She recommended removing the word “*storage*” from the proposed standards, where referring to potable water supply, order to remove any inconsistency with the subdivision rule. Accordingly, the exclusion for potable water supply would read – “(*excluding potable volume requirements for domestic use*)”. However, as noted by Mr Goldsmith, this does not remove the inconsistency, as it still includes reference to a “volume” requirement, when the Chapter 27 requirement is for a “flow”.
30. In relation to the storage requirement of 45,000 litres, Ms Simpson referred us to the Code of Practice. She attached advice previously received by the Council from FENZ regarding the source of this requirement. In the absence of any submitter evidence demonstrating why the Council should depart from this national standard, Ms Simpson recommended this aspect of the proposed standards be retained. She maintained this position in her Reply Version.

2.4 Hearing Panel’s Consideration and Recommendations

31. We accept Ms Simpson’s evidence as to the basis for the 45,000 litre requirement for firefighting water supply. We have received no evidence to persuade us to depart from that national standard and recommend it be retained¹⁸.
32. We do not accept Mr Goldsmith’s argument that there will never be a need for both potable water and firefighting water at the same time. We can foresee a situation where a fire may occur following a time of high potable water use, when the potable water storage has been

¹⁸ We note that 45,000 litres is already the requirement in the PDP for the Rural Zone and it is proposed to be changed to this requirement for the RRZ, RLZ and WBRAZ (which were previously 20,000 litres) and included in the new standard for GCZ

used and there has been no time for volume to be reinstated. We accept Ms Simpson's evidence that the firefighting water storage is to be maintained, over and above any domestic potable water storage. However, we are not persuaded that her recommended wording makes this completely clear. We agree with Mr Goldsmith there is no volume requirement for potable water supply in the PDP, so it is inaccurate to use that wording in the standards. We consider the wording needs amending to make it clear the standards refer to "water storage" but remove the references to "requirements".

33. Finally, we do not consider it to be sensible to require the firefighting water storage to be "maintained at all times". We consider this would require the water storage tank to be continuously topped up at the same rate as the water was being used for firefighting. We do not consider this is practical or what was intended. We recommend deleting the words "at all times" and that the intended meaning is sufficiently clear with a minor rewording from the notified version, as follows:

Water-storage of at least 45,000 litres shall be maintained (excluding any potable water storage-for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings.

34. Accordingly, for the above reasons, we recommend that Submissions #3063.1 – #3063.5 be accepted in part. We have included our recommended amendments to the Notified Variation in Appendix 1.

3. VARIATION TO CHAPTERS 7 – 9, 12 – 16 - GLARE

3.1 Background

35. The Section 32 Report¹⁹ stated that the purpose of the variation is to improve clarity in plan implementation and to vary the rules to ensure better management of the effects of glare and protect amenity values and the night sky. The Notified Variation sought to:
- (a) vary the activity status for non-compliance with the glare standards from non-complying to restricted discretionary across Chapters 7 – 9 and 12 - 16;
 - (b) include matters of discretion for consideration of restricted discretionary applications that address the effects of lighting and glare on amenity values, transport network and the night sky;
 - (c) vary the glare standards in Chapters 12-16 to remove the parts of the standards related to external building materials and roofs;
 - (d) vary Policy 15.2.3.3 Local Shopping Centre Zone to include principles of CPTED, in order to ensure consistency across the chapters.
36. Ms Gabriela Glory, Graduate Policy Planner employed by the Council, prepared a Section 42A Report²⁰, Rebuttal evidence²¹ and a Reply statement²² relating to the submissions received on the Notified Variation.

¹⁹ Section 32 Evaluation, Variation to Proposed District Plan, For Glare Provisions

²⁰ Dated 18 March 2020, also referred to as G Glory, EiC.

²¹ Dated 12 June 2020

²² Dated 4 September 2020

37. Written evidence was provided by Ms Melissa Brook²³ and Mr Ben Farrell²⁴. As set out in Report 20.1, Ms Brook did not make arrangements to appear before us and accordingly, we have treated her evidence as ‘tabled’.

3.2 Submissions

38. Submissions were received from three submitters – Queenstown Airport Corporation²⁵, Wayfare Group Limited²⁶ and New Zealand Transport Agency²⁷.

39. A Further Submission from Scope Resources Limited²⁸ was summarized by the Council as opposing part of the submission from Wayfare. However, in viewing this Further Submission it does not appear to us to relate to the Wayfare submission. Rather, it refers only to a submission from Cardrona Cattle Company Limited.

40. As noted by Ms Glory in the Section 42A Report, none of the submissions sought reinstatement of the non-complying status, the removal of the parts of the standards relating to building materials and roofs, or the addition to the policy for Chapter 15 to include principles of CPTED. Each of the submissions sought additions to the matters of discretion for consideration of restricted discretionary activities.

41. NZTA supported the intent of the rules to require all exterior lighting to be directed away from adjacent roads. In addition, NZTA requested:

- (a) amendments to the wording of standard for the commercial zones to clarify that the effects of exterior lighting can adversely affect the safety of the transportation network, as well as the amenity values of the night sky ; and
- (b) amendments to the wording of the matters of discretion for all zones to clarify precisely what effects are to be avoided, remedied or mitigated, and to specifically refer to the safety of the transportation network.

42. We did not receive evidence from NZTA, nor did the submitter attend the hearing. Ms Glory addressed the submissions in her Section 42A Report²⁹. In her opinion, further improvements could be made to the wording of the provisions as suggested by NZTA. NZTA did not include Chapter 14 (Arrowtown Town Centre) in its submission, but Ms Glory considered these rules should also be amended for consistency. She considered the minor grammatical amendments sought by NZTA would provide greater clarity in rule interpretation and would be more effective than the notified version. She recommended they be accepted³⁰.

43. As the changes sought by NZTA to the notified provisions are not the subject of any evidence, other than Ms Glory’s evidence in support, we adopt the recommendations from Ms Glory for the reasons she has given. We recommend accepting Submissions #3229.26 – #3229.32 from NZTA, with the amendments to the Notified Variation recommended by Ms Glory in her Section 42A Report. Our recommended amendments to the Notified Variation are included in Appendix 1.

²³ Senior Planner at Queenstown Airport Corporation

²⁴ Consultant planner for Wayfare Group Limited

²⁵ Submitter #3316

²⁶ Submitter #3343

²⁷ Submitter #3229

²⁸ Further Submission 3470.13 to Submission 3343.13

²⁹ G Glory, EIC, Section 6

³⁰ With the amendments to Chapter 14 being included pursuant to Clause 16(2) of Schedule 1 of the RMA

44. In her Section 42A Report³¹, Ms Glory brought to our attention an inconsistency between this variation and the definitions in Chapter 2. The Notified Variation uses the term “transportation network” within each proposed matter of discretion, whereas the defined term is “transport network”. She recommended a minor amendment to use the defined term pursuant to clause 16 of RMA Schedule 1. We agree with Ms Glory and recommend accordingly. We consider this minor amendment would retain the same meaning as the notified wording and provide greater certainty. These amendments are included in our recommended wording in Appendix 1.

3.3 Matters Remaining in Contention

45. There are two remaining matters in contention between Ms Glory and the evidence provided for the submitters – from QAC and Wayfare.
46. QAC’s submission³² referred to the potential for adverse lighting and glare effects for pilots on approach to, or departure from, Queenstown Airport from inappropriately managed lighting in close proximity to the airport. The submission supported the inclusion of lighting and glare standards that seek to manage these effects, including the standards that encourage the downward focus of lighting. The submission sought an additional matter of discretion for restricted discretionary activities in the residential zones (Chapters 7-9) and Local Shopping Chapter Zone (Chapter 15)³³. QAC requested inclusion of effects of lighting and glare on “aircraft operation”, on the basis that the existing reference to “the transportation network” does not capture aircraft operations.
47. Ms Glory addressed this submission in her Section 42A Report³⁴. She agreed that the notified reference to “transportation network” in the matters of discretion does not include “aircraft operations”. She also agreed that lighting and glare may affect the safety of aircraft operations, which is defined to include aircraft landing at, and taking off from, airports. However, Ms Glory recommended the submission be rejected as she considered it inefficient to include a rule that would apply in all locations in the zones, rather than being targeted to land in proximity to airports. Ms Glory suggested the submitter may wish to suggest a more efficient and targeted method (within the scope of the variation).
48. In her written evidence, Ms Brook³⁵ emphasized QAC’s concerns regarding the potential for adverse effects from lighting on the safety of aircraft operations. She provided examples of problems that have occurred in recent years from development in proximity to the Queenstown Airport. Ms Brook supported QAC’s request to include a new matter of discretion that would allow this effect to be considered. In response to Ms Glory’s request to better define the areas where this matter of discretion would be applied, Ms Brook suggested the appropriate area would be the “Inner Horizontal Surface” as defined in Figure 2 attached to the QAC designation in the PDP. As she did not attend the hearing, we were not able to question Ms Brook about her suggestion.
49. Ms Glory addressed Ms Brook’s evidence in her Rebuttal³⁶. Ms Glory properly acknowledged that she did not have expertise in civil aviation, but helpfully advised us regarding the approach taken for Auckland International Airport in the Auckland Unitary Plan (AUP). Ms

³¹ G Glory, EIC, Section 4

³² Submissions #3316.22, #3316.31 – #3316.33

³³ This matter is also address in relation to the GIZ in Section 4 of Report 20.3

³⁴ G Glory, EIC, Section 3

³⁵ Senior Planner at QAC

³⁶ G Glory, Rebuttal, Sections 2 & 3

Glory advised that the Auckland International Airport Designation in the AUP contains requirements that prohibit light from non-aeronautical ground lights and which specifically reference the relevant requirements in the Civil Aviation Authority standards³⁷. This requirement is supported by a figure contained in the AUP designation³⁸ which identifies specific areas within which the lighting requirement applies. This is a separate and very different figure from the one that identifies “Obstacle Limitation Surfaces” within the AUP designation. Ms Glory attached both these figures to her Rebuttal evidence (as well as Figure 2 from the Queenstown Airport designation in the PDP).

50. Responding to Ms Brook’s suggestion regarding the “Inner Horizontal Surface”, Ms Glory pointed out that the purpose of the “Inner Horizontal Surface” in the PDP designation is to prohibit new objects or extension of objects (i.e. physical obstacles) that penetrate the surface. Ms Glory noted the “Inner Horizontal Surface” covers a large part of Frankton. She did not agree that this would be the appropriate area of land to apply a matter of discretion addressing glare and lighting effects on the airport. She also expressed concern regarding applying a designation plan into a PDP rule, as the designation can be changed by QAC at any time. Ms Glory did not consider there was any evidence to identify the appropriate area to apply such a matter of discretion. In her opinion, applying lighting controls through the designation would be the more appropriate route and a change to the designation could be initiated by QAC outside the PDP review process. Ms Glory continued to oppose the relief sought by QAC.
51. The Wayfare submission³⁹ identified that glare has the potential to create navigational safety risks and it is important for glare to be managed to avoid inappropriate navigational safety risks. The submission sought an additional matter of discretion referring to effects on “navigational safety” for all the chapters included in the Notified Variation.
52. Ms Glory addressed this submission in her Section 42A Report⁴⁰. She interpreted the submission as being concerned about effects of lighting and glare on the navigational safety of vessels operating on waterbodies. In Ms Glory’s view this submission had some similarities to the one from QAC. She considered the relief sought would cast a disproportionately wide net (across numerous zones) to address an issue that is very location - specific. She noted that land adjoining waterbodies (including the main lakes and rivers) is predominantly within Rural or Open Space and Recreation Zones, which are not included within this variation. Ms Glory set out the relevant rules that apply in those zones. The lighting and glare standards include restrictions on lux spill on to other sites and (in the case of the Rural Zone) a requirement that all fixed lighting be directed away from adjoining sites. Activities that do not comply with the standards are non-complying activities in the Rural Zone and full discretionary activities in the Open Space and Recreation Zones. Ms Glory considered these provisions in the Rural and Open Space and Recreation Zones are sufficient to manage effects of lighting and glare on waterbodies, and that including an additional matter of discretion would be inefficient and, in practice, unlikely to be relevant. She recommended the relief sought by Wayfare be rejected.
53. In her Reply⁴¹ Ms Glory responded to a question from the Hearing Panel as to whether she considered the rules in the Open Space and Recreation Zones were sufficient to manage effects of lighting and glare on waterbodies, given they do not include a standard requiring

³⁷ CAA AC 139-6 Standard 5.3.1

³⁸ AUP Chapter K Designations Figure 4: Requirements for Non-Aeronautical Ground Lights

³⁹ Submission #3343.13

⁴⁰ G Glory, EIC, Section 5

⁴¹ G Glory, EIC, Section 2

fixed lighting be directed downward or away from adjoining sites and that “other sites” would not include waterbodies for the purpose of managing lux spill. She accepted they were not sufficient, but advised that there was no scope within the submissions on this variation to address provisions in Chapter 38. She noted, however, that the relevant provisions in Chapter 38 are still subject to a Stage 2 appeal.

54. Mr Farrell addressed this aspect of Wayfare’s submission in his written evidence⁴² and in his answers to our questions. He disputed Ms Glory’s dismissal of Wayfare’s submission on the basis that the majority of land adjoining Lake Wakatipu is zoned Rural or Open Space. Mr Farrell pointed out that there are numerous urban zones adjoining, or in close proximity to, lakes where navigational safety for vessels could be a problem, including Queenstown and Frankton. Frankton Arm is surrounded by various residential zones and Queenstown Bay includes the Queenstown Town Centre Zone and High Density Residential Zone. He stated that the approach for vessels into Queenstown Bay is visually dominated by lights from urban activities on the surrounding hills at night. He referenced his personal communication with Wayfare staff, including Launch Masters, regarding navigational safety issues on calm winter nights. The lake reflects lights from surrounding land uses, making it difficult for Launch Masters to figure out what is a light on the land or a reflection on the water, compromising navigational safety.
55. Mr Farrell did not consider the relief sought by Wayfare would impose any significant costs or burdens on resource consent applicants and that it would address an important issue of health and safety for people (which, in his opinion, is more important than the notified provision referring to effects on amenity values).
56. As we were unfortunately not able to accommodate Mr Farrell on the day he was scheduled to appear at the hearing, he offered to provide a written response to our questions. In his written answers⁴³, Mr Farrell confirmed that the three residential zones (Chapters 7-9) were those of most concern to Wayfare in the Notified Variation. He agreed the amendments sought by Wayfare could be narrowed to those zones and he suggested revised wording to narrow the matter of discretion – *“the navigational safety of passenger carrying vessels operating at night”*.

3.4 Hearing Panel’s Consideration and Recommendations

57. We accept the evidence from Ms Brook and Ms Glory that lighting and glare may affect the safety of aircraft operations, including aircraft landing and taking off from airports. We agree with Ms Glory that it would be inefficient to include a rule that would apply in all locations in the zones, rather than being targeted to land in proximity to airports. However, we also agree with Ms Glory that we do not have any evidence to identify the appropriate area to which such a rule might be applied.
58. The investigation undertaken by Ms Glory was helpful. It showed how this issue is addressed in a targeted manner in the AUP (albeit through a designation), with specific areas identified for management of lighting to protect the safety of aircraft landing and taking off. By comparing the mapped areas for management of lighting in the AUP designation, with the “Obstacle Limitation Surfaces”, it is clear the respective controls apply to separate and very different locations. Regarding Ms Brook’s suggestion to use the “Inner Horizontal Surface” as the basis for a lighting and glare rule for Queenstown Airport, we note Ms Glory’s evidence that its purpose in the PDP designation is to prohibit physical obstacles from penetrating the

⁴² B Farrell, Stream 18 EiC, para [15]-[19]

⁴³ B Farrell, Supplementary Planning Evidence, para [18]-[23]

surface. As with the AUP designation, the PDP’s “Inner Horizontal Surface” for Queenstown Airport is very unlikely to be the same as the area where lighting and glare may cause safety issues. We were not able to question Ms Brook about this, and we received no alternative. We accept the evidence of Ms Glory that the “Inner Horizontal Surface”, which covers a large part of Frankton, is not an appropriate area of land over which to apply a matter of discretion addressing glare and lighting effects on the airport. For these reasons, and those given by Ms Glory, we recommend that Submissions #3316.22 and #3316.31 – #3316.33 from Queenstown Airport Corporation be rejected.

59. With respect to Wayfare’s submission, we accept the evidence from Mr Farrell (acknowledged by Ms Glory) that lighting and glare can result in adverse effects on the navigational safety of vessels operating on waterbodies. We acknowledge Ms Glory’s evidence that much of the land immediately adjoining waterbodies is zoned Rural or Open Space and Recreation (and therefore not included in this variation). However, we accept the evidence from Mr Farrell (supported by his anecdotal evidence from Wayfare’s operational staff) that there numerous urban zones adjoining, or in close proximity to, lakes where navigational safety for vessels can be a problem, including around Queenstown Bay and Frankton Arm. Our own observations support the potential for lights from surrounding land uses in residential and commercial areas to reflect on the lake on calm winter nights. We agree this potential issue is not restricted to lighting on the land zoned Rural or Open Space and Recreation immediately adjoining the lake edge.
60. We note Mr Farrell confirmed Wayfare’s submission could be narrowed to the three residential zones (Chapters 7-9), with the matter of discretion narrowed to “*the navigational safety of passenger carrying vessels operating at night*”. Although, there is some potential for this rule to be invoked over a wider area than necessary, we consider the relevant locations will be readily distinguishable in practice. We agree with Mr Farrell this would not impose significant unnecessary costs or burdens on resource consent applicants and that, in the environment of this District, it would be an effective and efficient means to address an important issue of health and safety. We have evaluated the alternatives put to us by Ms Glory and Mr Farrell in terms of our duties pursuant to section 32AA of the Act, and have weighed the costs and benefits to the land owners and to the wider public. We are satisfied that including the additional matter of discretion sought by Wayfare (in Chapters 7-9) is the most appropriate means of implementing the PDP’s objectives and policies⁴⁴ relating to the health and safety of people and communities. We recommend that Submission #3343.13 from Wayfare Group Limited be accepted in part. Our recommended amendments to the Notified Variation are included in Appendix 1.
61. Lastly we note that the numbering of some rules has been changed in our recommended revisions, in some cases to correct errors and in others, to accommodate rules that have been inserted in the relevant chapters in the interim.

4. VARIATION TO PLANNING MAPS 31A, 32 & 37: REMOVAL OF MAPPING ANNOTATION “SUBJECT TO RULES 9.5.3.1 & 9.5.3.3”

4.1 Background

62. The Section 32 Report⁴⁵ stated that the purpose of the variation is to remove the mapping control that imposes Rules 9.5.1.3 and 9.5.3.3 from the HDRZ properties below Frankton Road

⁴⁴ For example, SO 3.2.6

⁴⁵ Section 32 Evaluation, Variation to Proposed District Plan, for Variation to Maps 31A, 32 and 37

from (and including) Lot 3 DP 343088 and Lot 6 DP 369635, extending east (and including) to Lot 12 DP 10787 (723 Frankton Rd).

63. The ODP included a rule which applied specific restrictions on buildings on the south side of Frankton Road. The rule restricted the height (one storey in height above the centreline of Frankton Road), length (16 metres parallel to Frankton Road) and use (access, reception and lobby) of buildings and required a restricted discretionary activity consent. This rule applied to properties from Cecil Road (Paper Road) up to, and including, Lot 1 DP 12665.
64. The notified PDP Stage 1 provisions did not include the above rule from the ODP, but it was sought to be included through a submission. As a result, new Rules 9.5.1.3 and 9.5.3.3 were introduced to the PDP through the Stage 1 decisions. Within an area identified on the Planning Maps, PDP Rules 9.5.1.3 (for flat sites) and 9.5.3.3 (for sloping sites) require the highest point of any building not to exceed the height above sea level of the nearest point of the road carriageway centreline, with discretionary activity consent required for non-compliance.
65. The Section 32A report identified that Rules 9.5.1.3 and 9.5.3.3 were erroneously applied to additional HDRZ properties below Frankton Road (shown within the yellow outline in the figure below)⁴⁶.

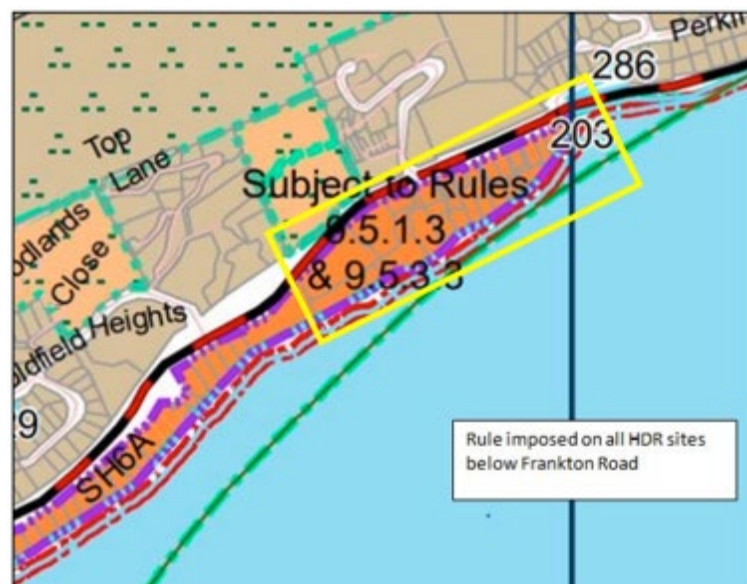


Figure 1 - PDP Zoning and Rule Extent (Area from which the Variation proposes to remove the Rule is shown within the yellow outline)

66. The Section 32 Report stated these rules were applied to to a greater extent than intended, incorporating 26 sites below Frankton Road where the underlying topography effectively means any development is unable to comply with either of the rules. Any redevelopment of the area to heights above the road level would effectively not be permitted, which is stated as not being the intention of the rule or the underlying zone. The notified variation sought to remove these sites from the PDP mapped area which is subject to Rule 9.5.1.3 and Rule 9.5.3.3 (demarcated as “specific rules apply/subject to Rules 9.5.1.3 and 9.5.3.3”).

⁴⁶ From (and including) Lot 3 DP 343088 and Lot 6 DP 369635, extending east (and including) to Lot 12 DP 10787 (723 Frankton Rd)

67. On 19 June 2020, the Hearing Panel undertook a visit to the sites affected by the variation and the submitters' sites on Frankton Road.
68. Mr Elias Matthee, Intermediate Policy Planner, employed by the Council, prepared a Section 42A Report⁴⁷ relating to the submissions received on the notified Variation.
69. We received a statement of evidence from Mr Gerard Thompson⁴⁸ on behalf of Sky City Entertainment Group (Sky City)⁴⁹. Mr Thompson did not attend the hearing to present his evidence. He explained in his evidence that the significant impact of the Covid-19 pandemic on Sky City's business meant that Sky City was unable to attend the hearing. He offered to respond to written questions from the Panel should we wish any addition information or clarification.
70. We also received a written statement and verbal evidence⁵⁰ at the hearing from Mr Fred van Brandenburg⁵¹. He is the owner of two properties⁵² immediately to the west of the area from which the variation proposed to remove the additional height controls and that would continue to be subject to the height rules the subject of the variation, if the variation is confirmed.

4.2 Submissions

71. Submissions were received from Sky City⁵³ and Mr van Brandenburg⁵⁴. Sky City supported the variation and asked that it be retained as notified. Mr van Brandenburg opposed the variation and lodged a further submission opposing the submission from Sky City. He asked that the variation be rejected and that Rules 9.5.1.3 and 9.5.3.3 be amended to more closely reflect the relevant height provisions of the ODP. In the alternative, if the variation is retained, the submitter seeks that it be extended to also apply to his adjoining properties.

4.3 Matters in Contention

72. The only submission challenging this variation is that from Mr van Brandenburg.
73. Ms Matthee addressed the submission points in his Section 42A Report⁵⁵. He grouped his analysis into four topics, as follows:
- (a) Reject the mapping variation;
 - (b) Amend the wording of the rules that apply;
 - (c) Extend the removal of the mapping annotation to Mr van Brandenburg's land;
 - (d) Retain the variation as notified.
74. It was Mr Matthee's evidence that the environmental outcome sought to be achieved through these rules is to limit the impact of building heights on views of Lake Wakatipu as viewed from Frankton Road (SH6). If the restrictions contained in these rules are not applied, buildings could be constructed to a maximum of 12m (on flat sites) and 7 meters (on sloping sites).

⁴⁷ Dated 18 March 2020, also referred to as E Matthee, EIC

⁴⁸ Consultant planner, Barker & Associates Limited

⁴⁹ Submitter #3060

⁵⁰ Mr van Brandenburg acknowledged in his written statement that he was not giving expert evidence

⁵¹ Submitter #3294 & Further Submitter #3428

⁵² 595 & 567 Frankton Road

⁵³ Submitter #3060

⁵⁴ Submitter #3294 & Further Submitter #3428

⁵⁵ E Matthee, EIC, Sections 4 - 7

75. Mr Matthee observed that most of the original ground levels of the 26 sites are slightly below, at or above the level of the road carriageway centreline. A large part of this area between Frankton Road and Lake Wakatipu is relatively flat and contains existing houses. The area has a gradual fall towards the lake, becoming steeper closer to the lake, and in one section the land rises to be higher than Frankton Road followed by a steep fall back towards the lake. In Mr Matthee's opinion, if this area remained subject to Rules 9.5.1.3 and 9.5.3.3, in many cases development would not be permitted and would require discretionary activity consent to develop the land in accordance with its HDRZ purpose. In his view, this was not the purpose of these rules, it would unduly restrict development, and it would not allow for the efficient use of land within close proximity to the Town Centre, contrary to the purpose of the HDRZ. It was Mr Matthee's conclusion that application to these sites of the general HDRZ height standards (through the removal of the mapping annotation) would better achieve the PDP Strategic and Urban Development Objectives⁵⁶ and HDRZ Objectives⁵⁷, and more efficiently implement the Strategic and Urban Development Policies⁵⁸.
76. Having visited the site, the Hearing Panel questioned Mr Matthee about the point at which the land along Frankton Road changes topography so that a 7m high building can be constructed without breaching the height control at the centerline of the road. The Panel had estimated this could be somewhere within the final variation site (the Sky City site), rather than right on the boundary between this site and Mr van Brandenburg's site. Mr Matthee agreed this point could be somewhere back into the final variation site, but in his view, it was not far enough back into that site to make it sensible to have two different height rules applied within the one site. He considered applying different height controls on one site would be impracticable for development of that site.
77. Mr Matthee also considered Mr van Brandenburg's request to amend Rules 9.5.1.3 and 9.5.3.3 to reflect the ODP height rules. In addition to rejecting the variation, his submission requested that, within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed more than one storey in height above the Frankton Road carriageway centreline, limited to a length of 16m parallel to the road.
78. Mr Matthee considered the scope for amending the height rules, as requested in the submission. In his opinion, the scope of the variation is limited to the 26 sites below Frankton Road from which the mapping annotation is to be removed. It was his firm opinion, that there is no scope through this variation to amend the application of Rules 9.5.1.3 and 9.5.3.3 outside the area of the variation, nor to amend the HDRZ rules generally. Mr Matthee considered the effect of amending the Frankton Road height control on the 26 sites (as sought by this submitter), rather than completely removing the control (as proposed in the variation). It was his opinion that the amended rules would still unduly restrict development on these 26 sites. It would only allow one storey in height for many sites and none for others. He considered this would be contrary to the purpose of the HDRZ. In addition, Mr Matthee considered it would add unnecessary complexity and administrative challenges, with different height rules applying along this stretch of Frankton Road. In Mr Matthee's opinion, as stated above, retaining the variation would better (and more efficiently) achieve the provisions of the PDP.
79. In terms of extending the variation to Mr van Brandenburg's two properties immediately to the west, Mr Matthee noted that beyond the area of the variation, the ground level of the

⁵⁶ Objectives 3.2.2 and 4.2.2B

⁵⁷ Objectives 9.2.1 and 9.2.6

⁵⁸ Policies 3.2.2.1, 4.2.2.1 and 4.2.2.2

HDRZ land (including the submitter's land) is generally below the road level with a steeper fall towards Lake Wakatipu. He considered the difference to be clear, such that there are clear planning reasons why the different height rules apply. To the west of the variation area, where sites have been developed, views of the lake from Frankton Road have largely been preserved. For redevelopment, or the development of greenfield sites, in most cases, he considered that buildings could be constructed in accordance with the 12m and 7m maximum height requirements, without exceeding the height of the road carriageway centreline. This enables protection of views of the lake from Frankton Road without unduly restricting development.

80. Mr Matthee did not consider Mr van Brandenburg's sites have any distinguishing features that set them apart from the rest of the land over which the PDP mapping annotation is proposed to be retained. It was his evidence that the sites are sloping. Frankton Road is elevated above the sites by 2-4 metres with retaining walls. Earthworks have been undertaken to obtain access to building platforms below the level of the road. In his opinion, the site topography and road boundary setback mean that, in most cases, buildings could be developed in accordance with the HDRZ provisions without breaching the height rules in relation to Frankton Road. Mr Matthee did not consider that the submitter's land warranted special treatment compared with other sites for which the mapping annotation is to be retained.
81. Mr van Brandenburg⁵⁹ addressed us on the history of his involvement with this matter. As his properties were subject to height restrictions relating to Frankton Road under the ODP, he has negotiated a number of consenting processes to obtain approval for the development of his properties. In his opinion, the ODP rule allowed, at the discretion of the Council, consent to a proportion of a building extending above the centreline of Frankton Road, as an entrance feature, enabling more innovative and interesting design. Mr van Brandenburg demonstrated this through plans, a model and a fly-through of the innovative building he has designed (Mr van Brandenburg is an architect) and consented for his properties. He is concerned that if the consent lapses for his site, it will be difficult to get a new consent to similarly breach the Frankton Road height rule, as the height requirements are now stricter.
82. When the ODP rule was not carried through to Stage 1 of the PDP (and more restrictive provisions were introduced), he lodged a submission seeking the ODP provisions be reinstated over the same properties as in the ODP. He later lodged an appeal and attended mediation. Following mediation, we understand Mr van Brandenburg withdrew his appeal, satisfied that Rules 9.5.1.3 and 9.5.3.3 applied both to his properties and the neighbouring properties to the east. Mr van Brandenburg told us he would not have agreed to withdraw his appeal had he known the variation was going to remove the application of those rules to the properties to the east of his.
83. As we understood Mr van Brandenburg's concerns, he considered the combined effect of the PDP Stage 1 provisions, and now the variation, is to accentuate the difference between the height provisions that apply on his properties, compared with those that apply on the properties immediately to the east. He stated that he was not aware that the Council was contemplating varying the Frankton Road height rule during the mediation on his Stage 1 appeal, and he has been unduly affected as a result.
84. Mr van Brandenburg could see no reason why his land should be treated any differently from the land to the east. He noted that the Council had not provided any landscape evidence to support the variation, and that Mr Matthee is not an expert in landscape effects. In his opinion, removing the Frankton Road height rules from the 26 sites will have a significant

⁵⁹ F van Brandenburg, written statement and verbal presentation at the hearing

adverse effect on views of Lake Wakatipu from Frankton Road, however, Mr Matthee has supported this on the basis it would unduly restrict development in accordance with the HDRZ provisions. In Mr van Brandenburg's opinion, the same situation applies with his properties, and the same rules should apply. He also emphasized the adverse amenity affects that would apply to his property if the neighbouring sites are allowed to develop to the full HDRZ heights as a result of the variation. In his opinion, these effects would be significant.

85. When we questioned Mr van Brandenburg about his site and the adjoining one subject to the variation, he accepted that the properties further towards Frankton are smaller, already built on with gaps between the buildings for views, and removal of the Frankton Road height control is appropriate. Also, for the properties further towards Queenstown than his site, the sites are narrower, steeper, and the buildings can be constructed below the road, so the Frankton Road height control is appropriate for them. However, his site and the adjoining site to the east are at the margin. They are wider sites, vacant, and with similar contours. In his opinion, they should be treated in the same manner. We asked Mr van Brandenburg if he could identify a point across the adjoining (Sky City) site, where the topography changes such that to the west the Frankton road height control is appropriate and to the east it is not. He was not able to identify such a topographical change and re-emphasised his position that his site and the adjoining Sky City site are not very different in this regard.
86. Mr Thompson, on behalf of Sky City⁶⁰, also provided planning evidence on the history of height controls over the variation sites. He noted that the ODP height controls did not apply to the Sky City site, but applied to the immediate west of its site (i.e. from Mr van Brandenburg's site and then to the west). Mr Thompson also referred us to the Hearing Panel's Stage 1 Recommendations Report⁶¹. This recommended the application of Rules 9.5.1.3 and 9.5.3.3, but did not discuss what properties they should apply to, or whether they should apply to properties further to the east than the ODP height rule. This explanation is consistent with that contained in the Section 32 Report referred to above. It was Mr Thompson's evidence that the application of Rules 9.5.1.3 and 9.5.3.3 to the Sky City sites and properties to the east would significantly constrain the establishment of buildings as the topography of the land, particularly for those sites closer to Frankton, flattens out to be at a similar level to the road. In these cases, no buildings could be developed in accordance with the height control. In his view, this was not what was intended by the Stage 1 Hearings Panel recommendation. He agreed with the Section 32 report and Mr Matthee that the rule was erroneously applied to the variation sites. He supported the removal of the height control, as proposed through the variation, in order to provide more flexibility for development of these sites, consistent with the HDRZ.

4.4 Hearing Panel's Consideration and Recommendations

87. While we had some sympathy for Mr van Brandenburg's concern regarding the arbitrariness of changing the height rules at the boundary between his property and the one to the east owned by Sky City, we had difficulty identifying an appropriate amendment to the notified variation that was based on a more precise topographical rationale.
88. With regard to his request to reject the whole variation and retain the Frankton Road height control across all 26 variation sites, Mr van Brandenburg accepted (in response to our questions) that the properties further towards Frankton are smaller, already built on, with

⁶⁰ Sky City owns 633 Frankton Road, which is one of the 26 sites affected by the variation (adjoining the properties of Mr van Brandenburg).

⁶¹ Report 9A: Report and Recommendations of Independent Commissioners Regarding Chapter 7, Chapter 8, Chapter 9, Chapter 10 and Chapter 11

existing gaps between the buildings for views, and a Frankton Road height control is not appropriate. We agree with this, and with Mr Matthee's evidence regarding the topography of these sites and their existing development. This corresponds with our own observations from our site visit. Accordingly, we accept the evidence of Mr Matthee that retaining Rules 9.5.1.3 and 9.5.3.3 over the whole of this area would unduly restrict development, would not allow for the efficient use of this land within close proximity to the Town Centre, and would be contrary to the purpose of the HDRZ.

89. We accept the evidence of Mr Matthee that applying the ODP height control to the sites within the area of the variation would also unduly restrict development on the majority of the 26 sites in this area, allowing only one storey development for many sites and none for others. We agree with Mr Matthee that it would be contrary to the purpose of the HDRZ to apply the ODP Frankton Road height control in the area. It would add unnecessarily to the complexity of the PDP without corresponding benefits for protection of views to Lake Wakatipu from Frankton Road.
90. With regard to removing the mapping annotation over Mr van Brandenburg's land or continuing to apply it over the Sky City site to the east, we have carefully considered the evidence from Mr Matthee, Mr van Brandenburg and Mr Thompson. We visited the sites and spent time considering the topography, the application of the various rules and whether there was a clear differentiation between the sites. We agree with Mr van Brandenburg and Mr Matthee that these sites are at the margin between the areas along Frankton Road where the additional height rule relating to the centreline of the road is, and is not, applicable. However, we agree with Mr Matthee that the ground level of Mr van Brandenburg's properties and those to the west are generally well below the road level with a steeper fall towards Lake Wakatipu. By the eastern side of the Sky City property, the ground level is closer to the level of the road with a more gradual fall towards the lake. Mr Matthee accepted that the transition point between these different forms of topography could be somewhere within the Sky City site, but he was not able to precisely identify the location, and neither was Mr van Brandenburg. Having no evidence before us on which to define more precisely an alternative boundary, we accept Mr Matthee's evidence that it is more practical and efficient to use the site boundary as the point at which the Frankton Road height control starts to apply.
91. Accordingly, we accept the evidence of Mr Matthee that retaining the variation as notified better achieves the PDP Strategic and Urban Development Objectives⁶² and HDRZ Objectives⁶³, and more efficiently implements the Strategic and Urban Development Policies⁶⁴. For the reasons set out above, and contained with the evidence of Mr Matthee and Mr Thompson, we recommend retaining the notified variation without amendment, and that Submissions #3294.1 – #3294.3 from Mr van Brandenburg be rejected and Submission 3061.1 from Sky City Entertainment Group be accepted.

⁶² Objectives 3.2.2 and 4.2.2B

⁶³ Objectives 9.2.1 and 9.2.6

⁶⁴ Policies 3.2.2.1, 4.2.2.1 and 4.2.2.2

5. VARIATION TO PLANNING MAP 21 – REZONING TO MEDIUM DENSITY RESIDENTIAL ZONE

5.1 Background

92. The Section 32 Report ⁶⁵identified that Stage 1 of the PDP zoned two sites in Brownston Street, Wānaka, as Low Density Residential Zone (LDRZ)⁶⁶. These sites are surrounded by a Medium Density Residential Zone (MDRZ) generally bounded by Brownston Street, Russell Street, McDougall Street and Tenby Street. The Section 32 Report stated it is understood the zoning of these two sites as LDRZ was not intended by the Council, and that the two sites were intended to be zoned MDRZ. The Report suggested that these two sites may have been zoned LDRZ owing to the notified 26 August 2015 plan maps showing an operative (for information purposes only) Visitor Accommodation Sub-Zone (VASZ) over them, which may have obscured the underlying zoning annotation. No submissions were made on these properties in Stage 1 to rezone the land from the notified LDRZ. Subsequently, the decisions on submissions version of Planning Map 21 identified these sites as LDSRZ.
93. This variation proposed to rezone each of these sites from LDSRZ to MDRZ. The MDRZ covers most of the flat area of Wānaka that sits to the south-west of Wānaka town centre, towards McDougall Street. This zone enables higher density development within areas able to support increased density close to the Wānaka Town Centre and local amenities such as Pembroke Park and Roys Bay.
94. The locations are shown in the following figure. Both sites contain long-established existing commercial scale visitor accommodation (YHA and Wānaka View Motel)⁶⁷ and have a VASZ overlay that provides for visitor accommodation. The VASZ was considered appropriate for these sites under Stage 2 of the PDP. No change to the VASZ was proposed under this variation.

Address	Legal Description	
88-94 Brownston Street and 83 Upton Street (operated as the YHA)	Section 2-3 and 13 Block XXIII Wanaka Township contained in Computer Freehold Register OT5B/617	
122 Brownston Street, Wānaka (operated as Wanaka Wanaka View Motel)	Section 2 Block XXII Wanaka Township contained in Computer Freehold Register OT2D/1400	

Figure 2 - Parcels proposed to be rezoned from LDSRZ to MDRZ

⁶⁵ Section 32 Evaluation, Stage 3 Components, September 2019, for Brownston Street, Wānaka, MDR Variation

⁶⁶ Renamed Lower Density Suburban Residential Zone (LDSRZ) through decisions on submissions

⁶⁷ 88-94 Brownston Street and 83 Upton Street (operated as the YHA) and 122 Brownston Street (operated as Wānaka View Motel)

95. The Section 32 Report concluded that MDRZ over these sites will:
- (a) provide for higher yield within the sites, in close proximity to the Wānaka town centre where a higher density can be well supported; and
 - (b) provide for built form consistent with the surrounding area as determined under the PDP.
96. On 18 June 2020, the Hearing Panel undertook a visit to the sites proposed to be rezoned by this variation.
97. Ms Kathryn Russell, Policy Planner, employed by the Council, prepared a Section 42A Report⁶⁸ on the submissions received on this variation. No other evidence was received.

5.2 Submission and Council Evidence

98. One submission was received on this variation from C & J Properties Limited⁶⁹. The submitter is the owner of 86 Brownston Street, on the corner of Dungarvon and Brownston Streets, which immediately adjoins (to the north east) the YHA site. The submission requested the notified MDRZ be rejected over the variation sites (i.e. that they remain zoned LDSRZ). In addition, if the MDRZ is retained, the submission sought the application of a VASZ over the submitter's property at 86 Brownston Street and over the adjoining sites at 33 and 37 Dungarvon Street. No evidence was received in support of this submission and the submitter did not attend the hearing.
99. The submission stated the Section 32 report had no regard to the effect of the variation on the submitter and the submitter's property. The submission noted that the current zoning of the variation site is LDSRZ with a VASZ, and this zoning dictates the anticipated level of development that can occur on the site. The submission indicated the submitter was aware of this at the time it purchased the property.
100. In the submitter's opinion, the Council should not be increasing yields on an adjoining site without considering the effects on the submitter's land and whether the issues could be overcome by other methods, namely extending the VASZ over the submitter's property. Changing the zoning from LDSRZ to MDRZ is stated as substantially increasing the permissible visitor accommodation activity on the site, with resulting adverse effects on the submitter's property. The submission identified an inherent conflict between increasing residential development on the submitter's property and rezoning the adjoining land MDRZ with a VASZ (such as smaller building setbacks, higher yields, significantly greater continuous building length). The submission suggested this issue could be overcome through the alternative relief sought, by extending the VASZ over the submitter's property, effectively removing the reverse sensitivity and amenity issues that would otherwise arise.
101. Ms Russell addressed this submission in her Section 42A report⁷⁰. She did not support the submission points from C & J Properties Limited.
102. Ms Russell supported the MDRZ over the two variation sites. In her opinion, this achieve the strategic intentions identified through Stage 1 of the PDP to up-zone residential land located in proximity to Town Centres through provision for higher site yields. Any development of the YHA site will be controlled through the provisions of the MDRZ, which is a residential zone with a narrow range of activities enabled. In Ms Russell's opinion, the change of zoning would have little impact on the amenity of the submitter's site.

⁶⁸ Dated 18 March 2020, also referred to as K Russell, EiC.

⁶⁹ Submitter #3253

⁷⁰ K Russell, EiC. Section 4

103. Ms Russell also considered retaining LDSRZ over the two sites would not support the Strategic Direction and urban form priorities of the PDP (Chapters 3 and 4), in particular SP 3.2.1.1 and urban development Policy 4.2.2.22(b). She did not consider retaining the LDSRZ would be an efficient or effective way to achieve the objectives of Chapters 3 and 4. Ms Russell recommended the submission from C & J Properties Limited, to retain the LDSRZ over the two variation sites, be rejected.
104. With regard to extending the VASZ over the submitter's land, Ms Russell considered this would be outside the scope of this variation. The VASZs in Wānaka were addressed through Stage 2 of the PDP process and she did not consider they are open to being reconsidered as part of Stage 3.

5.3 Hearing Panel's Consideration and Recommendations

105. As discussed in Report 20.1, given that rejection of the notified zoning of MDRZ in this case is not supported by any evidence in support, we have no basis to recommend it. In relation to extending the VASZ over the adjoining land, we received no evidence as to the potential costs and benefits to enable us to evaluate this alternative in terms of section 32 of the RMA. As Ms Russell stated, the change of zoning to MDRZ would have little impact on the amenity of the submitter's adjoining site and we do not consider this sufficient to justify a consequential relief through extending the VASZ. Accordingly, for these reasons and those given by Ms Russell, we recommend Submissions #3253.1, #3253.2 and #3253.3 from C & J Properties Limited be rejected.

6. VARIATION TO CHAPTER 27 - LOCATION SPECIFIC SUBDIVISION

6.1 Background

106. The Section 32 Report⁷¹ stated that the purpose of this variation is to amend/update the objectives and policies relating to subdivision in specific locations to have regard to the development that may have already occurred within the respective zones/locations, or to reflect servicing requirements.
107. The Section 32 Report refers to a recommendation from the Planning and Strategy Committee which suggested the location-specific subdivision provisions in the plan (Chapter 27.3) be reviewed, to ensure that they are up-to-date with, and reflect the level of development that has already occurred in the corresponding locations. The recommendation singled out Policy 27.3.1.1 (Peninsula Bay) and Policy 27.3.5.1 (Wyuna Station) as requiring particular attention, which this variation seeks to address.
108. The notified variation:
(a) deletes Policy 27.3.1.1 relating to easements for public access at Peninsula Bay; and
(b) amends Policy 27.3.5.1 (b) and (c) relating to wastewater disposal for the Wyuna Station Lifestyle Zone.
109. No Section 42A report was prepared for this variation.

6.2 Submission and Council Response

110. No submission was received on the first part of the variation – the deletion of Policy 27.3.1.1 relating to Peninsula Bay.

⁷¹ Section 32 Evaluation, Variation to Proposed District Plan, Variation to Chapter 27 Subdivision 27.3. Location-Specific Subdivision Provisions

111. One submission was received from Cabo Limited⁷² on the second part of the variation relating to the Wyuna Station Lifestyle Zone. Cabo Limited is the owner of Wyuna Station. The submission points out that:
- (a) The submitter is the only party directly affected the changes to Policy 27.3.5.1 and was not consulted by the Council;
 - (b) The Section 32 Report is not clear about what problem the variation is seeking to address in relation to Wyuna Station;
 - (c) No update is required to this policy, as Policy 27.3.5.1 is a new policy adopted as part of Stage 1 of the PDP review;
 - (d) There is no ambiguity or confusion with Policy 27.5.3.1.
112. The submission sought the following:
- (a) Decline/withdraw the variation with respect to Policy 27.3.5.1;
 - (b) Undertake a meaningful section 32 evaluation; and
 - (c) Consult with the submitter.
113. In her Opening Legal Submissions for the Council⁷³, Ms Scott addressed this submission from Cabo Limited⁷⁴. She accepted the submitter had correctly pointed out that there is no ambiguity or confusion in Policy 27.3.5.1. She submitted that the variation should be deleted in respect of that policy (i.e. Policy 27.3.5.1 should remain in its Stage 1 decisions version). Although the submission point was not addressed in any Section 42A Report, Ms Scott confirmed the Council's position that the submission from Cabo Limited should be accepted.

6.3 Hearing Panel's Consideration and Recommendations

114. On the basis of the Council's legal submissions, and with no evidence or submissions seeking retention of this part of the variation, we recommend that Submission 3174.1 from Cabo Limited, which sought the variation be declined or withdraw with respect to Policy 27.3.5.1, be accepted. Accordingly, we recommend that the amendments proposed by the variation to Policy 27.3.5.1 be rejected.
115. As a result of our recommendation to delete the amendments to Policy 27.3.5.1, it is no longer necessary to implement the other two submissions points from Cabo Limited relating to a meaningful Section 32 evaluation and further consultation with the submitter. We recommend that Submissions 3174.2 and 3174.3 from Cabo Limited be rejected.
116. As there were no submissions on the deletion of Policy 27.3.1.1, we recommend this part of the variation be accepted.
117. Our recommended amendments to the Notified Variation are included in Appendix 1

⁷² Submitter #3174

⁷³ Dated 29 June 2020

⁷⁴ Opening legal submissions for the Council from Ms Scott, para [8.31]-[8.33]

7. VARIATIONS WITH NO SUBMISSIONS OR SUBMISSIONS ONLY IN SUPPORT

7.1 Background

118. In her Section 42A Report⁷⁵, Ms Gabriela Glory, Graduate Policy Planner employed by the Council, addressed the notified variations that had received no submissions or submissions only in support⁷⁶. She listed the following:
- (a) Variation to Chapter 43 Millbrook – Rule 43.5.2 – No submissions received;
 - (b) Variation to Planning Maps - Atley Road zoning – No submissions received;
 - (c) Variation Chapter 26 and Planning Map 21– Chalmers Cottage – One submission received in support⁷⁷;
 - (d) Variation to Chapter 2 Definitions – Residential Flat – Two submissions received in support⁷⁸;
 - (e) Variation to Chapters 7 – 9 – Waste and Recycling Storage Space Provisions – One submission received in support⁷⁹.
119. Ms Glory recommended that the submissions in support be accepted and that each of the above notified variations be accepted.

7.2 Hearing Panel’s Consideration and Recommendations

120. On the basis of Ms Glory’s recommendations, and with no evidence or submissions opposing these notified variations, we recommend that Submission 3191.1 from Heritage New Zealand / Pouhere Taonga; Submissions #3013.4 and #3013.5 from Pia Condren; and Submission #3338.1 from Roger Lindsay Donaldson be accepted. We also recommend the following notified variations be accepted without amendment:
- (a) Variation to Chapter 43 Millbrook – Rule 43.5.2;
 - (b) Variation to Planning Maps - Atley Road zoning;
 - (c) Variation Chapter 26 and Planning Map 21– Chalmers Cottage;
 - (d) Variation to Chapter 2 Definitions – Residential Flat;
 - (e) Variation to Chapters 7 – 9 – Waste and Recycling Storage Space Provisions.

8. GENERAL SUBMISSIONS – UNRELATED TO STAGE 3 AND 3B CHAPTERS OR VARIATIONS

8.1 Background

121. Several general submissions were received during the notification of Stages 3 and 3B of the PDP that did not relate specifically to the Stage 3 and 3B Chapters or variations. Ms Gabriela Glory⁸⁰ addressed these in her Section 42A Report on General Submissions⁸¹. She identified seven submission points from four submitters and associated further submission points on general matters. She grouped them as follows in her Section 42A Report and we have considered them in the same groups:
- (a) Submission #3005 – Sports Otago;
 - (b) Submission #3138 – Brendon Cutt;

⁷⁵ Section 42A Report of Gabriela Glory, Stage 3 and 3b General Submissions, dated 18 March 2020, also referred to as G Glory, EIC (General).

⁷⁶ G Glory, EIC (General), Section 7

⁷⁷ Submission #3191.1 from Heritage New Zealand / Pouhere Taonga

⁷⁸ Submission #3013.4 from Pia Condren, and Submission #3338.1 from Roger Lindsay Donaldson

⁷⁹ Submission #3013.5 from Pia Condren

⁸⁰ Ms Gabriela Glory, Graduate Policy Planner employed by the Council

⁸¹ Section 42A Report of Gabriela Glory, Stage 3 and 3b General Submissions, dated 18 March 2020, also referred to as G Glory, EIC (General).

- (c) Submission #31025 and #3052 – Ministry of Education (Incorporation of the National Planning Standards);
- (d) Submission #3080 –Transpower New Zealand Limited.

8.2 Sports Otago

122. Sports Otago⁸² requested a rezoning in the Ladies Mile area. It sought that the Ladies Mile land recently purchased by the Council at 516 Frankton- Ladies Mile Highway (14.6 hectares located on the corner of Howards Drive and Frankton-Ladies Mile Highway/State Highway 6) be zoned Active Sports and Recreation Zone as well as providing for educational use. Further submissions in support were received from Glenpanel Developments Limited⁸³ and Sport Otago⁸⁴.
123. Ms Glory⁸⁵ informed us that the land was confirmed as Rural Residential Zone (RRZ) as part of Stage 2 of the PDP. She recommended that the submission be struck out under section 41D of the RMA.
124. The land sought to be rezoned through this submission has not been included in any aspect of the Stage 3 and 3B notified plan changes or variations. Its zoning has already been confirmed through the Stage 2 PDP process with any submissions relating to the zoning of this area of land being considered at that time. We agree with Ms Glory that it is not within the scope of Stage 3 and 3B of the PDP to reconsider the zoning of this land. It would not be appropriate for this hearing process to be used to consider this submission any further. Accordingly, Submission #3005.2 from Sport Otago is struck out by the Chair, exercising the power to do pursuant to section 41D of the Act delegated to him by the Council.

8.3 Brendon Cutt

125. Brendon Cutt⁸⁶ opposed a hotel in Fernhill. His submission stated that a multi-level hotel on the current Q Resort site in Fernhill is opposed.
126. Ms Glory⁸⁷ informed us that the land on which this hotel is situated was not notified as part of the Stage 3 and 3B notified plan changes or variations and that the zoning of this land was considered during Stage 1 of the PDP. She noted that the submitter does not seek an amended zoning for the land, but opposes a particular hotel development. Ms Glory did not consider the submission is within the scope of Stages 3 or 3B of the PDP and recommended the submission be struck out under section 41D of the RMA.
127. The land referred to in this submission has not been included in any aspect of the Stage 3 and 3B notified plan changes or variations. Its zoning has already been confirmed through the Stage 1 PDP process with any submissions relating to the zoning of this area of land (or the activities provided for through that zoning) being considered at that time. We agree with Ms Glory that it is not within the scope of Stage 3 and 3B of the PDP to reconsider the zoning of this land. In addition, the submission appeared to be opposed to a particular hotel development. It is not within the scope of Stage 3 and 3B of the PDP to consider the appropriateness of any particular resource consent proposal. It would not be appropriate for

⁸² Submitter #3005

⁸³ FS#3438.1

⁸⁴ FS#3472.2

⁸⁵ G Glory, EiC (General), Section 3

⁸⁶ Submitter #3138

⁸⁷ G Glory, EiC (General), Section 4

this hearing process to be used to consider this submission any further. Accordingly, Submission #3138.3 from Brendon Cutt is struck out under section 41D of the RMA.

8.4 Ministry of Education (Incorporation of National Planning Standards)

128. The Ministry of Education⁸⁸ lodged submission points on Stages 3 and 3B of the PDP seeking that the definitions for 'educational facilities' and 'community facility' from the National Planning Standards (NPS) be adopted during the Stage 3 review process. The submissions were opposed by QAC⁸⁹ and supported by Public Health South⁹⁰.
129. Ms Glory⁹¹ pointed us to Mr Barr's strategic evidence⁹² in which he addressed the requirements on the Council to implement the NPS. It was Mr Barr's evidence⁹³ that:

The first set of National Planning Standards (planning standards) came into effect on 3 May 2019. This raises the matter of whether to promptly update and/or rehouse the District Plan to reflect the planning standards, or implement them as part of the next full plan review process.

Although the majority of standards are mandatory directions that do not go through a normal RMA Schedule 1 process it is anticipated that a large number of amendments may be required to rehouse the District Plan as a result of implementing the standards (via a RMA Schedule 1 process) and that this is likely to be disruptive to recently reviewed provisions

Many aspects of the PDP are either compliant or largely consistent with the planning standards such as structure and format standards and Council are working towards implementing electronic accessibility and functionality standards, well ahead of the specified time requirements.

However, many of the definitions in the planning standards would require a cascade of changes to be made through the plan to integrate them into the both volumes of the District Plan. Although this has not been put to a Council resolution, to my knowledge Council staff intend to implement the planning standards in accordance with the required timelines for implementation, which lists QLDC as having to implement the first planning standards within seven years and definitions within nine years – well beyond the timeframe proposed for the review of the RMA and a number of NPSs and the ORPS.

I therefore understand the planning standards are not relevant to the Queenstown plan review and decision making on Stage 3.

Ms Glory supported Mr Barr's approach and recommended these submission points from the Ministry of Education be rejected. She recognised there is a requirement to reconfigure the district plan to implement the NPS, but that it is not efficient or effective to introduce the NPS definitions in the PDP in a piecemeal fashion, as sought by Ministry of Education. In her view,

⁸⁸ Submitter #3152 and #31025

⁸⁹ FS#3436.20

⁹⁰ FS#31049.3 & #31049.4

⁹¹ G Glory, EiC (General), Section 5

⁹² Craig Barr, EiC, Strategic overview for all of Stage 3, 18 March 2020

⁹³ C Barr, EiC (Strategic Overview), para [4.2]-[4.6]

it would be more efficient and effective to look at the plan in its entirety and implement the NPS direction in one go.

130. Ms Glory also noted that changes to the definitions may have flow on effects to other parts of the PDP that are not subject to Stage 3 and 3B. In answer to our questions on this matter, she stated that there is no scope through the Stage 3 and 3B PDP process to amend definitions that apply to provisions that have previously been decided upon.
131. Mr Keith Frentz⁹⁴, consultant planner, presented evidence on this matter on behalf of the Ministry. In his opinion, the current plan change process presents an opportunity for the Council to implement changes (in response to submissions) that would align the reviewed Plan with the NPS at an early stage effectively and efficiently without having to resort to full further plan change processes in the future. He acknowledged that other plan changes may be needed in the future, but where changes to such matters as definitions can be made, he believed the opportunity should be taken now.
132. Having considered the evidence of Mr Barr, Ms Glory and Mr Frentz, we consider Mr Frentz has significantly under-estimated the complications and inefficiencies that would arise from implementing two NPS definitions for the zones in Stages 3 and 3B of the PDP process, whilst retaining the current PDP definitions for the balance of the district plan. We agree with Ms Glory there is no scope to amend definitions beyond Stages 3 and 3B. Neither is there scope to review all the Stages 3 and 3B provisions (beyond those referred to in the Ministry's submission) in order to fully implement these NPS definitions throughout the cascade of provisions. We also agree that piecemeal changes would be disruptive to the plan review process. We consider it would be considerably more efficient to review the whole of the PDP, at an appropriate stage, to implement all the required NPS definitions, along with the flow-on changes that will inevitably be required across the district plan. The NPS has given the Council nine years to achieve this, which we consider is due recognition of the work and time that will be required and, as Mr Barr pointed out, allows integration with other substantial changes planned for the RMA framework.
133. For these reasons, and those given by Mr Barr and Ms Glory, we recommend that Submissions #3152.1, #31025.4 and #31025.5 from the Ministry of Education be rejected.

8.5 Transpower New Zealand Limited

134. Transpower New Zealand Limited⁹⁵ sought an amendment to the Stage 3 and 3B Planning Maps to include the Cromwell-Frankton A 110kV National Grid Transmission Line (the transmission line)⁹⁶. The submission stated it is understood the Stage 1 and 2 Planning Maps identify the National Grid, however, for the avoidance of doubt Transpower also sought that the National Grid is shown over the land zoned as part of Stage 3 (being the General Industrial Zone – recommended to be renamed General Industrial and Service Zone in Report 20.3).
135. Transpower's submission⁹⁷ also sought that the terminology used to refer to the National Grid on the Planning Maps Legend (as is shown in respect of Stages 1 and 2) is amended to reflect the terminology used in the associated provisions of the PDP, being:
 - "Transpower AC-Frankton Substation"

⁹⁴ K Frentz, EiC, Section 6

⁹⁵ Submitter #3080

⁹⁶ Submission #3080.9

⁹⁷ Submission #3080.10

- “Transpower ~~Pylons~~ Transmission Line Support Structure (approximate location)”
- “National Grid Transmission ~~Line~~Corridor”

136. Transpower’s submissions were opposed by Lake Hāwea Holdings Limited⁹⁸.
137. Ms Glory addressed these submissions in her Section 42A Report⁹⁹. She noted that the transmission line is currently shown on the Stage 1 and 2 “Decisions and Appeals” Planning Maps. In her view it would be a duplication to show the transmission line on the Stage 3 and 3B Planning Maps, as when Stages 3 and 3B are finalized, the Planning Maps will be combined with those from Stages 1 and 2 which already show this line. Ms Glory stated – *“In essence, this part of the National Grid is already on the PDP plan maps”*. On this basis, she recommended the submission from Transpower New Zealand Limited be rejected.
138. With respect to the terms used in the Planning Maps Legend, Ms Glory agreed with the submission that changing the terms would be consistent with the terminology used in Chapter 30 Energy and Utilities, Chapter 2 Definitions and the higher order documents. She agreed that these amendments are appropriate and would improve consistency in the PDP. Ms Glory noted that these amendments are not relevant to the Stage 3 and 3B proposals, as this aspect of the Planning Map legend was not notified on the Stage 3 and 3B Planning Maps. However, in her view, the amendments would have no change in effect or policy direction and are neutral changes that can be made pursuant to Clause 16(2) Schedule 1 of the RMA. She recommended accordingly.
139. Ms Ainsley McLeod¹⁰⁰ gave evidence on behalf of Transpower at the Stream 16 hearing. We also received a letter from Daniel Hamilton¹⁰¹ on behalf of Transpower in relation to Stream 17 and 18 issues. Neither of these addressed these aspects of Transpower’s submission.
140. As discussed in Report 20.1, where a change sought to the Stage 3 and 3B Planning Maps is not supported by any evidence we have no basis to make the change sought. Accordingly, we adopt the recommendation from Ms Glory for the reasons she has given. We recommend rejecting Submission #3080.9 from Transpower New Zealand Limited.
141. However, we agree with Ms Glory that changing the terms used in the Planning Maps Legend would be appropriate and improve consistency with the terminology used throughout the PDP and the higher order planning documents. We agree that these amendments would have no change in effect or policy direction and are neutral changes that can be made pursuant to Clause 16 Schedule 1 of the RMA. Accordingly, we recommended accepting Submission 3080.10 and recommend the Planning Maps Legend be amended as follows, pursuant to Clause 16(2) Schedule 1 of the RMA:

“Transpower AC-Frankton Substation”
“Transpower ~~Pylons~~ Transmission Line Support Structure (approximate location)”
“National Grid Transmission ~~Line~~Corridor”

9. RECOMMENDED AMENDMENTS PURSUANT TO CLAUSE 16(2)

142. Clause 16(2) of the First Schedule to the Act provides that:

⁹⁸ FS#3447.9 & FS#3447.10

⁹⁹ G Glory, EiC (General), Section 6

¹⁰⁰ A McLeod, EiC, 19 June 2020

¹⁰¹ Environmental Regulatory Team Leader, Transpower

(2) a local authority may make an amendment, without using the process in the schedule, to its proposed policy statement or plan to alter any information, where such alteration is of minor effect or may correct any minor errors.

143. We set out below our recommendations for amendments to the PDP provisions pursuant to Clause 16(2). We have not included circumstances where consequential changes are required as a result of changes to policy/rule numbers or deletion of provisions; or for consistency with zone names, drafting conventions or numbering in the PDP (Decisions Version). Where applicable, the amendments made to the text under Clause 16(2) below have already been included in the text changes attached in Appendix 1.

- (a) Minor amendments to clarify the wording to read: *“Water storage of 45,000 litres shall be maintained ...”* in Rules 21.7.5.1, 22.5.13.1, 23.5.9.1, 24.5.9.a. and 38.10.11.1.
- (b) Replace the term *“transportation network”* with the defined term of *“transport network”* in the matters of discretion in Rules 7.5.13, 8.5.11, 9.5.10, 12.5.13, 13.5.11, 14.5.9, 15.5.9 and 16.5.10.
- (c) Minor amendments to clarify the wording of the matters of discretion relating to lighting and glare in Rule 14.5.9, and to provide consistency between all zones included in the variation.
- (d) The Legend to the Planning Maps be amended as follows:
 - “Transpower AC ~~Frankton~~ Substation”*
 - “Transpower ~~Pylons~~ Transmission Line Support Structure (approximate location)”*
 - “National Grid Transmission Line ~~Corridor~~”*

10. OVERALL RECOMMENDATION

144. Having considered the evidence before us, we have formed the view that, save as identified in our report above, the notified provisions of the Variations are the most appropriate way to give effect to the relevant objectives of the PDP. To the extent that we have recommended amendments to the notified provisions, our reasons are as set out above.

145. Accordingly, we recommend the Council:

- (a) adopt the following Variations, with the amendments to the notified wording as set out in Appendix 1:
 - Chapters 21 - 24, & 38 - Firefighting Water Supply and Access
 - Chapters 7 – 9, 12 – 16 - Glare
 - Planning Maps - Frankton Road Height Control
 - Planning Maps – Wānaka – Medium Density Residential Rezoning
 - Chapter 27 – Location Specific Subdivision Provisions
 - Chapter 26 and Planning Maps - Chalmers Cottage
 - Chapter 2 Definitions – Residential Flat
 - Chapter 7 - 9 – Waste and Recycling
 - Chapter 43 Millbrook – Rule 43.5.2
 - Planning Maps – Atley Road Rezoning
- (b) make the amendments to the PDP provisions pursuant to Clause 16(2), as set out in Section 9 of this Report 20.11.

146. We also attach as Appendix 2, a summary table setting out our recommendation in relation to each submission on the Variations (and the general submissions from Ministry of Education and Transpower New Zealand Limited). We have not listed further submissions as the result in respect of any further submission necessarily follows the recommendation on the primary submission, whether that be supported or opposed.
147. Submission #3005.2 from Sport Otago and Submission #3138.3 from Brendon Cutt are struck out by the Chair, exercising the power to do pursuant to section 41D of the Act delegated to him by the Council.



Trevor Robinson
Chair
Stream 18 Hearing Panel

Dated: 12 January 2021

Attachments

Appendix 1- Recommended Revised Variation Provisions

Appendix 2- Table of Submitter Recommendations

Appendix 1 – Recommended Revised Variation Provisions

Firefighting Water Supply and Access Variation

Key:

Underlined text for additions and strike through text for deletions

Variation to Chapter 21 – Rural Zone

21.7 Rules – Standards for Buildings

	<p>Table 4 – Standards for Structures and Buildings</p> <p>The following standards apply to structures and buildings, other than Farm Buildings.</p>	<p>Non-compliance Status</p>
	<p>Firefighting water and access</p> <p>All n<u>New buildings for residential activities, where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting water supply, must make the following provision for fire fighting have one of the following:</u></p> <p><u>either a sprinkler system installed and plumbed with a maintained static water storage supply of at least 7,000 litres available to the system, or</u></p> <p><u>water supply and access for firefighting that meets the following requirements:</u></p> <p>21.7.5.1 A w<u>Water supply storage of at least 45,000 litres shall be maintained (excluding potable water storage for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply; b. the accessibility of the firefighting water connection point for fire service vehicles; c. whether and the extent to which the building is assessed as a low fire risk.

Firefighting Water Supply and Access Variation

	<p>Table 4 – Standards for Structures and Buildings</p> <p>The following standards apply to structures and buildings, other than Farm Buildings.</p>	<p>Non-compliance Status</p>
	<p>21.7.5.2 A hardstand area adjacent to <u>with a minimum width of 4.5m and length of 11m located within 6m of the firefighting water supply connection point and</u> capable of supporting a <u>20 tonne</u> fire service vehicles.</p> <p>21.7.5.3 Firefighting water <u>The connection point within for the firefighting water supply must be located more than 6m of the hardstand, and less than 90m from the building for residential activities and be accessible by emergency service vehicles during fire events of the dwelling.</u></p> <p>21.7.5.4 Access from the property <u>road</u> boundary to the firefighting water connection <u>hardstand area</u> capable of accommodating and supporting a <u>20 tonne</u> fire service vehicles.</p>	

Firefighting Water Supply and Access Variation

Variation to Chapter 22 – Rural Residential and Rural Lifestyle:

22.5 Rules - Standards

Table 2	Standards - Rural Residential and Rural Lifestyle Zones	Non- compliance Status
	<p>Fire-fighting water and access</p> <p>New buildings <u>for residential activities, where there is no reticulated water supply or it, or any reticulated water supply is not sufficient for firefighting water supply must provide the following provision for fire fighting have one of the following:</u></p> <p><u>either a sprinkler system installed and plumbed with a maintained static water storage supply of at least 7,000 litres available to the system, or water supply and access for firefighting that meets the following requirements:</u></p> <p>22.5.13.1 <u>A wWater supply storage of 20,000at least 45,000 litres shall be maintained-(excluding potable water storage-for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings.</u></p> <p>22.5.13.2 <u>A hardstand area adjacent tewith a minimum width of 4.5m and length of 11m located within 6m of the firefighting water supply connection point and capable of supporting a 20 tonne fire service vehicles.</u></p>	<p>RD</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply; b. the accessibility of the firefighting water connection point for fire service vehicles; c. whether and the extent to which the building is assessed as a low fire risk.

Firefighting Water Supply and Access Variation

Table 2	Standards - Rural Residential and Rural Lifestyle Zones	Non- compliance Status
	<p>22.5.13.3 Firefighting water<u>The</u> connection point for the firefighting water supply must be located more than <u>within 6m of the handstand and less than 90m from the building for residential activities and be accessible by emergency service vehicles during fire events,</u> and 90m of the dwelling.</p> <p>22.5.13.4 Access from the property <u>road boundary to the firefighting to the handstand area capable of accommodating a 20 tonne fire service vehicle.</u></p>	

Firefighting Water Supply and Access Variation

Variation to Chapter 23 - Gibbston Character Zone:

23.2 Objectives and Policies

Policies

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

23.5 Rules - Standards

	Table 2: Standards for buildings	Non- compliance
23.5.9	<p><u>Firefighting water and access</u></p> <p><u>New buildings for residential activities and visitor accommodation, where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting, must have one of the following:</u></p> <p><u>either a sprinkler system installed and plumbed with a maintained static water storage supply of at least 7,000 litres available to the system, or</u></p> <p><u>water supply and access for firefighting that meets the following requirements:</u></p> <p><u>23.5.9.1 Water-storage of at least 45,000 litres shall be maintained (excluding potable water storage-for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings.</u></p> <p><u>23.5.9.2 The connection point for the firefighting water supply must be located more than 6m and less than 90m from the building for</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply;</u> b. <u>the accessibility of the firefighting water connection point for fire service vehicles;</u> c. <u>whether and the extent to which the building is assessed as a low fire risk.</u>

Firefighting Water Supply and Access Variation

	<p><u>residential activities or visitor accommodation and be accessible by emergency service vehicles during fire events.</u></p>	
23.5.9.3	<p><u>A hardstand area with a minimum width of 4.5m and length of 11m located within 6m of the firefighting water supply connection point and capable of supporting a 20 tonne fire service vehicle.</u></p>	
23.5.9.4	<p><u>Access from the property road boundary to the handstand area capable of accommodating a 20 tonne fire service vehicle.</u></p>	

Firefighting Water Supply and Access Variation

Variation to Chapter 24 - Wakatipu Basin:

24.5 Rules - Standards

The following standards apply to all activities.

	Table 24.3 - Standards	Non-compliance status
24.5.19	<p>Firefighting water and access</p> <p>New buildings for residential activities, where there is no that do not have reticulated water supply, or where there is insufficient fire fighting water supply must provide the following provision <u>any reticulated water supply is not sufficient for firefighting, must have one of the following:</u></p> <p><u>either a sprinkler system installed and plumbed with a maintained static water storage supply of at least 7,000 litres available to the system, or</u></p> <p><u>water supply and access for firefighting that meets the following requirements:</u></p> <ul style="list-style-type: none"> a. A water supply storage of 20,000 <u>at least 45,000 litres shall be maintained (excluding potable water storage for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings;</u> b. A hardstand area adjacent to <u>with a minimum width of 4.5m and length of 11m located within 6m of the firefighting water supply connection point and capable of supporting a 20 tonne</u> fire service vehicles; 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply; b. the accessibility of the firefighting water connection point for fire service vehicles; c. whether and the extent to which the building is assessed as a low fire risk.

Firefighting Water Supply and Access Variation

	Table 24.3 - Standards	Non-compliance status
	<p>c. Firefighting water<u>The connection point within 6m of the hardstand, and 90m of the building for the firefighting water supply must be located more than 6m and less than 90m from the building for residential activities and be accessible by emergency service vehicles during fire events;</u></p> <p>d. Access from the property <u>road</u> boundary to the firefighting water connection<u>hardstand area</u> capable of accommodating and supporting a <u>20 tonne</u> fire service vehicles.</p> <p>Advice note: excludes non-habitable accessory buildings</p>	

Firefighting Water Supply and Access Variation

Variation to Chapter 38 - Open Space and Recreation:

38.10 Rules - Standards for Open Space and Recreation Zones

	Table 38.2: Standards for Activities in the Open Space and Recreation Zones	Non-compliance Status
38.10.11	<p>Firefighting w<u>Water supply and access for firefighting</u></p> <p>All new buildings over 20m² in area that are not connected to the, where there is <u>no</u> reticulated water supply must make the following provision for firefighting, or any reticulated water supply is <u>not sufficient for firefighting,</u> must have one of <u>the following:</u></p> <p><u>either a sprinkler system installed and plumbed with a maintained static water storage supply of at least 7,000 litres available to the system, or</u></p> <p><u>water supply and access for firefighting that meets the following requirements:</u></p> <p>38.10.11.1 A w<u>Water supply storage of at least 45,000 litres shall be maintained (excluding potable water storage for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings; and.</u></p> <p>38.10.11.2 A hardstand area adjacent to the firefighting water supply connection of<u>with a minimum width of 4.5metres and a minimum length of 11metres located within 6m of the firefighting water supply connection point and</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. the extent of non-compliance with any national standards for firefighting<u>to which SNZ PA5 4509: 2008 can be met including the adequacy of the water supply;</u> b. the accessibility of the firefighting water connection point for fire service vehicles; c. whether and the extent to which the building is assessed as a low fire risk. d. Any advice that may have been received from Fire and Emergency New Zealand.

Firefighting Water Supply and Access Variation

	<p><u>capable of supporting a 20 tonne fire service vehicle.;</u> and</p> <p>38.10.11.3 A firefighting water<u>The connection point for the firefighting water supply must be located more than 6metres and but not less than 90metres away from the building and be accessible by emergency service vehicles during fire events.;</u> and</p> <p>38.10.11.4 Access from the property <u>road</u> boundary to the firefighting water connection<u>handstand area capable of accommodating a 20 tonne fire service vehicle of a minimum width of 4.5 metres.</u></p>	
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Glare Variation

Key:

Underlined text for additions and strike through text for deletions

Variation to Chapter 7 Lower Density Suburban Residential:

7.5 Rules - Standards

	Standards for activities in the Lower Density Suburban Residential Zone	Non-compliance status
7.5.13	<p><u>Lighting and Glare</u></p> <p>7.5.13.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>7.5.13.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	<p><u>NCRD</u></p> <p><u>Discretion is restricted to the effects of lighting and glare on:</u></p> <p><u>a. amenity values of adjoining sites;</u></p> <p><u>b. the safety of the Transport Network;</u></p> <p><u>c. the night sky; and</u></p> <p><u>d. the navigational safety of passenger carrying vessels operating at night.</u></p>

Glare Variation

Variation to Chapter 8 Medium Density Residential:

8.5 Rules - Standards

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.11	<p><u>Lighting and Glare</u></p> <p>8.5.11.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>8.5.11.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	<p><u>NCRD</u></p> <p><u>Discretion is restricted to the effects of lighting and glare on:</u></p> <p><u>a. amenity values of adjoining sites;</u></p> <p><u>b. the safety of the Transport Network;</u></p> <p><u>c. the night sky; and</u></p> <p><u>d. the navigational safety of passenger carrying vessels operating at night.</u></p>

Glare Variation

Variation to Chapter 9 High Density Residential:

9.5 Rules – Standards

	Standards for activities located in the High Density Residential Zone	Non-compliance status
9.5.101	<p><u>Lighting and Glare</u></p> <p>9.5.101.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>9.5.101.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	<p><u>NCRD</u></p> <p><u>Discretion is restricted to the effects of lighting and glare on:</u></p> <ul style="list-style-type: none"> <u>a. amenity values of adjoining sites;</u> <u>b. the safety of the Transport Network;</u> <u>c. the night sky; and</u> <u>d. the navigational safety of passenger carrying vessels operating at night.</u>

Glare Variation

Variation to Chapter 12 Queenstown Town Centre:

12.5 Rules – Standards

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
12.5.13	<p><u>Lighting and Glare</u></p> <p>12.5.13.2 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects <u>on the amenity of adjoining sites, the safety of the transport network and the effects on views</u> of the night sky.</p> <p>12.5.13.2 No activity in this zone shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the <u>Z</u>zone, measured at any point inside the boundary of any adjoining property.</p> <p>12.5.13.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned <u>residential High-Density Residential</u> measured at any point more than 2m inside the boundary of the adjoining property.</p>	<p>NCRD</p> <p><u>Discretion is restricted to the effects of lighting and glare on:</u></p> <ul style="list-style-type: none"> a. <u>amenity values of adjoining sites;</u> b. <u>the safety of the Transport Network; and</u> c. <u>the night sky.</u>

Glare Variation

Variation to Chapter 13 Wanaka Town Centre:

13.5 Rules – Standards

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
13.5.11	<p><u>Lighting and Glare</u></p> <p>13.5.11.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects <u>on the amenity of adjoining sites, the safety of the transport network and the effects</u> on the night sky.</p> <p>13.5.11.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>13.5.11.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>13.5.11.4 External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.</p> <p>Except that:</p> <ul style="list-style-type: none"> a. Architectural features, including doors and window frames, may be any colour; and b. Roof colours shall have a reflectance value of between 0 and 20%. 	<p><u>NCRD</u></p> <p><u>Discretion is restricted to the effects of lighting and glare on:</u></p> <ul style="list-style-type: none"> <u>a. amenity values of adjoining sites;</u> <u>b. the safety of the Transport Network; and</u> <u>c. the night sky.</u>

Glare Variation

Variation to Chapter 14 Arrowtown Town Centre:

14.5 Rules – Standards

	Standards for activities located in the Arrowtown Town Centre Zone	Non-compliance status
14.5.9	<p><u>Lighting and Glare</u></p> <p>14.5.9.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, <u>and so as to limit the effects on the amenity of adjoining sites, the safety of the transport network and the effects on views of the night sky.</u></p> <p>14.5.9.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the <u>zone</u>, measured at any point inside the boundary of any adjoining property.</p> <p>14.5.9.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned <u>Residential</u> measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>14.5.9.4 All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.</p>	<p><u>NCRD</u></p> <p><u>Discretion is restricted to the effects of lighting and glare on:</u></p> <p><u>a. amenity values of adjoining sites;</u></p> <p><u>b. the safety of the Transport Network;</u></p> <p><u>and</u></p> <p><u>c. the night sky.</u></p>

Glare Variation

Variation to Chapter 15 Local Shopping Centre Zone:

Policy 15.2.3.3

Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places, ~~and~~ promote lighting design that mitigates adverse effects on views of the night sky, and provide a safe and well-lit environment for pedestrians.

15.5 Rules - Standards

	Standards for activities located in the Local Shopping Centre Zone	Non-compliance status
15.5.9	<p><u>Lighting and Glare</u></p> <p>a-15.5.9.1 All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and directed downward so as to limit the effects <u>on the amenity of adjoining sites, the safety of the transport network and the effects on views of the night sky.</u></p> <p>b-15.5.9.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>c-15.5.9.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in any Residential zone or Township Zone <u>zoned residential</u> measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>d. All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.</p>	<p><u>NCRD</u></p> <p><u>Discretion is restricted to the effects of lighting and glare on:</u></p> <p><u>a. amenity values of adjoining sites;</u></p> <p><u>b. the safety of the Transport Network; and</u></p> <p><u>c. the night sky.</u></p>

Glare Variation

Variation to Chapter 16 Business Mixed Use Zone:

16.5 Rules – Standards

	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
16.5.10 <u>1</u>	<p><u>Lighting and Glare</u></p> <p>16.5.101.1 All exterior lighting, <u>other than footpath or pedestrian link amenity lighting</u>, installed on sites or buildings <u>within the zone</u> shall be directed away from adjacent sites, roads and public places, except footpath or pedestrian link amenity lighting and directed downward, <u>and so as to limit the effects on the amenity of adjoining sites, the safety of the transport network and the effects on views of the night sky.</u></p> <p>16.5.101.2 No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the business mixed use Zone, measured at any point inside the boundary of any adjoining property.</p> <p>16.5.101.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in a Residential Zone <u>zoned residential</u> measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>16.5.10.3 External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.</p> <p>Except that:</p>	<p><u>NCRD</u></p> <p><u>Discretion is restricted to the effects of lighting and glare on:</u></p> <p><u>a. amenity values of adjoining sites;</u></p> <p><u>b. the safety of the Transport Network; and</u></p> <p><u>c. the night sky.</u></p>

Glare Variation

	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
	<p>a. Architectural features, including doors and window frames, may be any colour; and</p> <p>b. Roof colours shall have a reflectance value of between 0 and 20%.</p>	

Location Specific Subdivision Variation

Key:
Underlined text for additions and ~~strike through~~ text for deletions

Variation to Chapter 27 – Subdivision and Development

27.3 Location specific objectives and policies

Peninsula Bay

27.3.1 Objective - Ensure effective public access is provided throughout the Peninsula Bay land.

~~27.3.1.1 Ensure that before any subdivision or development occurs within the Peninsula Bay LDRZ, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.~~

Wyuna Station Rural Lifestyle Zone

27.3.5 Objective - Provision for a deferred rural lifestyle zone on the terrace to the east of, and immediately adjoining, the Glenorchy Township.

- 27.3.5.1 Prohibit or defer development of the zone, until such time that:
- a. the zone can be serviced by a reticulated wastewater disposal scheme within the property that services both the township and the proposed zone. This may include the provision of land within the zone for such purposes; or
 - b. the zone can be serviced by a reticulated wastewater disposal scheme located outside of the zone that has capacity to service both the township and proposed zone; or
 - c. the zone can be serviced by an on-site (individual or communal) wastewater disposal scheme no sooner than two years from the zone becoming operative on the condition that should a reticulated scheme referred to above become available and have capacity within the next three years then all lots within the zone shall be required to connect to that reticulated scheme.

Appendix 2 – Table of Submitter Recommendations

Variation to Chapters 21-24 & 38 – Firefighting Water Supply and Access

Submission No.	Submitter Name	Submission Point No.	Submission Summary	Commissioner Recommendation	Section of Commissioner Recommendation Report where Submission is Addressed
3063	Waterfall Park Developments Limited	3063.1	That the variations to rule 21.7.5.1 be amended to remove the words 'excluding potable water storage volume requirements for domestic use.'	Accept in part	2
3063	Waterfall Park Developments Limited	3063.2	That the variations to rule 22.5.13.1 be amended to remove the words 'excluding potable water storage volume requirements for domestic use.'	Accept in part	2
3063	Waterfall Park Developments Limited	3063.3	That the variations to rule 23.5.9.1 be amended to remove the words 'excluding potable water storage volume requirements for domestic use.'	Accept in part	2
3063	Waterfall Park Developments Limited	3063.4	That the variations to rule 24.5.19.a be amended to remove the words 'excluding potable water storage volume requirements for domestic use.'	Accept in part	2
3063	Waterfall Park Developments Limited	3063.5	That the variations to rule 38.10.11.1 be amended to remove the words 'excluding potable water storage volume requirements for domestic use.'	Accept in part	2
3288	Fire and Emergency New Zealand	3288.12	That variation to 21.7.5.1 be amended as follows: A maintained water supply of at least 45,000 litres and any necessary couplings (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s).	Accept	2
3288	Fire and Emergency New Zealand	3288.13	That a new rule be added to 21.7 as follows: All non-residential habitable buildings where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting, must comply with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509;2008.	Reject	2
3288	Fire and Emergency New Zealand	3288.14	That rule 22.5.13.1 be amended as follows: A maintained water supply of at least 45,000 litres (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25L/s) and any necessary couplings.	Accept	2

Submission No.	Submitter Name	Submission Point No.	Submission Summary	Commissioner Recommendation	Section of Commissioner Recommendation Report where Submission is Addressed
3288	Fire and Emergency New Zealand	3288.15	That a new rule be added to 22.5.13 as follows: All non-residential habitable buildings where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting, must comply with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	Reject	2
3288	Fire and Emergency New Zealand	3288.16	That Rule 23.2.1.14 be retained as notified.	Accept	2
3288	Fire and Emergency New Zealand	3288.17	That Rule 23.5.9.1 be amended as follows: A maintained water supply of at least 45,000 litres (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25L/s), and any necessary couplings.	Accept	2
3288	Fire and Emergency New Zealand	3288.18	That a new rule be added to 23.5.9 as follows: 23.5.9.X All non-residential habitable buildings where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting, must comply with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	Reject	2
3288	Fire and Emergency New Zealand	3288.19	That rule 24.5.19 be amended as follows: A maintained water supply of at least 45,000 litres (excluding potable storage volume requirements for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings.	Accept	2
3288	Fire and Emergency New Zealand	3288.20	That a new rule be added to 24.5.19 as follows: 24.5.19(e) All non-residential habitable buildings where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting, must comply with the requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	Reject	2
3288	Fire and Emergency New	3288.21	That Rule 38.10.11 be retained as notified.	Accept	2

Submission No.	Submitter Name	Submission Point No.	Submission Summary	Commissioner Recommendation	Section of Commissioner Recommendation Report where Submission is Addressed
	Zealand				
3343	Wayfare Group Limited	3343.22	That the proposed amendments for Rule 38.10.11 be deleted/withdrawn, additional information is provided to clarify how the proposed rules are to be interpreted and applied, and an additional assessment matter to allow for consideration of "whether the location and functional need of the activity may justify non-conformance with SPZ PAS 4509:2008 being complied with".	Reject	2
3343	Wayfare Group Limited	3343.23	That the proposed amendments for Rule 21.7.5 be deleted/withdrawn, additional information be provided to clarify how the proposed rules are to be interpreted and applied, and an additional assessment matter to allow for consideration of "whether the location and functional need of the activity may justify non-conformance with SPZ PAS 4509:2008 being complied with".	Reject	2

Variation to Chapters 7-9, 12-16 – Glare

Submission No.	Submitter Name	Submission Point No.	Submission Summary	Commissioner Recommendation	Section of Commissioner Recommendation Report where Submission is Addressed
3229	NZ Transport Agency	3229.26	That under Rule 7.5.13 matter of discretion a. be amended to read ' effects of lighting and glare on the amenity values of adjoining sites, the safety of the transportation network and the night sky'.	Accept	3
3229	NZ Transport Agency	3229.27	That under Rule 8.5.11 matter of discretion a. be amended to read ' effects of lighting and glare on the amenity values of adjoining sites, the safety of the transportation network and the night sky'.	Accept	3
3229	NZ Transport Agency	3229.28	That under Rule 9.5.10 matter of discretion a. be amended to read ' effects of lighting and glare on the amenity values of adjoining sites, the safety of the transportation network and the night sky'.	Accept	3
3229	NZ Transport Agency	3229.29	That Rule 12.5.13.1 be amended to include the words ' the effects on the amenity of adjoining sites, the safety of the transportation network, and' after the word 'limit' and before the words 'the effects on the night sky', with matter of discretion a. amended to read ' effects of lighting and glare on the amenity values of adjoining sites, the safety of the transportation network and the night sky'.	Accept	3
3229	NZ Transport Agency	3229.30	That Rule 13.5.11.1 be amended to include the words ' the effects on the amenity of adjoining sites, the safety of the transportation network, and' after the word 'limit' and before the words 'the effects on the night sky', with matter of discretion a. amended to read ' effects of lighting and glare on the amenity values of adjoining sites, the safety of the transportation network and the night sky'.	Accept	3
3229	NZ Transport Agency	3229.31	That Rule 15.5.9.1 be amended to include the words ' the effects on the amenity of adjoining sites, the safety of the transportation network, and' after the word 'limit' and before the words 'the effects on the night sky', with matter of discretion a. amended to read ' effects of lighting and glare on the amenity values of adjoining sites, the safety of the transportation network and the night sky'.	Accept	3
3229	NZ Transport Agency	3229.32	That Rule 16.5.10.1 be amended to include the words ' the effects on the amenity of adjoining sites, the safety of the transportation network, and' after the word 'limit' and before the words 'the effects on the night sky', with matter of discretion a. amended to read ' effects of lighting and glare on the amenity values of adjoining sites, the safety of the transportation network and the night sky'.	Accept	3

Submission No.	Submitter Name	Submission Point No.	Submission Summary	Commissioner Recommendation	Section of Commissioner Recommendation Report where Submission is Addressed
3316	Queenstown Airport Corporation	3316.22	That the activity status for Rule 15.5.19 is amended from Non-Complying to Restricted Discretionary and the matter of discretion labelled 'a.' is amended to include aircraft operations.	Reject	3
3316	Queenstown Airport Corporation	3316.31	That the activity status for Rule 7.5.13 is amended from Non-Complying to Restricted Discretionary and the matter of discretion labelled 'a.' is amended to include aircraft operations.	Reject	3
3316	Queenstown Airport Corporation	3316.32	That the activity status for Rule 8.5.11 is amended from Non-Complying to Restricted Discretionary and the matter of discretion labelled 'a.' is amended to include aircraft operations.	Reject	3
3316	Queenstown Airport Corporation	3316.33	That the activity status for Rule 9.5.10 is amended from Non-Complying to Restricted Discretionary and the matter of discretion labelled 'a.' is amended to include aircraft operations.	Reject	3
3343	Wayfare Group Limited	3343.13	That an additional matter of discretion is inserted to the rule concerning glare to include 'navigational safety' where these provisions apply to land use that may affect navigational safety.	Accept in Part	3

Variation to Planning Maps 31a, 32 & 37: Removal of Mapping Annotation "Subject to Rules 9.5.3.1 & 9.5.3.3"

Submission No.	Submitter Name	Submission Point No.	Submission Summary	Commissioner Recommendation	Section of Commissioner Recommendation Report where Submission is Addressed
3060	SkyCity Entertainment Group	3060.1	That the variation to Maps 31a, 32 and 37 in order to remove Rules 9.5.1.3 and 9.5.3.3 be retained as notified.	Accept	4
3060	Fred van Brandenburg	FS3428.1	That the relief sought in submission 3060.1 is opposed. The further submission seeks alternative amendment so that rules 9.5.1.3 and 9.5.3.3 do not apply to the Further Submitter's land if rules 9.5.1.3 and 9.5.3.3 do not apply to the original submitter's land	Reject	4
3294	Fred van Brandenburg	3294.1	That the variation to the planning maps in relation to Frankton Road Height Control be rejected.	Reject	4
3294	Fred van Brandenburg	3294.2	That Rule 9.5.1.3 be amended as follows: Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed more than one storey in height above the Frankton Road carriageway centreline, limited to a length of 16m parallel to the Road, or, that the variation be amended so that Rules 9.5.1.3 and 9.5.3.3 do not apply to 567 Frankton Road (Lot 1 DP 12665 and Lot 28 DP 11099); or any alternative consequential or necessary additional relief be made to give effect to the submission.	Reject	4
3294	Fred va Brandenburg	3294.3	That Rule 9.5.3.3 be amended as follows: Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed more than one storey in height above the Frankton Road carriageway centreline, limited to a length of 16m parallel to the Road, or, that the variation be amended so that Rules 9.5.1.3 and 9.5.3.3 do not apply to 567 Frankton Road (Lot 1 DP 12665 and Lot 28 DP 11099); or any alternative consequential or necessary additional relief be made to give effect to the submission.	Reject	4

Variation to Planning Map 21 – Rezoning to Medium Density Residential Zone, Wānaka

Submission No.	Submitter Name	Submission Point No.	Submission Summary	Commissioner Recommendation	Section of Commissioner Recommendation Report where Submission is Addressed
3253	C & J Properties Limited	3253.1	That the Wānaka Medium Density Residential Mapping variation as proposed be rejected	Reject	5
3253	C & J Properties Limited	3253.2	That if submission point 3253.1 is rejected, a Visitor Accommodation Subzone be applied to 86 Brownston St, Wānaka, with any consequential changes.	Reject	5
3253	C & J Properties Limited	3253.3	That if submission point 3253.2 is accepted, a Visitor Accommodation subzone be applied to 33 and 37 Dungarvon Street, Wānaka, with any consequential changes.	Reject	5

Variation to Chapter 27 – Location Specific Subdivision

Submission No.	Submitter Name	Submission Point No.	Submission Summary	Commissioner Recommendation	Section of Commissioner Recommendation Report where Submission is Addressed
3174	Cabo Limited	3174.1	That the variation to Policy 27.3.5.1 be rejected.	Accept	6
3174	Cabo Limited	3174.2	That a meaningful section 32 evaluation be undertaken for the proposed variation to Policy 27.3.5.1.	Reject	6
3174	Cabo Limited	3174.3	That consultation be undertaken with the submitter on the proposed variation to Policy 27.3.5.1.	Reject	6

Variations with No Submissions or Submissions Only in Support

Submission No.	Submitter Name	Submission Point No.	Submission Summary	Commissioner Recommendation	Section of Commissioner Recommendation Report where Submission is Addressed
Chalmers Cottage Variation					
3191	Heritage New Zealand Pouhere Taonga	3191.1	That the inclusion of Chalmers Cottage in the Inventory of Listed Heritage Features and identification on Map 21, or provision to like effect, be retained.	Accept	7
Definition Residential Flat					
3013	Pia Condren	3013.4	That the definition of residential flat be retained as notified.	Accept	7
3338	Roger Lindsay Donaldson	3338.1	That the definition of Residential Flat be retained as notified.	Accept	7
Waste Variation					
3013	Pia Condren	3013.5	That the Variation to Chapter 7 Lower Density Suburban Residential for the Waste and Recycling Variation be retained as notified.	Accept	7

General Submissions – Unrelated to Stage 3 and 3B Chapters or Variations

Submission No.	Submitter Name	Submission Point No.	Submission Summary	Commissioner Recommendation	Section of Commissioner Recommendation Report where Submission is Addressed
3005	Sport Otago	3005.2	That the Ladies Mile land recently purchased by Queenstown Lakes District Council at 516 Frankton- Ladies Mile Highway (legally described as Lot 4 DP 22156 with an area of 14.6 hectares located on the corner of Howards Drive and Frankton Ladies Mile Highway/State Highway 6) be zoned Active Sports and Recreation Zone as well as providing for educational use.	Struck Out by the Chair pursuant to section 41D of the RMA	8
3152	Ministry of Education	3152.1	That the definitions for 'educational facilities' and 'community facility' from the National Planning Standards be adopted during the Stage 3 review process.	Reject	8
Stage 3 Maps					
3080	Transpower New Zealand Limited	3080.9	That the planning maps be amended to show the Cromwell-Frankton A 110kV National Grid Transmission Line.	Reject	8
3080	Transpower New Zealand Limited	3080.10	That the terminology used to refer to the National Grid on the Planning Map Legend (as is shown in respect of Stages 1 and 2) is amended to reflect the terminology used in the associated provisions of the PQLD	Accept - Clause 16 Schedule 1 RMA	8
3138	Brendon Cutt	3138.3	That a multi-level hotel on the current Q Resort site in Fernhill is opposed.	Struck Out by the Chair pursuant to section 41D of the RMA	8
Stage 3B General					
31025	Ministry of Education	31025.4	That the following definition from the National Planning Standards be included within the Proposed District Plan: Community Facility: means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.	Reject	8
31025	Ministry of Education	31025.5	That the following definition from the National Planning Standards be included in the Proposed District Plan: Educational Facility: means land or buildings used for teaching or training by child care services,	Reject	8

			schools, and tertiary education services, including any ancillary activities.		
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QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Stage 3 Proposed District Plan Provisions

Report and Recommendations of Independent Commissioners

Report 20.6

**Business Mixed Use Zone and Residential Zone Design Guidelines and
Related Variations to Chapters 7, 8, 9, 16 and 31**

Commissioners

Trevor Robinson (Chair)

Sarah Dawson

Greg Hill

Calum Macleod

Ian Munro

Quentin Smith

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1. PRELIMINARY

1.1 Subject Matter of this Report

1. This report has been prepared by the Stream 17 Hearing Panel to address submissions and further submissions on two sets of design guidelines that promote particular design matters of interest to it and related to development within the Business Mixed Use and Residential zones. These documents have been prepared so as to be stand-alone documents rather than chapters that would sit within the PDP (such as an Appendix following the Zone provisions).
2. Linkages to the guidelines are proposed in the form of additional text that would sit within the PDP Lower Density Suburban Residential (Chapter 7), Medium Density Residential (Chapter 8), High Density Residential (Chapter 9), Business Mixed Use (Chapter 16) zones, and the district-wide chapter for signs (Chapter 31). This would be in the form of a policy and a restriction of discretion in each of the Chapters that would apply to Activities that are already identified within the Chapters as requiring restricted discretionary activity consent.

1.2 Terminology in this Report

3. We have used the terminology and abbreviations as set out in Introduction Report 20.1.

1.3 Relevant Background

4. This Report needs to be read in conjunction with Report 20.1 which provides background detail on:
 - a) The appointment of commissioners to this Hearing Panel;
 - b) Procedural directions made as part of the hearing process;
 - c) Site visits;
 - d) The hearings;
 - e) The statutory considerations bearing on our recommendations;
 - f) Our approach to issues of scope.
5. We do not therefore repeat those matters although, in the section following, we provide greater detail on statutory considerations specific to the subject matter of this report, by reason of the guidelines we had to consider being ‘incorporated by reference’.

2. STATUTORY CONSIDERATIONS

6. The statutory considerations that we have applied are as explained in our Introductory Report (20.1).
7. As it relates to the proposed Business Mixed Use and Residential Design Guidelines, it is relevant that the Council has proposed to incorporate these documents into the PDP “by reference”. This is a method set out in Part 3 of the Act’s First Schedule.
8. The Council acknowledged to us that it had not properly followed Clause 34 of the First Schedule¹. It considered that no disadvantage would arise as a result of this shortcoming,

¹ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraph 3.10.

because the Council had presented the guidelines in its Stage 3 PDP notification package in a way that allowed submitters to offer commentary to them by way of submissions, and had assessed the merits of those comments in the same way that it had approached other changes to the PDP text sought by submitters.

9. In his s.42A report to us on the matter, Mr. Devlin on behalf of the Council stated²:

“While the omission of the ‘comments’ stage is unfortunate, Clause 34(5) states that a failure to comply with this clause does not invalidate a proposed plan that incorporates material by reference. A large number of submissions have also been received, generally focusing on the content of the Design Guidelines themselves. The submissions period and the hearing is a formal process to allow the public to provide their views on the variation and Design Guidelines. The Schedule 1 process that has been followed allows for the submissions to be considered by Council and, if supported by the Panel, for appropriate changes to be made to the provisions, which achieves a similar outcome as if Clause 34 requirements had been met.”

10. We understood the Council to be suggesting that its omission did not fatally imperil our ability to incorporate the guidelines by reference, and the use of the submissions process has allowed appropriate community consultation and input to occur.
11. No submitters objected to the principle of the guidelines being incorporated into the PDP by reference. No objection to the specific clause 34 omission was raised, and in particular no legal submissions or case law was presented that might have argued against the Council’s proposed way forwards.
12. Although unusual, we are satisfied that this approach is acceptable. As will be described in detail below, the standing of the Guidelines as matters that an Applicant must consider in the processing of applications for resource consent, rather than as matters of compliance, has also played a part in our acceptance of the Council’s approach.
13. Ultimately the “by reference” First Schedule process envisages a wide range of documents, usually produced by third parties (and beyond the control of a Council), to be introduced into Plans. In this instance, the documents in question are Council-produced and have an explicit resource management purpose (i.e. they were prepared for use under the RMA, and are not products of a Local Government Act or other Council-controlled but arms-length statute). This situation has meant that the Council has had an unfettered ability to consider issues raised through public submissions and propose changes to the guideline documents that it would not be able to do in the case of, for example, a New Zealand Standard.

² Ibid.

3. OVERVIEW.

14. There were limited submissions received on the design guidelines and only one submitter presented expert evidence at the hearing, from Mr. Jeff Brown³ who is a planner. No submissions were made in full support of the guidelines and planning text as notified; all sought rejection or changes to the guideline content (including some submissions seeking additional matters be addressed).
15. The dominant theme arising from the submissions was a concern that the Council sought, or would seek, to use the guidelines as a means of exercising an inappropriate influence over the detail design of developments based on the preferences of its officers.
16. The Council was very clear to us that this was not its position.
17. In its reply the Council, through its planning witness Mr. Devlin, modified the wording of the proposed PDP policies that would be added to the identified Chapters. This changed the 'goalposts' from seeking to ensure that development in the relevant zones achieved "consistency" with the guidelines in their entirety, to instead seeking that the relevant design elements within the guidelines be "considered". We have accepted that position and recognise that it goes a long way towards the relief that was sought by several of the submitters.
18. However, we have not accepted the Council's proposal to restrict a discretion in this regard. We have determined that if the relevant PDP policy test for applicants is to demonstrate that they have considered the relevant design elements set out within the guidelines, an information requirement rule is the most appropriate method to implement that. We do not see the Council's proposed policy approach as leading to a scenario where the Council would justifiably need to evaluate the merits of such consideration as part of its assessment of a proposal's adverse effects under section s 95A and 95B of the RMA, or overall merit under sections 104 and 104C of the RMA.
19. We have accepted the design guidelines documents as modified by the Council's experts in response to submissions and questions from us through the hearings. These were attached to the Reply Statement of Mr. Devlin, dated 4 September 2020. No submitter called any expert design evidence, and in the absence of any opposing view we see no reason why we should not accept Mr. Compten-Moen's opinion that the content of the guidelines and the design elements presented are the most appropriate.
20. Our proposed Plan text is attached to this report as **Attachment 1**.

³ On behalf of Marama Hill Ltd (submission #3280) and Nicholas Cashmore (submission #3203).

4. EVIDENCE AND EVALUATION

4.1 Summary of evidence presented

21. The Residential Design guidelines and associated PDP text attracted 14 original submissions and 2 further submissions. The Business Mixed Use Design guidelines and associated PDP text attracted 12 original submissions and 6 further submissions.
22. The Council presented a s.42A report prepared by planner Mr. Devlin⁴. Accompanying this was a statement of expert urban design evidence prepared by Mr. Compten-Moen⁵. Mr. Compten-Moen was the consultant who had led the preparation of the guidelines documents, although he had done so in a collaborative manner with Mr. Devlin and Ms. Erin Quin⁶.
23. Mr. Devlin and Mr. Compten Moen responded to the written submissions that had been received and identified a number of changes to the guidelines documents that would be in their opinions appropriate. No changes to the notified text that would sit within the PDP Chapters 7, 8, 9, 16 or 31 were proposed. But overall, Mr. Devlin and Mr. Compten-Moen were of the opinion that the guidelines were properly justified and appropriate.
24. A statement of expert evidence was received from Mr. Brown on behalf of submitters Marama Hill Ltd (submission 3280) and Mr. Nicholas Cashmore (submission 3203)⁷. Mr. Brown's evidence was directed to the Residential Design guideline and changes proposed to the text of Chapter 7. In Mr. Brown's opinion the guideline should be rejected. Among other matters he was concerned that the guideline amounted to creating new de-facto design standards, stating⁸:

“the variation would have the effect of enabling the Council to decline a resource consent application where the Council considered that the proposal was not consistent with the RDG. This is of particular concern given the RDG includes design elements that are not included as standards in the zone in question. The wording of the varied provisions to include “Consistency with the design outcomes in the Residential Zone Design Guide 2019” as a matter of discretion has the effect of widening the Council’s discretion beyond those determined through the Stage 1 process.”

25. Mr. Devlin filed a statement of rebuttal evidence⁹, and in it, he provided a response to Mr. Brown's evidence. He disagreed with Mr. Brown's concerns that the proposed design elements might be treated closer to standards or matters to be complied with. He did agree with some of Mr. Brown's other concerns relating to discussion of a “design statement” within the notified guidelines.

⁴ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020.

⁵ Statement of evidence of David Compten-Moen, Design Guides for Business Mixed Use and Residential zones, 18 March 2020.

⁶ Ibid, at paragraph 5.3.

⁷ Statement of evidence of Jeffrey Andrew Brown, 29 May 2020.

⁸ Ibid, at paragraph 3.1.

⁹ Statement of rebuttal evidence of Blair Jeffrey Devlin, Design Guidelines for the Business Mixed Use and Residential Zones, Including Proposed District Plan Variations, 12 June 2020.

26. To assist us in our preparation for the hearing, we were provided with a list of sites identified by Mr. Devlin and Mr. Compten-Moen in Queenstown and Wānaka that we could visit and that exhibited some of the design issues that the proposed guidelines sought to influence. We visited these and their neighbourhoods. We could not always ascertain what specific parts of the developments we visited were regarded by the Council staff as successful or unsuccessful, or why. Some of the examples that were identified as successful did not at face value show many of the design elements that were proposed within the guidelines. Ultimately we were not convinced that this exercise helped us.
27. At the hearing, we asked numerous questions of Mr. Devlin and Mr. Compten-Moen relating to the text of each of the design guidelines and the images that were used within them. We were particularly interested in understanding exactly what it was that applicants for resource consent were being asked to do, and what parts of the guideline would be treated as compulsory for applicants to address.
28. One matter discussed within each guideline was a document named a “design statement”, which we understood to be something that an applicant for resource consent might be compelled to produce as a means of explaining and justifying a proposed design and demonstrating the “consistency” that the proposed restrictions of discretion sought. Both Mr. Devlin and Mr. Compten-Moen agreed that this was not intended to be a de-facto information requirement rule, and changes to this wording were proposed to us to make that clearer.
29. We were also very interested in understanding the connection between the key word proposed to be used in the relevant PDP zone policies (proposed as 7.2.1.5, 8.2.2.6, 9.2.2.3, and 16.2.2.10), which was “encourage”, and how that then led to methods that sought to require “consistency” with the guidelines. By way of example, we reproduce notified policy 16.2.2.10:
- “Encourage buildings and development to be consistent with the design outcomes sought by the Business Mixed Use Design Guide 2019.”*
30. We were interested in understanding whether, if the policy test was only to “encourage” consistency, the proposed restrictions of discretion and their intent for outright consistency with the guidelines might be overreaching. This is a matter that Mr. Devlin conceded needed further consideration.
31. We identified a number of other apparent inconsistencies in the guidelines document text and the existing text within the PDP. By way of example, point (e) on page 11 of the notified Business Mixed Use guideline seeks to “encourage” achievement of active street frontages, whereas existing PDP policy 16.2.2.1 uses the word “require” where it discusses buildings positively contributing to streets and public spaces including by providing active building frontages. As we read these, the guideline in that respect sought a lesser design outcome than the PDP already contained. We did not understand these mismatches. Mr. Devlin and Mr. Compten-Moen agreed that these were not intended and that they would further consider the guidelines text in light of the existing zone policies that the documents would relate to.
32. In response to discussion on a matter identified within the guidelines called a “design statement” (which in summary would be a document wherein an applicant explained how it

had arrived at its proposal), we asked Mr. Devlin a number of questions. We did not see any clear rationale or explanation of why the Council would seek to ask applicants such questions, or exactly what it would seek to retain a discretion over. We also expressed some concern at the prospect of the Council's designers seeking to refuse consent to an application because they disagreed with the process of "how" a proposal came to be designed, or because they considered a generally 'better' solution than what had been proposed might be possible. Mr. Devlin advised that the Council was not seeking to start designing developments for people, and that Applicants would remain in control of their own proposals. Mr. Compten-Moen took this line of thought further, describing in response to our questions that the guidelines should be seen more as a document of good ideas and suggestions for consideration, akin to an educational resource, rather than a checklist of specific regulatory solutions that should be aimed for.

33. We were not able to identify the text within either the proposed guidelines or the PDP Chapters 7, 8, 9, 16 or 31 that would ensure this would be the case. In contrast, we identified a possible scenario of the Council's design staff identifying their own preferred design solution and then arguing that a proposal, if not as successful in their opinion as their own preference, did not achieve a satisfactory consistency with the design guidelines. After completing our questioning of the Council's witnesses, we were left with the view that such a scenario could indeed occur.
34. Mr. Brown presented his expert evidence along with Mr. Wayne Foley on behalf of Marama Hill Ltd (submission 3280) and Mr. Cashmore (submission 3203). In Mr. Brown's opinion, it was appropriate for design guidelines to have a regulatory compulsion to them in the context of a recognised historic heritage or built form character quality. But he did not consider the proposed guidelines met this test, being aimed more generally at any developments within the residential and Business Mixed Use zones.
35. Mr. Brown also explained his concerns with the content of the design guidelines becoming de-facto standards or fixed design solutions. We discussed with Mr. Brown whether revisions to the specific restrictions of discretion that might apply could address his concerns. He accepted that if the restrictions of discretion were limited to the specific design element heading titles used within the guidelines, then this would still allow applicants to identify alternative solutions to what was drawn or otherwise shown in the guidelines. But while that would help limit the risk of the guidelines being used inappropriately by the Council, he remained of the opinion that there was no demonstrable need for them, and that they should be rejected.

4.2 Council reply version

36. We received an updated version of the guidelines documents and proposed PDP text within a statement of reply from Mr. Devlin¹⁰.
37. Mr. Devlin's updated version proposed a notable change in position of the Council, and we understood that it reflected that the Council was no longer pursuing the guideline documents or the PDP text that was notified.

¹⁰ Statement of Reply of Blair Jeffrey Devlin, Design Guidelines for the Business Mixed Use Zone and for Residential Zones, Including Proposed District Plan Variations, 4 September 2020.

38. Whereas the notified zone policy approach within Chapters 7, 8, 9 and 16 was to (using Chapter 7, policy 7.2.1.5 as an example) “encourage buildings and development to be consistent with the design outcomes sought by the Residential Zone Design Guide 2019”, the Council’s reply position was that this should instead be “require consideration of the relevant design elements identified in the Residential Zone Design Guide 2019”. We note that proposed policy 31.2.3.3(c) has not been changed to adopt parallel wording.
39. Similar changes to the applicable restrictions of discretion were put forward. Whereas the notified restrictions were based on (using Chapter 7, Rule 7.4.5A restriction (g) as an example) “consistency with the Residential Zone Design Guide 2019”, the Council’s reply position was that this should be “How the proposal responds to the relevant design elements from the Residential Zone Design Guide, 2019”.
40. The change in position, as we understand it:
 - a. Substantially changes the proposed policy direction away from seeking to encourage that buildings and development achieve consistency with the outcomes sought by the design guideline, to instead requiring that only consideration of the relevant design elements.
 - b. Substantially changes the restriction of discretion from including the entirety of the guideline documents, to only the “relevant” design elements within each. This significantly narrows the extent of guideline content that would sit within the restriction of discretion.
 - c. Still presents the underlying policy vs. method tension we identified to the Council of the notified text. This is because reply-version Chapter 7, 8, 9 and 16 policies seek to only require “consideration” of the relevant design elements, but the restrictions of discretion used to implement those policies of “consideration” go somewhat further than that (the words “how the proposal responds to...” means in our view something close to “evaluate and determine the merit of...”).

4.3 Summary of PDP text findings

41. Before we proceed to discuss the submissions, the Council’s reply version of the guidelines documents and PDP text has raised administrative issues that we need to resolve first. This is because the change of approach introduced by the reply statement of Mr. Devlin, and the corresponding changes to the methods that follow the policies, directly relate to the issues raised in submissions, but also to the justifications for our recommendations. We find it is simpler at the outset, and less repetitive, to simply present our headline findings on the PDP text, and then explain how that relates to the submissions.
42. In summary, we accept the changes to PDP policies 7.2.1.5, 8.2.2.6, 9.2.2.3, and 16.2.2.10 as per Mr. Devlin’s reply statement. Policy 31.2.3.3(c) was not changed in Mr. Devlin’s reply statement but as currently worded, we find that it is incompatible with the other revised policies and we have deleted that proposed policy. It has been replaced with a new wording (shown in underline):

“is consistent with the relevant Council design guidelines, being either the Queenstown Town Centre Special Character Area Design Guidelines 2015, Wanaka Town Centre

Character Guideline 2011, or the Arrowtown Design Guidelines 2016; or has considered the relevant design elements identified in the Business Mixed Use Design Guide 2019;

43. Having accepted the Council's re-focused policy direction and finding it to be the most appropriate, we have then considered whether and the extent to which the proposed methods, being restrictions of discretion across Chapters 7, 8, 9, 16 and 31, properly and otherwise most appropriately implement that direction. We find that the proposed restrictions of discretion do not.
44. We find that "require consideration of" does not reasonably extend to the Council retaining design oversight of specific built form outcomes proposed, or a need for applicants to justify their proposed designs to the Council. We see such as sitting beyond what is reasonably necessary for the Council to execute its duties under the RMA and that, in particular, it is not for the Council to seek to design buildings for applicants.
45. We find that the Council's proposed policy direction extends only to requiring that applicants for resource consent have properly informed themselves of the design elements and considered them when preparing their proposal.
46. It follows that we do not agree there is a need for the Council to restrict discretion to whether or not applicants have considered the relevant design elements. It would be highly inefficient and ineffective to refuse consent to an application (and we cannot imagine what manner of consent conditions could be justifiably imposed) because the Council did not understand or believe that an Applicant had competently considered the design elements.
47. We unambiguously see the policies proposed by the Council leading to an information requirement rule and this should apply to all restricted discretionary and discretionary activities within the Lower Density Suburban Residential, Medium Density Residential, High Density Residential, and Business Mixed Use zones (including signs within the Business Mixed Use zone). This would require applicants to provide evidence as a part of their resource consent application that they have considered the relevant design elements. Failure to provide this information would lead to the underlying activity status that would normally apply (either a restricted discretionary or discretionary activity) becoming a non complying activity. We find that a non complying activity status is the most appropriate one in this instance because the relevant policy directive is to "require" consideration of the relevant design elements, and it follows that it is a very important outcome to achieve in the scheme of the PDP's many design-focused objectives and policies.
48. We have identified that these new information requirement rules, which would apply to restricted discretionary and discretionary activities, would not properly sit as part of the existing Chapter "X".4 activity tables or the Chapter "X".5 standards (which relate to permitted activities). Because we find the information requirement should apply to restricted discretionary and discretionary activities that are either specified within an activity table or as a consequence of non-compliance with a standard for permitted activities, we have identified a need for additional standards that apply to restricted discretionary and discretionary activities and we have identified these as 7.5A, 8.5A, 9.5A, 16.5A and 31.5A. This is in our finding more effective and efficient than repeating the same rule twice within each chapter (once in Chapter "X".4 and again in Chapter "X".5)

49. Our approach also requires consequential amendments to existing rules 7.3.2.2, 8.3.2.2, 9.3.2.2, and 16.3.2.2 so that they refer to standards tables (plural) rather than standard table (singular). No change to the corresponding rule in Chapter 31 is necessary as there is already reference to multiple standards tables.
50. Lastly, we recommend rejecting the notified deletion of the assessment matter within the Business Mixed Use zone at 16.4.4(a) and (b). This did not of itself attract any submissions or further submissions. That deletion was notified on the premise that a like-for-like replacement would occur because consistency with the Business Mixed Use Design Guide was to be introduced as a matter of discretion. Now that this is not to be the case, the deletion of the existing assessment matter would in our view diminish rather than add to the status quo within the PDP for ensuring quality design outcomes are achieved. This would not be appropriate.
51. We therefore recommend deletion of the proposed additional matters of discretion sought by the Council (and rejection of all other changes proposed other than the reply-version policies discussed above and the notified references in Chapters 7 and 8 to the Arrowtown Design Guidelines 2016 and assessment matters 16.4.4(a) and (b)) and replacement with an information requirement rule in each of Chapters 7, 8, 9, 16 and 31. We have detailed these in **Appendix 1**. As specified in greater detail below, submissions are accepted, accepted in part or rejected to the extent that they support the form and substance of the PDP text we have identified as most appropriate, and as summarised in **Appendix 2**.
52. Having considered the above subject to section 32AA of the RMA, our recommended relief:
- a. Directly implements the policy outcomes proposed by the Council in the reply of Mr. Devlin;
 - b. Is considerably more effective and efficient than the retention of restrictions of discretion proposed by the Council;
 - c. Is in line with the role of the guidelines and an information and education resource for applicants rather than a regulatory goal-post or matter of compliance;
 - d. Directly addresses numerous concerns raised by submitters in terms of the scope, role and content of the design guidelines; and
 - e. Will not onerously or unreasonably add time or costs to the design process that applicants would otherwise incur when preparing a consent application.

4.4 Ordering of Issues

53. We have evaluated the submissions following the order used in Mr. Devlin's s.42A report and in light of the versions of the guidelines documents and PDP text that was presented to us via the Council's reply. The order of topics used in the s.42A report was:
- (i) Preliminary matters;

Business Mixed Use Design Guidelines

- (a) Topic 1: Rejection of the BMUZ Design Guidelines;
- (b) Topic 2: Scope of BMUZ Design Guidelines;
- (c) Topic 3: Amendments to PDP text relating to BMUZ Design Guidelines;
- (d) Topic 4: Requested text changes to BMUZ Design Guidelines;
- (e) Topic 5: Relationship to Building Act / Building Code;
- (f) Topic 6: Reference to section 104(1)(c) in BMUZ Design Guidelines;
- (g) Topic 7: Reference to permitted activities; and
- (h) Topic 8: Suitability of tree species.

Residential Design Guidelines

- (a) Topic 9: Rejection of the Residential Design Guidelines;
- (b) Topic 10: Amendments to PDP text relating to Residential Design Guidelines;
- (c) Topic 11: Amendments to text of Residential Design Guidelines;
- (d) Topic 12: How Residential Design Guidelines deal with sloping sites;
- (e) Topic 13: Planting Guide Should Reflect the District;
- (f) Topic 14: Specific Photos and Diagrams;
- (g) Topic 15: Public health related matters; and
- (h) Topic 16: Reference to Section 104(1)(c) in Residential Design Guide.

4.5 Preliminary matters

54. In his s.42A report Mr. Devlin identified a number of submissions that in his opinion should be struck out¹¹. These were:

¹¹ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraphs 3.1 – 3.10.

- a. Eon Fitzwater¹² and Bruce Steenson¹³, and further submitters Nicky Wells¹⁴ and Richard Wells¹⁵, in relation to changes sought to the zone height limits.
 - b. Brendon Cutt¹⁶, in relation to ensuring no additional enablement for visitor accommodation activities.
 - c. Roderick McLeod¹⁷, in relation to cumulative residential development in the Upper Clutha area and minimum density requirements that should apply.
55. We refer to our Introductory Report (20.1) where we have outlined the legal tests for determining whether or not a submission is “on” a Plan Change.
56. Having reviewed the submissions, we accept the advice of Mr. Devlin that they raise issues that are not sufficiently related to the proposed design guidelines and accompanying PDP text that is proposed insofar as it relates to changing the status quo. They are not “on” the Plan Change and we find they are out of scope. These submissions are **struck out**.
57. Elliot Family Trust¹⁸ sought a planning charette or workshop-type process to develop guideline content based on greater neighbourhood consultation. We are satisfied that the process followed by the Council, although not meeting the requirements of Clause 34 of the First Schedule of the RMA as it relates to the process for incorporating documents by reference, has been appropriate. The Council has accepted submissions on the content of the guidelines and proposed a number of changes in response to those. On that basis, the community has not suffered a lack of ability to consider and meaningfully influence the document’s content. On this basis this submission is **rejected**.
58. In reaching the above conclusion, the fact that the Council has re-focused the role of the guidelines as a matter for applicant consideration, rather than for which consistency with the content must be achieved, has been a very relevant factor. The design elements are fairly general matters of design, and within each, a wide variety of specific design solutions could be arrived at. We find it very unlikely that a further process to develop their content would materially change those design elements; most of the concern we heard related to specific design solutions and outcomes shown in the guidelines rather than the higher-level design elements.
59. The notified versions of PDP Chapters 7 and 8 included new rules (at 7.3.2.7, 8.3.2.8) confirming that in Arrowtown the Arrowtown Design Guidelines 2016 would apply rather than the Residential Zone Design Guide 2019. This text attracted no submissions and we accept the suggested change (although we have renumbered the change to Chapter 7 as 7.3.2.9 to accommodate other rules that have been added to the chapter) including the notified s.32 analysis in support of it. We find that Arrowtown has a specific character and the 2016

¹² Submission #3000.1.

¹³ Submission #3031.1.

¹⁴ Further submission #3406.

¹⁵ Further submission #3407.

¹⁶ Submission #3138.1.

¹⁷ Submission #3379.1.

¹⁸ Submission #3264.1.

guidelines developed uniquely for it are better suited than the zone-wide 2019 ones. We see no case as to why it would be effective and/or efficient for both guidelines to apply at the same time in Arrowtown.

4.6 Business Mixed Use Design Guidelines

Topic 1: Rejection of the BMUZ Design Guidelines

60. Wayfare Group Ltd¹⁹, Roger Moseby²⁰, Susan Robertson²¹, and Ken Muir²² sought the guidelines be rejected in their entirety.
61. We accept the general premise that there is no demonstrable “need” for the proposed guidelines in terms of the ordinary definition of that word.
62. We find that there is no requirement under the RMA for a Plan Change to only proceed if there is an identified “problem” or “need”. We find that a Council is free to promote changes to its District Plan even if only on the basis that it considers the change(s) likely to generally help promote the sustainable management of natural and physical resources within its District.
63. In the case of the design guidelines, we accept the evidence of Mr. Devlin and Mr. Compten-Moen, who explained the goal of helping promote a higher quality of design outcomes by prompting designers and developers to consider matters that they either may not have otherwise done (perhaps less likely, in our view), or consider them in a way that attaches greater importance to them than they may have otherwise done (perhaps more likely, in our view). We agree that this is relevant to the extent that in the residential and the Business Mixed Use zones, there are an extensive number of policies seeking what we will characterise as “good design”. We are also aware that design guidelines are not uncommon across New Zealand and that many districts, in a variety of ways, use design guidelines to help promote better design generally.
64. On that basis, we are satisfied that the proposed guidelines to have a functional linkage to, and are likely to be helpful in implementing, the design-based policies in PDP Chapters 7, 8, 9, 16 and 31.
65. The changes made by the Council to the PDP text has clarified that applicants are only to be required to consider the relevant design elements within the guidelines, and will not have to otherwise subject the detail of their designs and design-related decisions to Council scrutiny. The remainder of the guidelines document will be a general information or educational tool that will be available for members of the community to take in as they see fit.
66. In this respect, we find that the key criticisms of the guidelines raised by the submitters have been materially addressed.

¹⁹ Submission #3343.5.

²⁰ Submission #3110.1.

²¹ Submission #3143.1.

²² Submission #3211.3.

67. For these reasons the submissions are **rejected**.

Topic 2: Scope of BMUZ Design Guidelines

68. Public Health South²³ sought that the intent of the Business Mixed Use zone design guideline be retained as notified. This submission is **accepted in part** to the extent that while the text of the guideline has been refined, its core purpose and intent remains in-line with the notified version. Similarly, Queenstown Airport Corporation²⁴ supported the introduction of the Business Mixed Use zone guideline and this submission is **accepted**.
69. FII Holdings Ltd²⁵ sought that the content and examples included within the guideline should be extended to include other land use outcomes that the Business Mixed Use zone provides for, including retail, yard and storage space, or light industrial use.
70. In his s.42A report, Mr. Devlin described that the guideline had been developed on built form outcomes and that the design elements identified were not activity-based²⁶.
71. In light of the simplified requirements that we have found should apply around the guidelines, we accept and prefer Mr. Devlin’s explanation for the purpose of the guideline. The policy direction to require consideration of the relevant design elements will allow applicants to consider those that are or are not relevant to the specific activity or site attributes they are dealing with. We see insufficient value in further adding to the guideline content in this light.
72. This submission is **rejected**.

Topic 3: Amendments to PDP text relating to BMUZ Design Guidelines

73. Wayfare Group Ltd²⁷ sought a change of emphasis within the PDP so as to “encourage” consistency with the guideline rather than to require or ensure it. We accept the concerns of the submitter and acknowledge that in his s.42A report Mr. Devlin also recognised that the notified policy framework was premised on “encouragement” rather than a stronger direction²⁸.
74. The changes that have resulted to the proposed policy text, and introduction of our preferred information requirement rule, achieve the outcome sought by the submitter and on that basis it is **accepted in part** to the extent that we have agreed with the issues raised, but determined a different relief to be the most appropriate.
75. FII Holdings Ltd²⁹ sought that duplication between the controls within the Plan and the guidelines should be removed. This submission is **accepted in part** to the extent that the role

²³ Submission #3109.23.

²⁴ Submission #3316.2.

²⁵ Submissions #3267.1 and #3267.3.

²⁶ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraph 6.2.

²⁷ Submission #3343.3.

²⁸ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraph 7.2.

²⁹ Submission 3267.2.

and scope of the guidelines has been clarified and the guideline content will not have a status similar to any of the controls within the Plan.

76. Wayfare Group Ltd³⁰ also sought simplification of the proposed matters of discretion that would apply on the basis that the combination of those that already exist added to those proposed in this plan change would result in substantial duplication. We agree with Wayfare's observation. However, we consider that the matter has been addressed by the changes that have been proposed by the Council to the PDP policies, and the consequential rule changes we have identified. In this respect, the submission is **accepted in part**.
77. Z Energy Ltd, BP Oil New Zealand Ltd and Mobil Oil New Zealand Ltd ("the Oil Companies")³¹ sought that the guidelines should only apply to mixed use or intensive residential activities. In the alternative, they sought recognition of the functional and operational requirements of existing activities and development. In his s.42A report, Mr. Devlin did not support this relief on the basis that the guidelines addressed built form design issues rather than individual activities³².
78. We have not been given any compelling evidence why only some signs within the Business Mixed Use zone should be subject to the design guidelines. We also note that the changes proposed to the PDP text by the Council and consequential changes we have made will ensure that considering the relevant design elements will not be an arduous or unreasonable task. Ultimately, the Oil Companies' concern related to being assessed against the outcomes shown in the guideline. The Council has clarified that this is not what is sought and the PDP text we have recommended will ensure that this does not occur.
79. For these reasons the submission is **accepted in part**.

Topic 4: Requested text changes to BMUZ Design Guidelines

80. Ngai Tahu Property Ltd³³ sought a number of refinements to the language of the guideline and in his s.42A report Mr. Devlin largely supported (with some minor further refinement) these changes³⁴. These were in our view simplifications or explanations that were aimed at helping users understand what the guidelines did or did not promote.
81. In our questioning of Mr. Devlin and Mr. Compton-Moen, a number of other refinements were identified and have been recommended.
82. We accept the changes that have been proposed, including because we received no evidence to the contrary. On this basis, the submission is **accepted in part**.

Topic 5: Relationship to Building Act / Building Code

³⁰ Submission #3343.5.

³¹ Submissions #3383.7 – #3383.10, #3383.24 and #3383.25.

³² Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraph 7.7.

³³ Submissions #3215.1 - #3215.4.

³⁴ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraph 8.1 - 8.7.

83. Public Health South³⁵ sought additional material relating to human health including energy efficiency, insulation, heating, and ventilation. In his s.42A report, Mr. Devlin agreed with some of the relief sought, where it related to built form effects of the sort managed by the PDP, but did not support others that in his opinion fell into other jurisdictions – notably the Building Act³⁶.
84. We agree with Mr. Devlin’s concerns that the PDP should not seek to address non-RMA matters. The proposed design guidelines are not intended to address building design and technological matters, including Green Star ratings. We do not see a sufficient policy basis within the PDP that would justify expanding the guidelines in this way.
85. For this reason, the submission is **accepted in part** to the extent that design element 10 does enable consideration of building materials and environmental sustainability generally.

Topic 6: Reference to section 104(1)(c) in BMUZ Design Guidelines

86. Mr. Ken Muir³⁷ opposed a statement within the guidelines linking consideration of the document to s.104(1)(c) of the RMA. In his s.42A report Mr. Devlin agreed, and the wording of concern has been removed from the reply version we have been making our decisions on³⁸.
87. We have no reason not to accept this position, and the submission is **accepted**.

Topic 7: Reference to permitted activities

88. FII Holdings Ltd³⁹ and Wayfare Group Ltd⁴⁰ sought confirmation that the guidelines are not a compulsory consideration for Permitted Activities in Chapter 16.
89. In his s.42A report, Mr. Devlin confirmed that it was not the Council’s intent to require all development, including notionally permitted development, to require a consent so as to allow consideration of the design guidelines⁴¹. We see no reason why a well-intentioned developer, who wishes to undertake a development as a permitted activity, would not consider the guideline if they wished, and as such accept Mr. Devlin’s analysis that this is appropriate.
90. For this reason the submissions are **accepted**.

Topic 8: Suitability of tree species

³⁵ Submissions #3109.14 - #3109.22.

³⁶ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraphs 9.3 and 9.4.

³⁷ Submission #3211.4.

³⁸ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraph 10.3.

³⁹ Submission #3267.5.

⁴⁰ Submission #3343.4.

⁴¹ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraph 11.3.

91. Queenstown Airport Corporation⁴² sought that Lemonwood (Tarata), Ornamental Pear, Copper Beech and Marble Leaf be removed from the suggested list of species.
92. In his s.42A report Mr. Devlin supported the relief sought⁴³ on the basis of advice from Mr. Compten-Moen⁴⁴. We see no reason why we should not accept this advice, although we note that the design guideline does not have the proposed statutory authority to permit or prohibit any particular species from use should a person be so minded. On this basis, the submission is **accepted**.

4.7 Residential Design Guidelines

Topic 9: Rejection of the Residential Design Guidelines

93. Wayfare Group Ltd⁴⁵, Silver Creek Ltd⁴⁶, Marama Hill Ltd⁴⁷, Queenstown Views Villas Ltd⁴⁸, and Mr. Cashmore⁴⁹ sought the design guidelines to be rejected. Elliot Family Trust⁵⁰ separately requested that the guideline be re-written on the basis of a more neighbourhood consultation-based process.
94. While we benefitted from the evidence of Mr. Brown on behalf of Marama Hill Ltd and Mr. Cashmore, these submissions did not raise issues that we have not previously considered in relation to the Business Mixed Use Design Guide (see Topic 1, above). In summary, we are satisfied that there is a reasonable connection between the design-based matters sought to be managed within the Chapter 7, 8, 9, 16 and 31 policy frameworks and the intent of the guidelines to help promote better quality design outcomes.
95. However, it has been very relevant to our decisions that the Council has substantially changed its position over the course of the hearings and now, instead of seeking to encourage consistency with the guidelines, seeks only to require consideration of the relevant design elements. We see this as a notably less onerous and contentious proposition than that with which the submitters expressed concerns.
96. Although we consider the changes made to the PDP text and the guidelines document do go a long way to addressing the concerns raised by the submitters, we remain satisfied that the guidelines should not be rejected.
97. On this basis the submissions are **rejected**.

Topic 10: Amendments to PDP text relating to Residential Design Guidelines

⁴² Submitter #3316.

⁴³ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraphs 12.2 – 12.4.

⁴⁴ Statement of evidence of David Compten-Moen, Design Guides for Business Mixed Use and Residential zones, 18 March 2020, paragraphs 9.1 and 9.2.

⁴⁵ Submitter #3343.3.

⁴⁶ Submitter #3347.1.

⁴⁷ Submitter #3280.1.

⁴⁸ Submitter #3282.1.

⁴⁹ Submitter #3203.1

⁵⁰ Submitter #3264.1.

98. SkyCity Entertainment Ltd⁵¹ supported the notified approach that required residential development to be consistent with the Residential Zone design guideline and the intent of the restricted discretionary activities that were proposed. We do not agree that the notified approach was properly justified based on the notified policy direction to only “encourage” consistency with the guidelines. Accordingly, for the reasons outlined previously, we have determined that an alternative approach of requiring consideration of the key design elements supported by an information requirement rule to be the most appropriate. On this basis, the submission is **rejected**.
99. Heritage New Zealand⁵² requested addition of commentary reminding applicants that where historic heritage exists this must also be taken into account. Related to this, Friends of Wakatipu Gardens and Reserves and Associated Residents⁵³ sought greater recognition be given to Special Character Areas and residential amenity. We heard evidence from Mr Jay Cassells in support of the latter group.
100. In his s.42A report, Mr. Devlin did not support the relief requested⁵⁴. In Mr. Devlin’s opinion the PDP made appropriate provision for historic heritage (in Chapter 26) and there was no need to duplicate this. In terms of Special Character Areas, there are none under the PDP, and we agree with Mr. Devlin that there is no proper basis to introduce one. We also note Mr Cassells’ acceptance that the position he was advancing was the opposite to the policy direction evident in the NPSUD, discussed in some detail in Report 20.1.
101. For the above reasons, these submissions are **rejected**.
102. Wayfare Group Ltd, FII Holdings Ltd, and the Oil Companies also sought changes to the guidelines text to reflect changes requested in relation to the Business Mixed Use Design Guideline (Topic 3 above). For the same reasons we found in relation to Topic 3, these submissions are **accepted in part** to the extent that the changes made to the PDP text in the Council reply statement of Mr. Devlin and our own evaluation of that will address many of the submitters’ concerns.

Topic 11: Amendments to text of Residential Design Guidelines

103. Pia Condren⁵⁵ sought retention of the Residential Zone design guidelines as notified. This submission is **accepted in part** to the extent that the revised guidelines that we have found to be most appropriate are generally in keeping with the document that was notified.

⁵¹ Submissions #3060.2 - #3060.4

⁵² Submission #3191.2.

⁵³ Submissions #3241.1 – #3241.7.

⁵⁴ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraphs 14.2 – 14.4.

⁵⁵ Submissions #3013.2 and #3013.3.

104. Marama Hill Ltd⁵⁶ and Queenstown Views Villas Ltd⁵⁷ have identified that the notified guideline document contained reference to PDP policies that were not relevant. They requested that such references be removed.
105. In his s.42A report, Mr. Devlin acknowledged that the guideline document did contain a number of incorrect policy references, and these have been corrected in the version provided to us as part of the Council's reply⁵⁸. On this basis, these submissions are **accepted**.
106. Marama Hill Ltd⁵⁹, Queenstown Views Villas Ltd⁶⁰, and Wayfare Group Ltd⁶¹, sought clarification that the guidelines are not mandatory considerations for permitted activities. We find that the issues raised by the submissions are effectively the same as for Topic 7 and we have reached the same conclusion, for the same reasons.
107. The submissions are **accepted**.
108. Marama Hill Ltd⁶² and Queenstown Views Villas Ltd⁶³ requested that reference to a design statement be removed from the guideline. In his s.42A report, Mr. Devlin recommended the submissions be rejected on the basis that a design statement was an appropriate matter for applicants to consider, and that the guideline wording did not specifically require a design statement to be required⁶⁴.
109. However, by the time of the Council reply, Mr. Devlin had come to prefer a revised wording that did not refer to preparation of a design statement⁶⁵.
110. Given the changes that have occurred to the PDP policy direction through the Council reply of Mr. Devlin, and our own consequential changes to the methods that would implement the policies, there is no likelihood of a design statement being required of applicants by the Council.
111. For the above reasons, the submissions are **accepted**.

Topic 12: How Residential Design Guidelines deal with sloping sites

112. Gillian MacLeod⁶⁶ has requested that the guideline provide greater emphasis on sloping sites given how prevalent these are in the District.

⁵⁶ Submission #3280.2.

⁵⁷ Submission #3282.2.

⁵⁸ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraph 15.2.

⁵⁹ Submission #3280.3.

⁶⁰ Submission #3282.3.

⁶¹ Submission #3343.5.

⁶² Submission #3280.3.

⁶³ Submission #3282.3.

⁶⁴ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraphs 15.7 – 15.12.

⁶⁵ Statement of Reply, Blair Jeffery Devlin, 4 September 2020, Appendix C, Page 5.

⁶⁶ Submission #3016.3.

113. In response, Mr. Compten-Moen⁶⁷ and Mr. Devlin⁶⁸ agreed that although the design elements would remain the same between a flat and a sloping site, it was appropriate for more examples and illustrations of sloped developments be included. An updated version of the guidelines showing this material has been provided to us.
114. We agree with Mr. Devlin that the submission should be **accepted**.

Topic 13: Planting Guide Should Reflect the District

115. Gillian Macleod⁶⁹ sought that the planting guide should reflect species best-suited to the District, and discourage weed species.
116. In his s.42A report, Mr. Devlin disagreed with the relief sought⁷⁰. PDP Chapter 34 already manages weed species. In terms of the remainder of the planting guide, Mr. Devlin accepted the evidence of Mr. Compten Moen that the guidelines did not intend to specify the only species that would be acceptable, and that the species that had been identified, while not the only species that might be appropriate within the District, were nonetheless appropriate⁷¹.
117. We accept the evidence of Mr. Compten-Moen and on that basis the submission is **accepted in part** to the extent that management of weed species is a relevant matter that the PDP should (and does) manage.

Topic 14: Specific Photos and Diagrams

118. Gillian MacLeod⁷² raised concerns with four images used in the guideline, and suggested that more successful images could be used. After considering the submission, Mr. Devlin recommended that two of them could be replaced, and an updated version of the design guide has been provided to us on that basis⁷³. Mr. Devlin recommended that the submission could be **accepted in part**. We have no reason to not accept that recommendation.

Topic 15: Public health related matters

119. Public Health South⁷⁴ sought additional material relating to human health including energy efficiency, insulation, heating, and ventilation. This is effectively the same issue as Topic 5 above, and after considering the submission we have reached the same conclusion. In

⁶⁷ Statement of evidence of David Compten-Moen, Design Guides for Business Mixed Use and Residential zones, 18 March 2020, paragraphs 10.3 and 10.4.

⁶⁸ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraphs 16.2 – 16.5.

⁶⁹ Submissions #3016.5 and #3016.6.

⁷⁰ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraphs 17.2 – 17.4.

⁷¹ Statement of evidence of David Compten-Moen, Design Guides for Business Mixed Use and Residential zones, 18 March 2020, paragraph 9.3.

⁷² Submissions #3016.1, #3016.2 and #3016.4.

⁷³ Section 42A report of Blair Devlin, Design Guidelines for the Business Mixed Use zone and for Residential Zones, including Proposed District Plan Variations, 18 March 2020, paragraphs 18.2 – 18.4.

⁷⁴ Submissions #3109.14 – #3109.22.

summary, we do not accept that it is appropriate for the PDP to comment on matters managed by the Building Act or other Acts. But it is appropriate that some reference generally to environmental sustainability be made such as has been done in design element 10.

120. For the reasons set out in relation to Topic 5, the submission is **accepted in part**.

Topic 16: Reference to Section 104(1)(c) in Residential Design Guide

121. Mr. Cashmore⁷⁵ sought removal of a reference made in the guideline to s.104(1)(c) of the RMA. This is effectively the same issue as Topic 6, above, and after considering the submission we have reached the same conclusion. On the basis that the Council has revised the design guide to remove the language of concern, the submission is **accepted**.

4.8 Section 32AA evaluation

122. In terms of the above findings, we have been mindful of our obligations under s.32AA of the Act. We are satisfied that the changes that have been made to the guidelines documents and PDP text reflect the most appropriate outcomes for the matter. In particular:
- a. The changes proposed by the Council to the policy framework in Chapters 7, 8, 9 and 16, and the changes we have recommended be made to Chapter 31, will make administration and use of the guidelines considerably more efficient than had been notified.
 - b. The changes we have recommended be made to the methods in Chapters 7, 8, 9, 16 and 31 will be more effective and more efficient in implementing the settled policy directions than was originally notified, and will in particular result in less time and cost for applicants.
 - c. The changes that have been proposed by Mr. Compten-Moen and Mr. Devlin to the Business Mixed Use and the Residential Zone Design Guide documents in response to the issues raised by submissions and questions from the Hearings Panel have made them more focused and consistent, and in so doing will make them both more efficient and effective for users.
 - d. We see no material change in the overall social and economic impacts, including in terms of economic development and employment creation, of the design guidelines between what was notified and what we have determined.
 - e. The changes we have identified are otherwise not of a scale, nature or consequence that would give rise to a class of benefits, costs, advantages or disadvantages to those broadly evaluated by the Council in its original s.32 analysis, and the subsequent s.32AA analyses that have been undertaken by its witnesses through the s.42A report and subsequent statements of evidence.

⁷⁵ Submissions #3203.1 and #3203.2.

5. OVERALL RECOMMENDATION

123. For all of the foregoing reasons, we recommend that:

- a. The Business Mixed Use and Residential Zone Design Guidelines documents, as attached to the reply statement of Mr. Blair Devlin dated 4 September 2020 be accepted and incorporated into the PDP by way of reference.
- b. We recommend that Chapters 7, 8, 9, 16 and 31 be changed by adding the text we have identified in **Appendix 1**.

124. The submissions of Eاون Fitzwater⁷⁶, Bruce Steenson⁷⁷ (and further submitters Nicky Wells⁷⁸ and Richard Wells⁷⁹), Brendon Cutt⁸⁰, and Roderick McLeod⁸¹, are struck out pursuant to section 41D of the RMA as not being on the Plan Change.

125. We also attach as **Appendix 2** to our Report, a summary table setting out our recommendation in relation to each primary submission. We have not listed further submissions as the result in respect of any further submission necessarily follows the recommendation on the primary submission, whether that be supported or opposed.



Trevor Robinson
Chair
Stream 17 Hearing Panel

Dated: 12 January 2021

Attachments

Appendix 1- Recommended Revised Proposed Plan Provisions

Appendix 2- Table of Submitter Recommendations

⁷⁶ Submission #3000.1.

⁷⁷ Submission #3031.1.

⁷⁸ Further submission #3406.

⁷⁹ Further submission #3407.

⁸⁰ Submission #3138.1.

⁸¹ Submission #3379.1.

Appendix 1 – Recommended Revised Plan Provisions

Variations to the Proposed District Plan

Key:

Underlined text for additions and strike through text for deletions

Variation to Chapter 7 – Lower Density Suburban Residential Zone:

- a. Add a new policy 7.2.1.5 as follows:

“Require consideration of the relevant design elements identified in the Residential Zone Design Guide 2019”

- b. Amend rule 7.3.2.2 as follows:

“Where an activity does not comply with a Standard listed in the Standards tables, the activity status identified by the Non-Compliance Status column shall apply.”

- c. Renumber new Rule 7.3.2.7 as 7.3.2.9, but otherwise retain as notified.

- d. Add a new information requirement rule at 7.5A as follows:

“7.5A Rules – Standards for Restricted Discretionary and Discretionary Activities under Rules 7.4 and 7.5”

	<i><u>Standards for activities in the Lower Density Residential Zone</u></i>	<i><u>Non-compliance status</u></i>
<u>7.5A.1</u>	<i><u>For all restricted discretionary and discretionary activities under Rules 7.4 and 7.5, applications for resource consent shall include a statement confirming that the relevant design elements from the Residential Zone Design Guide 2019 have been considered, including a summary of any particular aspects of the proposal that have resulted from that consideration.</u></i>	<u>NC</u>

- e. Reject all other changes proposed to the zone provisions.

Variation to Chapter 8 – Medium Density Residential Zone:

- a. Add a new policy 8.2.2.6 as follows:

“Require consideration of the relevant design elements identified in the Residential Zone Design Guide 2019”

- b. Amend rule 8.3.2.2 as follows:

“Where an activity does not comply with a Standard listed in the Standards tables, the activity status identified by the Non-Compliance Status column shall apply.”

- c. Retain new rule 8.3.2.8 as notified.

- d. Add a new information requirement rule at 8.5A as follows:

“8.5A Rules – Standards for Restricted Discretionary and Discretionary Activities under Rules 8.4 and 8.5”

	<u>Standards for activities in the Medium Density Residential Zone</u>	<u>Non-compliance status</u>
<u>8.5A.1</u>	<u><i>For all restricted discretionary and discretionary activities under Rules 8.4 and 8.5, applications for resource consent shall include a statement confirming that the relevant design elements from the Residential Zone Design Guide 2019 have been considered, including a summary of any particular aspects of the proposal that have resulted from that consideration.</i></u>	<u>NC</u>

- e. Reject all other changes proposed to the zone provisions.

Variation to Chapter 9 – High Density Residential Zone:

- a. Add a new policy 9.2.2.3 as follows:

“Require consideration of the relevant design elements identified in the Residential Zone Design Guide 2019”

- b. Amend rule 9.3.2.2 as follows:

“Where an activity does not comply with a Standard listed in the Standards tables, the activity status identified by the ‘Non-Compliance Status’ column shall apply”

- c. Add a new information requirement rule at 9.5A as follows:

“9.5A Rules – Standards for Restricted Discretionary and Discretionary Activities under Rules 9.4 and 9.5”

	<u>Standards for activities in the High Density Residential Zone</u>	<u>Non-compliance status</u>
<u>9.5A.1</u>	<u>For all restricted discretionary and discretionary activities under Rules 9.4 and 9.5, applications for resource consent shall include a statement confirming that the relevant design elements from the Residential Zone Design Guide 2019 have been considered, including a summary of any particular aspects of the proposal that have resulted from that consideration.</u>	<u>NC</u>

- d. Reject all other changes proposed to the zone provisions.

Variation to Chapter 16 - Business Mixed Use Zone:

- a. Add a new policy 16.2.2.10 as follows:

“Require consideration of the relevant design elements identified in the Business Mixed Use Design Guide 2019”

- b. Amend rule 16.3.2.2 as follows:

“Where an activity does not comply with a Standard listed in the Standards tables, the activity status identified by the ‘Non-Compliance Status’ column shall apply unless otherwise specified.”

- c. Retain the existing assessment matters 16.4.4(a) and 16.4.4(b).

- d. Add a new information requirement rule at 16.5A as follows:

“16.5A Rules – Standards for Restricted Discretionary and Discretionary Activities under Rules 16.4 and 16.5”

	<u>Standards for activities in the Business Mixed Use Zone</u>	<u>Non-compliance status</u>
<u>16.5A.1</u>	<u>For all restricted discretionary and discretionary activities under Rules 16.4 and 16.5, applications for resource consent shall include a statement confirming that the relevant design elements from the Business Mixed Use Design Guide 2019 have been considered, including a summary of any particular aspects of the proposal that have resulted from that consideration.</u>	<u>NC</u>

- e. Reject all other changes proposed to the zone provisions.

Variation to Chapter 31 - Signs:

- a. Add to policy 31.2.3.3(c) as follows (new text in underline):

“is consistent with the relevant Council design guidelines, being either the Queenstown Town Centre Special Character Area Design Guidelines 2015, Wānaka Town Centre Character Guideline 2011, or the Arrowtown Design Guidelines 2016; or has considered the relevant design elements identified in the Business Mixed Use Design Guide 2019;”

- b. Add a new information requirement rule at 31.5A as follows:

“31.5A Rules – Standards for Restricted Discretionary and Discretionary Activities under Rules 31.4 and 31.5”

	<u>Table 31.5A – District Wide Rules – Standards for Restricted Discretionary and Discretionary Activities</u>	<u>Non-compliance status</u>
<u>31.5A.1</u>	<i><u>For all restricted discretionary and discretionary activities under Rules 31.4 and 31.5 within the Business Mixed Use zone, applications for resource consent shall include a statement confirming that the relevant design elements from the Business Mixed Use Design Guide 2019 have been considered, including a summary of any particular aspects of the proposal that have resulted from that consideration.</u></i>	<u>NC</u>

- c. Reject all other changes proposed to the zone provisions.

Appendix 2 - Table of Submitter Recommendations

Original Submission No	Submitter Name	Submission Summary	Recommendation	Section where addressed
OS3000.1	Eaon Fitzwater	That the height of buildings is limited to 7 meters throughout the Queenstown Lakes District unless it does not affect anyone else and blends into the landscape.	Strike out	4.5
OS3000.1	Nicky Wells	That the relief sought in submission 3000.1 is supported.	Strike out	4.5
OS3000.1	Richard Wells	That the relief sought in submission 3000.1 is supported.	Strike out	4.5
OS3109.23	Public Health South	That the intent of the Business Mixed Use Zone Design Guidelines be retained as notified.	Accept in part	4.6, Topic 2
OS3109.24	Public Health South	That the core principles of the World Health Organisation Health for All Strategy be addressed.	Accept in part	4.6, Topic 5
OS3109.25	Public Health South	That the impact on health outcomes and protection of the natural environment be considered in policy relating to the built environment.	Accept in part	4.6, Topic 5
OS3110.1	Roger Moseby	That the Business Mixed Use Zone Design Guidelines be rejected.	Reject	4.6, Topic 1
OS3143.1	Susan Robertson	That the Business Mixed Use Design Guidelines be rejected.	Reject	4.6, Topic 1
OS3211.3	Ken Muir	That the provisions of the Business Mixed Use Design Guide be rejected.	Reject	4.6, Topic 1
OS3215.1	Ngai Tahu Property Ltd	That an additional paragraph is included in the "Status of this Guide" section as follows: "The Design Guide complements the provisions of the District Plan. It provides examples of how to achieve good design and outlines the key issues to bear in mind when designing a development. The assessment of proposals against the Design Guide are not intended to be assessed in terms of compliance but rather whether a proposal is consistent with the good design outcomes promoted by the Design Guide. It is acknowledged that there may be suitable alternatives to the examples provided within the Design Guide based upon site specific characteristics and other factors that guide development."	Accept in part	4.6, Topic 4
OS3215.2	Ngai Tahu Property Ltd	That the text "on rare occasions" and "for quieter streets provided the majority of street frontage is for business/commercial use" from paragraph 3 of Section 01 be amended so that it reads: "Residential units at ground floor should be carefully considered along main roads. Ground floor, street facing residential units may be appropriate, however finished floor levels, setbacks and screening will need to be carefully considered so as to provide appropriate levels of privacy for residents."	Accept	4.6, Topic 4
OS3215.3	Ngai Tahu Property Ltd	That the words "to be at least 1.8m wide or greater" are deleted and "of suitable width to cater for pedestrian and universal access commensurate to the anticipated usage of the route" are inserted in its place, in Section 06, paragraph 5.	Accept	4.6, Topic 4

Original Submission No	Submitter Name	Submission Summary	Recommendation	Section where addressed
OS3215.4	Ngai Tahu Property Ltd	That the necessary further, consequential or alternative amendments are made to give effect to this submission and the purpose of the Resource Management Act.	Accept in part	4.6, Topic 4
OS3267.1	FII Holdings Ltd	That there be greater recognition in the Business Mixed Use Design Guidelines of the full range of activities anticipated within the Business Mixed zone.	Rejected	4.6, Topic 2
OS3267.2	FII Holdings Ltd	That within the Business Mixed Use Design Guidelines, any duplication and/or different controls to those already in the Business Mixed Use zone chapter be removed.	Accept in part	4.6, Topic 3
OS3267.3	FII Holdings Ltd	That more flexibility be provided within the Business Mixed Use Design Guidelines to reflect mixed use developments.	Accept in part	4.6, Topic 2
OS3267.5	FII Holdings Ltd	That amendments are made to the text of the Proposed District Plan and the Mixed Use Design Guidelines to ensure that Guidelines do not apply to permitted activities.	Accept	4.6, Topic 7
OS3316.2	Queenstown Airport Corporation	That the introduction of the Business Mixed Use Zone Design Guide is supported.	Accept	4.6, Topic 2
OS3316.3	Queenstown Airport Corporation	That Lemonwood, ornamental pear, copper beech and marble leaf are removed from the list of suggested plant species.	Accept	4.6, Topic 8
OS3343.5	Wayfare Group Ltd)	That the Design Guidelines are deleted, along with reference to them in the District Plan, or: That the respective policies and rules (including assessment matters) to "encourage" consistency (rather than require or ensure it); Remove any duplication between matters contained within the Design Guidelines and provisions already in the text of the PDP, and Standards Clarify that the Design Guidelines do not apply to permitted activities.	Accept in part	4.6, Topic 3
OS3383.7	Z Energy Ltd, BP Oil New Zealand Ltd, and Mobil Oil New Zealand Ltd	That Policy 16.2.2.10 be amended as suggested to recognise that only mixed use and/or intensive residential developments should be consistent with the Business Mixed Use Design Guide.	Accept in part	4.6, Topic 3
OS3383.8	Z Energy Ltd, BP Oil New Zealand Ltd, and Mobil Oil New Zealand Ltd	That Rule 16.4.4 be amended as suggested to recognise that only mixed use and/or intensive residential developments should be consistent with the Business Mixed Use Design Guide; or amend as suggested to recognise that there are existing commercial activities within the zone that have functional and/or operational requirements which impact on their ability to meet the 'typical' urban design outcomes envisaged in the Business Mixed Use Design Guide.	Accept in part	4.6, Topic 3

Original Submission No	Submitter Name	Submission Summary	Recommendation	Section where addressed
OS3383.9	Z Energy Ltd, BP Oil New Zealand Ltd, and Mobil Oil New Zealand Ltd	That Rules 31.2.3.3(c) be amended to recognise that only signage for mixed use and/or intensive residential developments must be consistent with the Business Mixed Use Design Guide.	Accept in part	4.6, Topic 3
OS3383.10	Z Energy Ltd, BP Oil New Zealand Ltd, and Mobil Oil New Zealand Ltd	That the Design Guide be amended to clarify that it relates to residential or mixed-use buildings only; or amend the Medium Density Design Guide as suggested to recognise that there are commercial activities that have functional and/or operational requirements which impact on their ability to meet the 'typical' urban design outcomes envisaged in the Design Guide.	Accept in part	4.6, Topic 3
OS3383.24	Z Energy Ltd, BP Oil New Zealand Ltd, and Mobil Oil New Zealand Ltd	That Rule 31.19.3.7 be amended to recognise that only signage for mixed use and/or intensive residential developments must be consistent with the Business Mixed Use Design Guide.	Accept in part	4.6, Topic 3
OS3383.25	Z Energy Ltd, BP Oil New Zealand Ltd, and Mobil Oil New Zealand Ltd	That Rule 31.19.4.4 be amended to recognise that only signage for mixed use and/or intensive residential developments must be consistent with the Business Mixed Use Design Guide.	Accept in part	4.6, Topic 3
OS3013.2	Pia Condren	That the Lower Density Residential Overview provisions of the Residential Design Guidelines be retained as notified.	Accept in part	4.7, Topic 11
OS3013.3	Pia Condren	That the Variation to Chapter 7 Lower Density Suburban Residential Zone for the Residential Design Guidelines be retained as notified.	Accept in part	4.7, Topic 11
OS3016.1	Gillian Macleod	That the use of photo 2 on page 13 is rejected.	Accept	4.7, Topic 14
OS3016.2	Gillian Macleod	That the use of photo 2 on pg 14 is rejected.	Accept	4.7, Topic 14
OS3016.3	Gillian Macleod	That the Residential Design Guideline is amended to include guidance for sloping sites.	Accept	4.7, Topic 12
OS3016.4	Gillian Macleod	That Photo 2 and Photo 3 on p.18 of the Residential Design Guideline are rejected.	Reject	4.7, Topic 14
OS3016.5	Gillian Macleod	That the Residential Zone Design Guide emphasise the planting of native, low-water need, and appropriate species.	Accept in part	4.7, Topic 13
OS3016.6	Gillian Macleod	That the Residential Zone Design Guide discourage nuisance species such as wilding or asthma causing trees, or inappropriately-scaled species.	Accept in part	4.7, Topic 13
OS3031.1	Bruce Steenson	That building height for flat and sloping sites in Wanaka be limited to no more than 7 metres.	Strike out	4.5
OS3060.2	SkyCity Entertainment Group Ltd	That the intent of Rule 9.4.6 requiring visitor accommodation in the High Density Zone be consistent with the Residential Zone Design Guide 2019 as notified.	Reject	4.7, Topic 10

Original Submission No	Submitter Name	Submission Summary	Recommendation	Section where addressed
OS3060.3	SkyCity Entertainment Group Ltd	That the intent of the RD activities in Standards 9.5.1 - 9.5.8 in the Residential Zone Design Guide 2019 is supported.	Reject	4.7, Topic 10
OS3060.4	SkyCity Entertainment Group Ltd	That the intent of Policy 9.2.2.3 is supported.	Accept	4.7, Topic 10
OS3109.14	Public Health South	That a variety of housing, work and lifestyle options be provided that are economically viable and healthy for people and nature.	Accept in part	4.7, Topic 5
OS3109.15	Public Health South	That the World Health Organisation Sustainable Development Goals (energy efficient housing, increased density, healthy living, lowest possible cost) be considered.	Accept in part	4.7, Topic 5
OS3109.16	Public Health South	That insulation, ventilation, heating, double glazing, accessibility, for people with disabilities, design for disability, elderly, families or flatters, be considered.	Accept in part	4.7, Topic 5
OS3109.17	Public Health South	That eco-design and climate safe house design principles be considered from energywise.govt.nz.	Accept in part	4.7, Topic 5
OS3109.18	Public Health South	That safety, street lighting, and safe low impact (noise, conflicts) aspects be considered.	Accept in part	4.7, Topic 5
OS3109.19	Public Health South	That access to public and active transport links, cycle ways, walking paths suitable for buggies and kids bikes, bike racks, and a focus on low speed pedestrian centric environments be considered.	Accept in part	4.7, Topic 5
OS3109.20	Public Health South	That community connectivity, shared green spaces, picnic/BBQ areas and tables be considered.	Accept in part	4.7, Topic 5
OS3109.21	Public Health South	That elements to promote healthy lifestyles be considered, including playgrounds, pump tracks, skate parks, sports facilities, planting fruit trees, garden allotments, smoke free spaces, drinking fountains, and seating.	Accept in part	4.7, Topic 5
OS3109.22	Public Health South	That the impact on health outcomes and protection of the natural environment be considered in policy relating to the built environment.	Accept in part	4.7, Topic 5
OS3138.1	Brendon Cutt	That no changes are approved that would enable or encourage the establishment of new or extended commercial visitor accommodation developments within Visitor Accommodation Sub- Zones and Low Density [Suburban] residential zones.	Strike out	4.5
OS3138.2	Brendon Cutt	That no changes be made which will permit an increase in the density of visitor accommodation from new or extended commercially-backed developments in Medium and Low Density Zones.	Strike out	4.5
OS3191.2	Heritage New Zealand	That wording is added to the high density, medium density and lower density residential sections of the Residential Design Guide, requiring that designs must not detract from, dominate and/or denigrate the significance or values of recognised heritage items or features and that designs should demonstrate that they are compatible with these values, or words to like effect.	Reject	4.7, Topic 10

Original Submission No	Submitter Name	Submission Summary	Recommendation	Section where addressed
OS3203.1	Wayne Foley	That the notified variation to Chapter 7 Lower Density Suburban Residential Zone as part of the Residential Design Guideline variation be rejected. Alternatively, that the Residential Design Guideline be amended to remove reference to irrelevant policies, remove the statement that the Design Guideline is applicable to permitted activities, and remove the requirement to provide a Design Statement.	Accept in part	4.7, Topic 9
OS3241.1	Friends of Wakatipu Gardens and Reserves and Associated Residents	That the Residential Design Guidelines and/or the associated variations to the residential provisions of Chapters 7, 8, and 9 of the Proposed District Plan be amended to provide greater recognition for Special Character Areas and residential amenity, in particular of the Park Street Special Character Area.	Reject	4.7, Topic 10
OS3241.2	Friends of Wakatipu Gardens and Reserves and Associated Residents	That Special Character Areas be recognised within the Residential Design Guidelines through requirements for building and development to sensitively respond to existing built form within the Special Character Area.	Reject	4.7, Topic 10
OS3241.3	Friends of Wakatipu Gardens and Reserves and Associated Residents	That Special Character Areas be provided for in the Residential Design Guidelines through any building or development adhering to any definition or character statement of a Special Character Area.	Reject	4.7, Topic 10
OS3241.4	Friends of Wakatipu Gardens and Reserves and Associated Residents	That Special Character Areas are provided for within the Residential Design Guideline through the encouragement of design solutions of a high standard which respond to, and reflect, residential character and amenity of the Special Character Area.	Reject	4.7, Topic 10
OS3241.5	Friends of Wakatipu Gardens and Reserves and Associated Residents	That Special Character Areas be provided for within the Residential Design Guidelines through any building and development being required to adhere to any Cultural Plan or Spatial Plan (or similar planning tool) which have been developed for the Special Character Area.	Reject	4.7, Topic 10
OS3241.6	Friends of Wakatipu Gardens and Reserves and Associated Residents	That the Residential Design Guidelines include any further amendments to support rezoning and revised provisions of the Proposed District Plan for the Special Character Area.	Reject	4.7, Topic 10
OS3241.7	Friends of Wakatipu Gardens and Reserves and Associated Residents	That any necessary or required amendments to the text of the residential chapters within the Proposed District Plan are made to reflect the Special Character Area provisions within the Residential Design Guidelines.	Reject	4.7, Topic 10
OS3264.1	Edwin Elliot	That the Residential Design Guidelines be rejected until they can be done properly with ratepayer input.	Reject	4.5
OS3267.4	Fill Holdings Ltd	That amendments be made to the text of the residential chapters, if necessary, to reflect the mixed use character of the Business Mixed Use Zone.	Reject	4.7, Topic 10
OS3280.1	Marama Hill Ltd	That the Chapter 7 provisions relating to the Residential Design Guidelines are deleted.	Accept in part	4.7, Topic 9
OS3280.2	Marama Hill Ltd	That the Residential Design Guide be amended to remove irrelevant policies.	Accept	4.7, Topic 11

Original Submission No	Submitter Name	Submission Summary	Recommendation	Section where addressed
)			
OS3280.3	Marama Hill Ltd)	That the statement that the Design Guide is applicable to permitted activities is rejected.	Accept	4.7, Topic 11
OS3280.4	Marama Hill Ltd)	That the requirement to provide a Design Statement be removed from the guide.	Accept	4.7, Topic 11
OS3280.5	Marama Hill Ltd)	That any alternative, additional or consequential relief necessary to address the matters raised in this submission occur.	Accept in part	4.7, Topic 11
OS3282.1	Queenstown Views Villas Ltd	That the Chapter 9 provisions relating to the Residential Design Guidelines are deleted.	Reject	4.7, Topic 9
OS3282.2	Queenstown Views Villas Ltd	That if the variation to Chapter 9 is not deleted then the Residential Design Guide be amended to remove the statement that the design guide is applicable to permitted activities.	Accept	4.7, Topic 11
OS3282.3	Queenstown Views Villas Ltd	That if the variation to Chapter 9 is not deleted then the requirement to provide a Design Statement be removed from the guide.	Accept in part	4.7, Topic 11
OS3282.4	Queenstown Views Villas Ltd	That any alternative, additional or consequential relief necessary to address the matters raised in this submission occur.	Accept in part	4.7, Topic 11
OS3316.1	Queenstown Airport Corporation	That the introduction of the Residential Design Guide is supported.	Accept	4.7, Topic 11
OS3316.4	Queenstown Airport Corporation	That Lemonwood, ornamental pear, copper beech and marble leaf are removed from the list of suggested plant species.	Accept	4.7, Topic 13
OS3343.4	Wayfare Group Ltd	That the Design Guidelines are deleted, along with reference to them in the District Plan, or: That the respective policies and rules (including assessment matters) to "encourage" consistency (rather than require or ensure it); Remove any duplication between matters contained within the Design Guidelines and provisions already in the text of the PDP, for example within matters of Restricted Control/Discretion and Standards Clarify that the Design Guidelines do not apply to permitted activities.	Accept in part	4.7, Topic 11
OS3347.1	Silver Creek Ltd	That the Residential Design Guide is rejected.	Reject	4.7, Topic 9
OS3379.1	Roderick Macleod	That a '1 hectare / 80 hectare variation' to mitigate against urban sprawl like now in place in the Wakatipu Basin also be put in place in the Upper Clutha to control development.	Strike out	4.5
OS3383.18	Z Energy Ltd, BP Oil New Zealand Ltd, and Mobil Oil New Zealand Ltd	That the purpose of the design guide is retained as notified insofar as it clarifies that the purpose is to achieve high-amenity built residential developments.	Accept	4.7, Topic 11

Original Submission No	Submitter Name	Submission Summary	Recommendation	Section where addressed
OS3383.19	Z Energy Ltd, BP Oil New Zealand Ltd, and Mobil Oil New Zealand Ltd	That Policy 7.2.1.5 be amended as suggested to clarify that the Residential Zone Design Guide is applicable to residential buildings.	Reject	4.7, Topic 10

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Stage 3 Proposed District Plan

Report and Recommendations of Independent Commissioners

Report 20.7: Chapter 46

**Rural Visitor Zone and Related Variations to Chapters 25, 27, 31 and 36
Temporary Filming Activities**

Commissioners

Trevor Robinson (Chair)

Sarah Dawson

Greg Hill

Calum Macleod

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PART A – PROPOSED CHAPTER 46 AND VARIATIONS AMENDING PDP TEXT

1. PRELIMINARY

1.1 Subject Matter of this Report

1. This report deals with the submissions and further submissions lodged in respect of the Council's publicly notified Chapter 46 – Rural Visitor Zone, including applying the Rural Visitor Zone on the Planning Maps, together with associated Plan Variations to Chapters 25, 27, 31 and 36 of the PDP (the Notified Plan Change). These submissions were considered by the Stream 18 Hearing Panel. This report also deals with the late submission of LJ Veint¹, relating to Chapter 35 of the PDP, which was considered by the same panel of commissioners under a separate hearing stream (Stream 20).

1.2 Terminology in this Report

2. The majority of the abbreviations used in this report are set out in Report 20.1. In this report, we use the following additional abbreviations:

Arcadia	Arcadia Station
ASAN	Activities Sensitive to Aircraft Noise
Barnhill	Barnhill Corporate Trustee Limited, DE, ME Bunn & LA Green
CCCL	Cardrona Cattle Company Limited
CPZ-CG	Open Space Community Purposes Zone – Camping Ground
District	Queenstown Lakes District
EIC	Evidence-in-chief. Also referred to as Section 42A Report
Fish and Game	Otago Fish and Game Council
GCZ	Gibbston Character Zone
Glen Dene	Glen Dene Limited, Glen Dene Holdings Limited, Richard & Sarah Burdon
Hearing Panel	The Independent Commissioners appointed by the Council and convened to hear and recommend on Streams 18 and 20
Heron	Heron Investments Limited
LCU	Landscape Character Unit

¹ Submission #31074

LINZ	Land Information New Zealand – Toitu Te Whenua
Loch Linnhe	Loch Linnhe Station
Malaghans	Malaghans Investments Limited
Matakauri	Matakauri Lodge Limited
Notified Plan Change	The version of Chapter 46, associated changes to the planning maps, and associated Variations to other PDP Chapters, notified by the Council on 31 October 2019
NZTA	New Zealand Transport Agency / Waka Kotahi
OCB	Wānaka Airport Outer Control Boundary
RCL	Rural Character Landscape
Reply Version	The version of Chapter 46 and associated Variations to other PDP Chapters, attached to the Reply of Emily Grace as Appendix A
RLZ	Rural Lifestyle Zone
RRZ	Rural Residential Zone
SDHB	Southern District Health Board
Section 32 Report	The Council’s Section 32 Evaluation for the Rural Visitor Zone, and consequential Variations to the PDP, made publicly available with the Notified Plan Change, including the report – “QLDC Rural Visitor Zone Review: Landscape Assessment”, dated May 2019.
Section 42A Report	Section 42A Report prepared by Emily Grace for the Council in relation to the Notified Plan Change, dated 18 March 2020. Also referred to as Ms Grace’s evidence-in-chief.
Section 42A Version	The version of Chapter 46 and associated Variations to other PDP Chapters, attached to the Section 42A Report of Emily Grace
SH6	State Highway 6
SH84	State Highway 84
VASZ	Visitor Accommodation Sub-Zone

WBRAZ

Wakatipu Basin Rural Amenity Zone

WCR

Waterfall Creek Residents

1.3 Background

3. Submissions on Chapter 46 were heard by the Stream 18 Hearing Panel as part of the broader Stage 3 hearings that commenced on 29 June 2020.
4. Report 20.1 provides background detail on:
 - a) The appointment of commissioners to this Hearing Panel;
 - b) Procedural directions made as part of the hearing process;
 - c) Site visits;
 - d) The hearings;
 - e) The statutory considerations bearing on our recommendations;
 - f) General principles applied to requests to rezone;
 - g) Our approach to issues of scope.
5. We do not therefore repeat those matters.
6. More specifically as regards the evidence we heard, Ms Emily Grace, a senior policy planner employed by the Council, prepared a Section 42A Report², two statements of Rebuttal evidence³ and a Reply statement⁴ relating to all aspects of the plan change and variations, including the mapping of RVZs. She also provided an additional Section 42A Report⁵ responding to the late submission of LJ Veint⁶ relating to temporary filming activities in the RVZ at Arcadia Station.
7. Ms Grace relied upon the planning evidence of Mr Craig Barr (Strategic Overview for all of Stage 3), dated 18 March 2020. Her evidence was supported by expert evidence-in-chief, rebuttal and reply evidence from:
 - Helen Mellsop, a landscape architect consultant;
 - Bridget Gilbert, a landscape architect consultant;
 - Mathew Jones, a landscape architect consultant;
 - James Dicey, a viticulture consultant;
 - Michael Smith, a transportation engineering consultant;
 - Christopher Rossiter, a transportation engineering consultant;
 - Andrew Edgar, Council's Asset Engineer;
 - Dr Stephen Chiles, an acoustics engineering consultant;
 - Robert Bond, a geotechnical engineering consultant;
 - Richard Powell, Council's Development Infrastructure Engineer.
8. We also had the benefit of evidence from numerous submitters and their supporting expert evidence, as detailed in Report 20.1.

² Dated 18 March 2020, also referred to as E Grace, EIC

³ Dated 12 and 19 June 2020

⁴ Dated 10 September 2020

⁵ Dated 16 July 2020

⁶ Submission #31074

2. STATUTORY CONSIDERATIONS

9. Report 20.1 outlined the general statutory framework that is relevant to our consideration of submissions and further submissions. We have applied that approach in this report.
10. When applying the general statutory framework, we need to take account of the content of the higher order documents guiding (and in some cases directing) how we proceed. Report 20.1 has set out the relevant provisions of the national policy instruments for the Stage 3 hearings and notes the relevance of the RPS.
11. The Section 32 Report⁷ considered the relevance of National Policy Statements in its evaluation of appropriate zones to replace the ODP RVZ. It stated that the most relevant is the NPSUDC⁸, although it determined that only the ODP RVZ at Arthurs Point North would fall within scope of the housing and business development capacity assessments required by the NPSUDC. As a result of the Section 32 evaluation, the Council determined to apply alternative “urban” zones at Arthurs Point North. That area is accordingly addressed separately in Report 20.9.
12. Ms Grace did not address the relevance of the NPSUD in her evidence. We did not receive any legal submissions that suggested the NPSUD was of relevance to our consideration of the RVZ. The only planning evidence⁹ we received that directly addressed the relevance of this NPS¹⁰ was from Mr Edgar¹¹ in his planning evidence for Corbridge¹². He concluded that, as rural zones are excluded from the definition of “urban environment” in the NPS and RVZ are not proposed to be located in areas identified by the Council as being “urban environment”, the NPSUDC is of little relevance to consideration of the RVZ. We have proceeded on the basis that we do not need to give further consideration to the NPSUD in relation to the provisions of the RVZ and the new zonings sought through submissions.
13. In relation to National Environmental Standards, regulations and the National Planning Standards, the Section 32 Report¹³ noted the RVZ has a relatively narrow purpose in that it seeks to provide for visitor accommodation and related activities in appropriate rural locations. The Section 32 Report did not consider the PDP RVZ would introduce provisions that would be inconsistent with any of the NESs or regulations, none in the Notified Plan Change are affected by the existing National Grid, and the Council is not required to implement the National Planning Standards immediately. We received no evidence on these documents.
14. Ms Grace briefly touched on the relevance of the RPS to Chapter 46. In her opinion, the most directly relevant provisions of the RPS are those that direct outstanding landscapes and features are maintained and protected, and that encourage enhancement of areas and values that contributes to their significance. Other than those provisions, she did not consider the RPS provisions provided particular direction on the RVZ. She considered that Chapters 3 and 6 of the PDP, which give effect to the landscape requirements of the RPS, now provide more helpful direction.

⁷ Section 32 Report, para [6.8]-[6.14]

⁸ As it was at that time

⁹ We note that Mr Vivian, in his evidence for Submitters #31008, #31013 & #31014, concluded generally that none of the NPS are particularly relevant to the RVZ.

¹⁰ At the time he was addressing the NPSUDC, rather than its replacement, the NPSUD

¹¹ S Edgar, EIC, para [28]-[29]

¹² Submitter #30121

¹³ Section 32 Report, para [6.15]-[6.19]

15. We also received planning evidence on the relevance of the RPS from Mr Vivian¹⁴, Mr Freeman¹⁵ and Mr Edgar¹⁶. Like Ms Grace, Mr Freeman and Mr Vivian emphasised the relevance of the landscape provisions in the RPS, although Mr Vivian and Mr Edgar both quoted a wide range of RPS provisions that may have some relevance. Mr Vivian also referred to the RPS provisions regarding management of natural hazards. This evidence did not, however, identify any particular provisions of the RPS that were key to our consideration of the RVZ, or that would be of more relevance than the settled provisions of the PDP that give effect to the RPS. On the basis of this evidence, and that from Ms Grace, we have not considered the provisions for the RPS further in this report.
16. Report 20.1 notes the relevant iwi management plans for the Stage 3 hearings. The Section 32 Report¹⁷ identified provisions of relevance in the iwi management plans, particularly those relating to development in the high country and foothills and to the effects of land use intensification on manawhenua values associated with water. Ms Grace did not address the relevance of the iwi management plans in her evidence. Similarly to the Section 32 Report, Mr Vivian¹⁸ quoted the provisions relating to effects on manawhenua values associated with water. No other party presented evidence regarding matters from the iwi management plans of relevance to this Notified Plan Change. We have not found any direct guidance in the iwi management plans of relevance to our consideration of submissions on the notified RVZ provisions or to the particular new zonings sought.
17. Consideration of the Notified Plan Change occurs in the context of the broader PDP process which the Council is engaged on. A series of plan changes to the ODP have been initiated, including this new Chapter 46 and the associated variations to other Chapters already introduced through earlier PDP stages.
18. The structure of the Plan Changes and Variations making up the PDP to date is that some chapters (Chapters 3-6) have been inserted into the ODP that provide strategic direction on the entire range of district planning issues. As described in Report 20.1, Chapter 3 provides strategic direction, and Chapters 4-6 elaborate on that strategic direction. Report 20.1 explains the role of Strategic Chapters 3-6, their interpretation and application, as well as their current status in terms of resolution through the Environment Court processes.
19. Although appeals on the Strategic Chapters have not all yet been finally resolved, various decisions, interim decisions and Court Orders of the Environment Court have been released. In a Memorandum of Counsel, dated 28 October 2020, Ms Scott provided us with updated versions of Chapters 3 and 6 which, although working versions, provide clear direction on the likely shape those chapters will take following final resolution of the appeals on them.
20. The Council's Opening Legal Submissions¹⁹ addressed the relevance of the Environment Court's interim decisions on Topic 2 for submissions seeking a new RVZ within the Rural Zone ONL. Ms Scott referred us to the Court's redrafting of certain Chapter 3 provisions²⁰ which emphasise that landscape values of ONLs are to be protected. It was her submission that any

¹⁴ C Vivian, EIC for Submitters #31008, #31013 & #31014

¹⁵ S Freeman, EIC for Submitter #31033, para [145]-[151]

¹⁶ S Edgar, EIC for Submitter #31021, para [30]-[34]

¹⁷ Section 32 Report, para [6.20]-[6.24]

¹⁸ C Vivian, EIC for Submitters #31008, #31013 & #31014

¹⁹ Opening Legal Submissions for Queenstown Lakes District Council from S Scott, dated 29 June 2020, para [8.6]

²⁰ In particular, SO 3.2.1.8, SO 3.2.5.xx and SP 3.3.1A & 3.3.30

new zone located within an ONL needs to achieve this standard. The RVZ is designed in a way that uses different levels of landscape sensitivity to direct development to those areas with lower landscape sensitivity. Ms Scott submitted that, when recommending whether various new RVZs should be pursued, we need to have this ethos of the RVZ in the forefront of our considerations. No party sought to persuade us differently. We have proceeded on the basis of these submissions from Ms Scott. In our view, a similar approach is required in relation to any new RVZ within an RCL for which landscape character is to be maintained and visual amenity values maintained or enhanced²¹.

21. In response to our request²², Ms Grace helpfully provided us with a schedule of relevant strategic objectives and policies for our consideration of rezoning submissions²³.
22. Consistent with the Council's legal submissions, Ms Grace²⁴ set out her understanding of the relevant approach in Strategic Chapters 3 and 6 to areas of RVZ. She also referred to the specific direction for addressing landscape values in each of ONLs/ONFs and RCLs. She noted the difference in presumptions about development in the two landscape units, with the presumption in ONLs/ONFs being that new development is inappropriate unless it protects landscape values (SO 3.2.5.xx); whereas in RCLs, the starting point is that adverse effects on landscape character and visual amenity values are anticipated, but those effects are to be effectively managed so as to maintain landscape character and maintain or enhance visual amenity values (SO 3.2.5.2).
23. Ms Grace²⁵ also referred us to the specific Strategic Policy for commercial recreation and tourism related activities in rural areas (SP 3.3.1A), which refers to both types of landscape units (ONL/ONF & RCL) and contains the same policy direction as the Strategic Objectives regarding landscape values for these units.
24. In terms of Chapter 6, Ms Grace identified Policy 6.3.1.3 as being relevant to the application of RVZ within ONLs/ONFs and RCZs in her evidence in chief²⁶. She considered Policy 6.3.1.3 provides for the RVZ²⁷ provisions to apply as a separate regulatory regime instead of the provisions of Chapter 6. In other words, Chapter 46 is essentially to be a substitute method of providing the necessary level of protection of ONLs/ONFs and RCLs as required by Chapter 3. It was Ms Grace's opinion that areas of RVZ applied to areas of ONL/ONF and RCL can be consistent with Chapters 3 and 6, provided the RVZ provisions are able to manage landscape values in accordance with the Chapter 3 requirements to protect landscape values of ONLs and maintain landscape character and maintain or enhance visual amenity values of RCLs.
25. We note that Ms Grace's interpretation of Policy 6.3.1.3 was reasonable, based on the wording of the policy as it stood when she wrote her evidence in chief. That policy refers to Special Zones, among others, having a separate regulatory regime, within which the ONLs, ONF and RCL landscape categorisations and the Chapter 6 policies related to them do not apply.
26. The ODP RVZ was listed as a Special Zone and that description is applied also to Chapter 46 in the PDP index.

²¹ We refer in particular to SO 3.2.5.2

²² Minute 35, 24 August 2020

²³ Appendix E to Ms Grace's Reply

²⁴ E Grace, EIC, para [3.6]-[3.7]

²⁵ E Grace, EIC, para [3.8]

²⁶ E Grace, EIC, para [3.9]-[3.11] & [3.13]

27. However, the Environment Court’s resolution of Stage 1 appeals is in the process of putting a further layer of policy direction over the top of Policy 6.3.1.3. More specifically, the Court’s 19 December 2019 decision²⁸ made preliminary directions for development of a framework for ‘exception zones’ that would apply to zones in respect of which the Court could be satisfied their positions would “*deliver outcomes that ensure the appropriate protection of ONF/L relative to the land within those exception zones.*”²⁹
28. In her second rebuttal statement of evidence, Ms Grace advised us that the Council’s intention was that the RVZ will be an Exception Zone³⁰.
29. The Court has now released a further interim decision³¹ rejecting the Council’s request that the PDP RVZ be listed as an Exception Zone.
30. It identified three grounds for that position. First, the Court stated that it had insufficient understanding of the zones Council proposed be added and so it could not safely conclude that Section 6(b) landscape matters are already accounted for in their provisions.
31. Second, it was not satisfied that participants in the Stage 1 review would have necessarily understood or assumed that the suggested zones would be subject to the Exception Zone framework.
32. Third, it was not satisfied it had scope to add additional zones.
33. This decision prompted Ms Scott to file a Memorandum on behalf of the Council suggesting that we should recommend that the RVZ be listed as an Exception Zone in Section 3.1B.5, as a consequential alteration arising from the submissions we have heard.
34. We sought feedback from the parties to the suggestion and received Memoranda of Counsel on behalf of Barnhill, The Station at Waitiri Limited (as successor to the submission of LJ Veint), Gibbston Valley Station and Malaghans, and Matakauri, all supporting the Council’s request. We also received feedback from Ms Christine Byrch³² opposing the Council’s request.
35. Mr Holm, for Matakauri, suggested that the course proposed by Ms Scott was pragmatic.
36. Counsel for the other parties confirmed that it was their understanding that the RVZ would be an Exception Zone. Counsel for Barnhill and for The Station at Waitiri Limited pointed to Policy 6.3.1.3 as the basis for that understanding. On the other hand, Ms Byrch stated it was not her understanding that the RVZ would be listed as an Exception Zone in Chapter 3. In her opinion, including the RVZ as an Exception Zone suggests flaws in the drafting and/or configuration of the PDP.
37. Counsel for Malaghans and Gibbston Valley Station pointed to explicit requests for consequential relief in submissions as founding jurisdiction, independently of clause 10 of the First Schedule, on which Ms Scott had relied.

²⁸ [2019] NZEnvC 205

²⁹ Ibid at [505]

³⁰ E Grace, second rebuttal at 8.1

³¹ [2020] NZEnvC 159

³² Submitter #31030

38. Whether or not the RVZ is an Exception Zone does not alter our consideration of the zone provisions and the spatial areas allocated to the zone. We need to be satisfied that RVZ areas within ONLs or ONFs meet the policy direction in Chapter 3 (as foreshadowed by the Environment Court) regardless. The significance of that fact arises once the zone is in place. Subsequent applications for resource consents under the zone provisions do not then need to have regard to those same Chapter 3 directions. The argument supporting Ms Scott's suggestion therefore turns on the certainty and efficiency of the operation of those provisions once in place.
39. Importantly, the Environment Court found that the Exception Zone framework should not be applied to RCLs. However, as Ms Grace pointed out in her Second Rebuttal Statement³³, rezoning land to a zone other than Rural automatically has the effect taking it outside the focus of those provisions, so we need to be conscious of that consequential effect.
40. We will return to the issue of Exception Zones and potential consequential changes to Chapter 3 later in our report once we have worked our way through the provisions of Chapter 46 and confirmed to our satisfaction that they do indeed appropriately implement the strategic direction in Chapter 3.
41. Other than in relation to Exception Zones, we received little in the way of legal submissions or planning evidence on behalf of the submitters that addressed the structure and direction of Strategic Chapters 3 and 6 and how this should be applied to the RVZ provisions or new zonings sought. Where we did receive submissions³⁴ or evidence³⁵, it generally supported or, at least, did not contradict the approach of the Council. Accordingly, we have proceeded on the basis of Ms Scott's legal submissions, and the evidence of Ms Grace, as to the application of Chapters 3 and 6 to our consideration of the RVZ.
42. Of relevance to Chapter 46, Report 20.1 also notes that we were provided with the Consent Order³⁶ version of Chapter 28 – Natural Hazards, which is consequently now beyond appeal.
43. Ms Grace referred us to Objectives 28.3.1A and 28.3.1B of Chapter 28³⁷ which seek that risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community; and that development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed. In her opinion³⁸, an assessment of the nature of the hazards present, and the risk they pose to future visitor accommodation and commercial recreational activities, should be undertaken before the RVZ is applied to any new areas. When considering whether it is appropriate to rezone a site as RVZ, in Ms Grace's opinion, it is important to understand if the risk is significant enough that it should be avoided by not allowing RVZ development in that area, or if it is possible and necessary to mitigate risk to future development through specific plan provisions. We received no evidence or submissions to the contrary and, accordingly, have proceeded on this basis.
44. Report 20.1 sets out our approach to our duties under Section 32AA of the RMA. As stated, we have adopted the approach of embedding our further evaluation in this report.

³³ E Grace, Second Rebuttal at [8.1]

³⁴ Legal Submissions from B Irving, for Submitter #31021, para [17]-[19]

³⁵ S Edgar, EIC for Submitter #31021, para [35]-[39] and S Freeman for Submitter #31033, EIC, para [139]-[144]

³⁶ Real Journeys Ltd and Others v QLDC – Environment Court Consent Order dated 11 June 2020

³⁷ E Grace, EIC, para [7.8]

³⁸ E Grace, EIC para [7.9]

3. GENERAL AND SUPPORTING SUBMISSIONS

45. As set out in Report 20.1, where a submission seeking a change to the notified Stage 3B provisions was only considered in evidence from the Council, without the benefit of evidence from the submitter or from a submitter on a related submission, we have no basis in evidence to depart from the recommendation of the Council's witness and recommend accordingly.
46. A total of 190 submission points and 83 further submissions were received on the Notified Plan Change³⁹. As stated in Report 20.1⁴⁰, it is not necessary for the Hearing Panel to address each submission individually. Rather, the Hearing Panel's report can address decisions by grouping submissions. This is the approach taken in this report, particularly where there are several submitters who made similar requests in relation to the Notified Plan Change provisions. When discussing each section and/or provision, not every aspect of the submissions, as categorised by Council staff, is mentioned. That is so the report is not unnecessarily wordy. However, in each case the Hearing Panel has considered all the submissions and further submissions on the plan change.
47. Some submissions⁴¹ supported the Notified Plan Change generally (with some specific modifications). As we are recommending changes to the provisions, we recommend these submissions be accepted in part (or accepted, where specific provisions referred to in a submission are recommended unchanged).
48. A group of submissions⁴² supported the provisions that relate to high, moderate and low landscape sensitivity. As we are recommending these provisions be retained, we recommend these submissions be accepted.
49. The Southern District Health Board⁴³ strongly supported the involvement and collaboration with tangata whenua throughout the planning process and we recommend this submission be accepted.
50. Fish and Game⁴⁴ requested that the intent of the notified RVZ - to provide more control over the type of development that may occur within the Zone, be retained as notified. We take this to mean more control than was provided through the ODP RVZ. As we are recommending this approach be generally retained, we recommend this submission be accepted.
51. Two submissions⁴⁵ asked that the entire RVZ rejected. As we recommend retaining the RVZ, albeit with substantial changes, we recommend that these submissions be rejected. A submission from Barnhill⁴⁶ requested that all the amendments sought to the ODP RVZ (for the Morven Ferry Rural Visitor Zones), set out in the submitter's submission on Stage 1 of the PDP Review, be implemented. We received no evidence on how those amendments could be implemented through Chapter 46 and recommend this submission be rejected.

³⁹ E Grace, EIC, para [2.2]

⁴⁰ Report 20.1, Section 1.7

⁴¹ Submissions #31009.2, #31022.2, #31023.3 & #31023.7, #31033.2 –#31033.15 & #31033.17-#31033.23, #31034.1–#31034.5 & #31034.12, #31037.2, #31039.2 and #31053.2

⁴² Submissions #31012.5, #31013.4, #31014.4, #31015.4 and #31016.3

⁴³ Submission #31009.6

⁴⁴ Submission #31034.12

⁴⁵ Submissions #31008.1 and #31021.1

⁴⁶ Submission #31035.3

52. Christine Byrch⁴⁷ requested a number of general changes to the Notified Plan Change, including that:
- (a) the purpose of the RVZ be written more clearly;
 - (b) the Plan stipulate restrictions on the extent of an RVZ;
 - (c) the Plan provide clear guidelines describing what areas (if any) are suitable for an RVZ.
53. We are grateful to Ms Byrch for raising these matters and discussing them with us. As we progressed through the hearing, the matters she raised became highly relevant to our consideration of submissions on this zone and the responses from the Council's witnesses. We have addressed the broad matters raised in Ms Byrch's submission in subsequent sections of this report, as we have considered the purpose and approach to RVZ across the PDP and through our recommendations on the most appropriate provisions for this chapter. As a consequence of our recommended changes and reasoning, we recommend these submissions from Ms Byrch be accepted.

4. IS THE HEARING PANEL ABLE TO DETERMINE THE MOST APPROPRIATE PLANNING OUTCOME FOR THE RVZ?

4.1 Summary of the Hearing Panel's Concerns

54. Before we considered the specific requests for amendments to the Notified Plan Change and the individual rezoning requests, we turned our minds to the appropriate planning approach to the RVZ. We considered that we needed to consider more generally the planning outcomes the RVZ seeks to achieve, and the appropriate form of the zone provisions.
55. By the time we had heard all the evidence on the RVZ, we were concerned at the breadth of the different planning outcomes and approaches to the RVZ before us. These extended from the relatively narrow approach to the zone contained in the Section 32 Report and Notified Plan Change; to the wide range of amendments to the Notified Plan Change recommended by Ms Grace in the versions attached to her EIC and Second Rebuttal evidence; and to the numerous amendments sought by submitters including the zoning of additional sites across the District and associated site-specific provisions.
56. We were concerned about the fairness and transparency of a planning process that could result in widespread changes to the outcomes and approaches for the RVZ; the potential for adverse cumulative effects into the future and across the District; and whether affected and interested residents of the District could have anticipated such substantial movement from the Notified Plan Change.

4.2 Hearing Panel's Questions for the Council's Reply

57. As a result of these concerns, the Hearing Panel put several questions to the Council regarding the general approach to the RVZ in our Minute 35⁴⁸ setting out specific issues for the Council's response in reply. These questions included:
- (a) What / where is the Council's s32 evaluation (including identification and assessment of costs and benefits) of the changes recommended by Ms Grace to the provisions of the RVZ? Have the potential cumulative costs and benefits (both now and potentially through private plan changes in the future) been identified and assessed? In particular, has the further s32 evaluation addressed her recommended changes which would enable RVZ to be located:

⁴⁷ Submission #31030.1, #31030.3 & #31030.4

⁴⁸ Dated 24 August 2020

- In RCL's within the Rural Zone, RLZ and WBRAZ, rather than only in ONLs?
 - In areas that are "generally remote", rather than "remote"?
- (b) The Council's evidence on the new RVZ sites sought by submitters goes beyond landscape-related matters and has considered matters such as traffic safety, infrastructure services, natural hazards, effects on neighbouring properties, and whether a site is remote from urban areas. How are these matters intended to be addressed in the objectives and policies guiding RVZ location choices? Have these matters been addressed in the Council's s32 evaluation of the costs and benefits of Ms Grace's recommended changes to the RVZ provisions?
- (c) Ms Grace has recommended amendments which would open potential locations across the "rural" areas of the District to a RV zoning. The submissions seek to take the RVZ provisions further with requests for multiple "bespoke" zone provisions (effectively sub-zones) that seek different activities and scales of development beyond that evaluated for the notified RVZ. Does the Council consider the resulting zone provisions continue to be "fit-for-purpose"? In other words, does the RVZ, as recommended and sought to be amended from its notified form, remain the most appropriate way to address the relevant resource management issues?
58. In her Reply evidence, Ms Grace⁴⁹ addressed these questions and responded with recommending a further version of the RVZ⁵⁰, which deleted some the changes she had recommended previously⁵¹ and contained additional changes⁵².
59. Regarding our question (a) above, Ms Grace accepted⁵³ that she had not specifically considered the method of "spot zoning" (for existing and future areas of RVZ) against the Section 32 criteria. Rather, in her evidence, she had considered text changes to the objectives and policies, followed by the merits of the individual rezoning requests. Ms Grace⁵⁴ noted the Section 32 Report had addressed the effects of activities within ODP RVZs, which were all within ONLs. She considered this assessment would apply to consideration of other RVZ within other ONL areas. In relation to extending the location for RVZs to both ONLs and RCLs, Ms Grace considered this to be consistent with the PDP Strategic objectives and policies. She considered the Reply Version provides clearer direction as to how to achieve the strategic objectives for RVZ in both ONL and RCL locations.
60. Attached to her Reply, Ms Grace provided a high level Section 32AA assessment⁵⁵ of using a "spot zone" approach to enable RVZ to be applied across the rural areas of the District. We take her reference to a "spot zone approach" to mean application of the Reply Version of the RVZ to sites sought by submitters as part of Stage 3B or through Council or private plan changes in the future.
61. In Ms Grace's opinion⁵⁶, it is very difficult to assess the costs and benefits of the application of the zone without a specific site in mind. She considered each application of the RVZ to a site

⁴⁹ Ms Scott also responded to several of our questions in her Second Reply Legal Submissions for the Council, dated 10 September 2020

⁵⁰ The Reply Version, Appendix A to E Grace, EIC

⁵¹ For example, removing detail from the Purpose; deleting her recommended policy on zone identification; and removing reference to "remoteness" as a criterion

⁵² For example, including specific reference in the policies to visibility requirements for buildings in ONL, and in other rural areas.

⁵³ E Grace, Reply, para [4.5]

⁵⁴ E Grace, Reply, para [4.6]-[4.9]

⁵⁵ Appendix F to E Grace, Reply

⁵⁶ E Grace, Reply, para [4.10]

needs to be considered case-by-case, particularly as landscape management is a key focus of the zone and landscape matters tend to be site-specific. In her opinion, this level of assessment can be undertaken at the rezoning stage for any specific site, and that the Reply Version provisions set a reasonably high threshold for proposed RVZs to pass.

62. Ms Grace’s Section 32AA assessment⁵⁷ mirrored this approach, supporting the site-specific assessment of environmental, social and cultural effects (including cumulative effects) at zoning / plan change stages. She assessed the objectives and policies of the RVZ as being appropriate for managing the number and location of zones, including their cumulative effects, through consideration of specific sites as they are proposed; and the rules as being appropriate for managing the scale and intensity of development to that which can be accommodated. The Section 32AA assessment concluded that this approach is efficient in light of the benefits from visitor activities that would be enabled by additional RVZ.
63. With regard to question (b), Ms Grace⁵⁸ considered it unnecessary for additional matters such traffic safety, infrastructure services, natural hazards, etc, to be specifically identified as part of the policies guiding RVZ location. In her opinion, the other chapters of the PDP would be relevant to consideration of these matters, and Section 32 requires assessment of effects for any new zone, which would also trigger their consideration.
64. In response to question (c), Ms Grace⁵⁹ accepted that the resource management issues being addressed through the RVZ had widened as a result of submissions and this required reframing of the notified objectives. She framed the new issue as “*How should areas of RVZ be identified*”? She stated this required consideration of the submission from Ms Byrch; whether the RVZ should apply in the RCLs; how additional RVZ within ONL should be identified; and what the key characteristics of RVZ sites should be. In her opinion, whilst the Notified Plan Change was not fit for purpose to address this issue, the Reply Version is.

4.3 Extent of the Changes to the RVZ before the Hearing Panel

65. Later in this report we will return to our evaluation of Ms Grace’s responses and, in particular, her opinion that the Reply Version is the most appropriate option to address the resource management issues identified. Suffice it to say at this stage that our initial concerns regarding the planning process, the widespread changes to planning outcomes, the potential for adverse cumulative effects, and whether people could have anticipated this, were not fully allayed. This is best exemplified by tracing the recommended changes from Ms Grace, and those sought by some submitters.
66. The starting point is the Section 32 Report, followed by the Notified Plan Change. The Section 32 Report sets out the matters considered by the Council prior to notifying the Plan Change and provides the basis for what interested people could anticipate for the RVZ. We took the following relevant points from the Section 32 Report:
- The RVZ is intended to provide for and manage visitor industry activities within the rural environment of the District, specifically the ONLs⁶⁰;
 - The RVZ is designed to provide for visitor industry facilities on sites that are too small to likely be appropriate for resort zoning⁶¹;

⁵⁷ Appendix F to E Grace, Reply

⁵⁸ E Grace, Reply, para [4.12]

⁵⁹ E Grace, Reply, para [4.16]

⁶⁰ Section 32 Report, para [1.2]

⁶¹ Ibid at [1.2]

- The principal activity is to be visitor accommodation and smaller scale commercial recreation activities, rather than a separate resort or special zone that is centred around substantial recreation activities⁶²;
- The purpose is to introduce to the PDP a suite of objectives, policies and rules that provide for visitor accommodation and related activities in specific locations within the rural areas, where the landscape can accommodate the change from visitor industry related development, primarily visitor accommodation⁶³;
- The ODP RVZ provisions were used as a baseline for the Section 32 review. The seven areas of RVZ in the ODP were evaluated, including through a landscape assessment⁶⁴;
- Consultation was undertaken with property owners in the ODP RVZ, and immediately adjacent sites⁶⁵;
- The key resource management issues identified were specific to the ODP RVZ sites and (of relevance to the PDP) included the effects of activities on landscape values, the appropriateness of the various activities enabled within the ODP RVZ and in relatively remote locations within the rural environment, continued use of Structure Plans, and effects on historic values at Arcadia⁶⁶;
- The evaluated options addressed issues at the ODP RVZ sites and whether (and how) they should be retained as RVZ in the PDP⁶⁷.

67. We could find no indication in the Section 32 Report that the Council had considered widening this approach, which was applied to a limited number of small sites already zoned as RVZ, in relatively remote locations within ONLs, and focussed primarily on visitor accommodation with small scale commercial recreation activities. If anything, we find that the Notified Plan Change tightened the provisions from those in the ODP by only applying the zone to four historically zoned RVZ sites, strengthening the protection of landscape values within ONLs, and applying greater restrictions on non-visitor related activities (such as by removing the previously open provision for residential activities).

68. Through the course of the First Schedule process, having considered the submissions, Ms Grace recommended a wide range of changes to the RVZ provisions, culminating in her Reply Version. For the purpose of our analysis, the key changes we identify between the Notified Plan Change and her Reply Version are:

- RVZ may occur anywhere within the rural environment, not only within ONLs, subject to meeting specified landscape requirements for ONLs and other areas;
- Remote locations are not required, nor identified as a reason for on-site staff accommodation and services;
- The purpose of the RVZ is to enable people to access and appreciate the District's landscapes;
- The zoned areas are to be limited in extent, and the nature, scale and intensity of development is to be limited, in order to manage effects on landscape;
- Additional RVZ locations are recommended at Gibbston Valley, Maungawera and Matakauri Lodge;
- Additional building controls in the new recommended locations, along with some site-specific standards arising from the Council's assessment of those locations.

⁶² Ibid at [1.2]

⁶³ Ibid at [2.2]

⁶⁴ Ibid at [2.4], [2.5] & Section 7

⁶⁵ Ibid at [5.3]

⁶⁶ Ibid at [1.3] & Section 8

⁶⁷ Ibid at Section 9

69. Alongside the evidence and iterations of the RVZ chapter from Ms Grace, we also received evidence on behalf of several submitters who sought to move the approach of the RVZ further from the Notified Plan Change assessed in the Section 32 Report. For example, submitters sought to:
- (a) Increase the scale of individual RVZ sites and the activities provided for, well beyond what could be considered limited in scale and intensity⁶⁸;
 - (b) Enable resort scale and nature of development;
 - (c) Enable residential activity, beyond that required for ancillary on-site staff accommodation;
 - (d) Zone sites immediately adjoining, or in close proximity to, townships;
 - (e) Enable a scale and nature of development in locations which could require connection to, and upgrading of, Council water supply and wastewater infrastructure, as well as upgrades to the roading network.

4.4 The Hearing Panel's Position

70. Despite Ms Grace's evidence that the effects of multiple areas of RVZ across the rural areas of the District can be adequately considered at the rezoning stage for any specific site, the Hearing Panel retains concerns regarding the appropriate planning approach to be taken to the RVZ. We can envisage broad RVZ provisions opening the door to multiple future plan changes for RVZ of different natures and scales across the rural areas of the District. We consider this could have potential for long-term cumulative effects on landscape, rural character and amenity values, as well as impacts on urban form, traffic safety and efficiency, and provision of public infrastructure services.
71. The potential costs and benefits of such outcomes had not been addressed in the Section 32 Report, nor by Ms Grace in her Section 32A assessment. Neither had the Council (nor any of the planning witnesses before us⁶⁹) undertaken any form of long-term planning appraisal of the potential for future RVZ sites across the District and the potential effects and planning implications. We also discussed this matter with Ms Irving⁷⁰, who submitted it is too difficult to try and anticipate future proposals for RVZ and their effects, and that we should focus on the RVZ sites before us at this hearing, leaving future proposals to be assessed against the relevant zone and strategic provisions in the future. In the Hearing Panel's view, this is not an appropriate approach to planning for visitor activities across the rural areas of the District, and a greater understanding of the potential costs and benefits is required when developing new zone provisions.
72. In the face of these concerns, we are not convinced that the Reply Version is "fit for purpose" to adequately and appropriately address the issue identified by Ms Grace of "*How should areas of RVZ be identified?*".
73. In our deliberations on this matter, the Hearing Panel seriously considered recommending the Council make no changes to the Notified Plan Change, reject all submissions and accept no requests for additional areas of RVZ. This was our initial response to a zone for which the approach had changed markedly through the course of the planning process, with different issues being addressed than had been considered in the Section 32 Report, and in respect of

⁶⁸ As the largest example, Corbridge sought a RVZ site over approximately 322ha, with provision for recreational and associated commercial activities, visitor accommodation and residential activity which could accommodate up to 3000 people at any one time

⁶⁹ We questioned the planners about this matter, including S Freeman appearing for Barnhill and Corbridge; C Vivian appearing for Heron

⁷⁰ B Irving, presenting legal submissions for Corbridge

which the costs and benefits had moved substantially from that starting point without adequate reconsideration.

74. On further reflection, we decided this would not assist the Council with its long term planning for the visitor industry within the rural environment.
75. In terms of fairness and transparency and whether affected and interested people could have anticipated such substantial movement from the Notified Plan Change, we accept the required planning process includes a notified step calling for further submissions. The initial submissions that sought to widen the scope of the RVZ were sufficiently clear as to the changes requested. We consider, however, that the Council failed to adequately understand the planning implications of notifying a limited Plan Change covering only four RVZ sites within ONLs⁷¹. It did not properly assess the costs and benefits of introducing this “spot zone” into the PDP and the wider potential it opened up for requests for multiple RVZ sites across the District. However, we accept that failing to address these matters fully prior to notification is not a fatal flaw, provided adequate evaluation occurs during the hearing process.
76. We had no evidence before us seeking that the whole zone be thrown out⁷², or that no changes should be made from the Notified Plan Change. The overall concept of the zone had support in the evidence from the Council and from the majority of the submitters. We had very little evidence countering the appropriateness of its provisions. We will return to the matters raised in the evidence of Ms Byrch and Mr Scaife who requested changes to the RVZ provisions that reflected some of our concerns about the approach to the zone.
77. We were also mindful of the likelihood the Council’s decisions on the RVZ will be appealed and reconsidered through the Environment Court process. In this situation, we see our role as endeavouring to assist the Council and the Court in any appeal process by providing the most appropriate framework of RVZ provisions we can, based on the evidence before us.
78. Therefore, we have determined we should carefully consider the submissions and evidence regarding the general criteria for the RVZ, before considering each of the RVZ objectives, policies and rules, and then the requests for rezoning and any associated site-specific policies or rules.

5. HOW SHOULD RVZ BE IDENTIFIED – WHAT SHOULD BE THE CRITERIA?

5.1 ONL or Wider Rural Locations?

79. Four submissions⁷³ sought change to the Purpose and/or Objectives and Policies of Chapter 46 to allow the RVZ to apply to areas outside ONLs. We had no evidence put to us that was opposed to widening this location criterion.

⁷¹ For example, in paragraph 4.9 of her EiC, Ms Grace stressed that the notified RVZ was developed in light of the ODP “legacy” RVZ and only four areas of RVZ were notified. She considered this was sufficient to send a clear message that the application of the zone in the PDP was to be restricted. Clearly, this was not the message received by the submitters.

⁷² C Byrch (Submitter #31030) stated in her evidence that Chapter 46 should be deleted from the PDP, however, this request went further than her Submission which requested amendments to the wording of Chapter 46. The Corbridge Submission (#31021.1) did request that the RVZ be rejected, but then went on to ask for substantial amendments (based on the notified provisions) to provide for its particular RVZ proposal.

⁷³ Submissions #31014.5, #31021.3, #31035.5 and #31053.4

80. Ms Grace addressed this matter in her Section 42A Report⁷⁴ as one of the key planning issues raised by submissions requesting rezonings to RVZ. She acknowledged this matter was not addressed in the Section 32 Report and went on to examine whether applying RVZ outside ONL areas implements the Strategic Objectives and Policies of the PDP.
81. Ms Grace summarised the two-tier approach to the management of rural landscapes directed by the Environment Court and set out in Chapter 3 – with landscape values to be protected in ONLs and landscape character to be maintained and visual amenity values maintained or enhanced in RCLs⁷⁵. Of particular relevance to locations for RVZ, she pointed to the Strategic Policy for Visitor Industry in rural areas – SP 3.3.1A:

In Rural areas, provide for commercial recreation and tourism related activities that enable people to access and appreciate the district's landscapes provided that those activities are located and designed and are of a nature that:

- a. *protects the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; and*
- b. *maintains the landscape character and maintains or enhances the visual amenity values of Rural Character Landscapes.*

82. In her opinion, SP 3.3.1A foresees commercial recreation and tourism related activities in both types of rural landscapes. She considered it provides support for the RVZ being applied within both landscape types, with the critical proviso being that the RVZ would have to manage landscape values in accordance with the policy requirements for managing ONLs / RCLs in Chapter 3.
83. From Chapter 6, Ms Grace identified that Policy 6.3.1.3 requires a separate regulatory regime for Special Zones (of which RVZ is one), in order to give effect to SO 3.2.1.1 (which we note is also a relevant Strategic Objective for the visitor industry):

The significant socioeconomic benefits of well designed and appropriately located visitor industry places, facilities and services are realised across the District.

84. We agree with Ms Grace that the intent of the policies in Chapter 6 relating to the landscape categories of both ONL/ONF and RCL do not apply to the Special Zones, although she correctly noted that activity-specific, rather than location-specific policies, in Chapter 6 still apply and, of course, the strategic objectives and policies in Chapter 3 apply following the Environment Court's decision on Exception Zones referred to above. In addition, that position may change, consequential on the Environment Court's decision – the Court's reasoning would suggest that Policy 6.3.1.3 be amended to be consistent with the final form of Section 3.1B.5.
85. However, we agree with Ms Grace that the current position is that Chapters 46 is a substitute method of providing the necessary level of protection for ONLs, ONF and RCLs. It follows that we need to ensure that it does in fact do that.
86. Consistent with that view, Ms Grace concluded her examination of Chapters 3 and 6 with her opinion that the application of the RVZ to areas outside of ONL/ONF would be consistent with these strategic chapters of the PDP, provided the RVZ provisions are able to manage landscape values in accordance with the requirements of Chapter 3 for managing ONLs and RCLs.

⁷⁴ E Grace, EIC, Section 3

⁷⁵ See for example, Strategic Objectives SO 3.2.1.8, SO 3.2.5.xx & SO 3.2.5.2, and SP 3.3.1A

87. We found little other evidence addressing this matter.
88. Ms Byrch⁷⁶ discussed the weaknesses of the Notified Plan Change in terms of its lack of clarity and permissive approach to the identification of suitable sites, their extent, and the nature of development within the RVZ. However, Ms Byrch did not address the matter of extending the opportunity for RVZ into wider rural areas outside ONL.
89. Mr R Deaton, owner of Heron⁷⁷, stated that limiting RVZ to ONL (and remote) sites restricted accessibility to a few, elite tourists, and widening its applicability to RCLs made rural visitor accommodation and activities available to a much wider range of tourists.
90. Mr Carey Vivian⁷⁸ supported Ms Grace’s recommendation to provide for RVZ throughout the rural area, although he provided no analysis of this position.
91. Mr Scott Edgar⁷⁹ went further than Ms Grace in stating that limiting the RVZ to ONL is inconsistent with the higher order policy direction of the PDP that generally seeks to direct development towards the less sensitive landscape of the District. He considered that the higher order PDP provisions could better be given effect to by opening up the RVZ to wider rural areas. He agreed with Ms Grace that RVZ need not be limited to ONLs and could be appropriately located within the RCL.
92. On the basis of the evidence before us, we accept the recommendation of Ms Grace that Chapter 46 be amended to enable the RVZ to be applied to areas outside of any ONL or ONF. We accept this approach is consistent with the strategic objectives and policies in Chapters 3 and 6 of the PDP and will give effect to the relevant RPS provisions. However, we also agree with Ms Grace’s proviso that the RVZ provisions must be able to manage landscape values in accordance with the requirements of Chapter 3 for managing ONLs / RCLs. In this regard we generally accept her recommendations to reword the landscape requirements of the RVZ objectives and policies to ensure they clearly achieve this. When we examine the amendments to each of the RVZ provisions below, we will address the effectiveness of the wording in her Reply Version in this regard.

5.2 Remote Locations or Not?

93. The submission from Corbridge⁸⁰ specifically requested removal of the reference to remoteness from the RVZ provisions, so that the RVZ can apply to rural areas generally. Whilst she considered “*remoteness*” is a key characteristic of the notified RVZ areas, Ms Grace acknowledged in her Section 42A Report⁸¹ that “*access to the District’s landscapes may be enabled through RVZ areas that are not particularly remote*”. Consistent with her recommendation to extend the opportunity for RVZs to RCL areas, Ms Grace recommended adding the word “*generally*” in front of “*remote*” to describe RVZ areas in the Purpose and policies.
94. Through our questioning, we endeavoured to determine what Ms Grace meant by “generally remote” – did she mean that some sites could be remote and others not, or that any site could be “somewhat” remote? She stated she wanted to allow some flexibility so that all sites did

⁷⁶ Submitter #31030

⁷⁷ Submitter #31014

⁷⁸ Consultant Planner on behalf of Heron (Submitter 31014), in Attachment E to his EiC, Section 32AA Evaluation

⁷⁹ Consultant Planner on behalf of Corbridge (Submitter 31021), EiC, para [43]-[52]

⁸⁰ Submission 31021

⁸¹ At [4.22]-[4.23]

not need to be highly remote, and some sites could be less remote if they met the other locational criteria. We did not find this explanation entirely satisfactory. We consider policy directing that RVZ should be “generally remote” would not be effective in providing guidance for zone location.

95. Through the hearing, we continued to ask witnesses⁸² how they would interpret the term “remote” or “remoteness” and how effective is this concept as a criterion for determining the location of RVZs. Mr Edgar also addressed this in his written evidence⁸³. Their responses to the meaning of remoteness in the context of the District’s rural areas were expressed differently, but with similar implications. Examples of the responses we received are:
- Not a particularly helpful descriptor / somewhat vague
 - Different people have different appreciations of what is remote, such as between residents and visitors
 - Distance from towns or difficulty of access also mean different concepts to different people, such as whether they are walking, cycling or driving a car
 - Unclear as to whether it means geographical remoteness or a sense of remoteness or both
 - Alternative interpretations included:
 - Sense of remoteness
 - Seems or feels remote
 - Perception of remoteness
 - Visually remote
 - Difficult to see into, or to see out to development
 - Feels like you are miles away from anywhere
 - Separate and distinct from the nearest township, even if physically close
96. In response to our questions at the hearing and written questions for the Council’s Reply, Ms Grace responded further on the criterion of remoteness in her Reply statement⁸⁴. She agreed that “remote” is a subjective term and adding “generally” does not assist with its clarification. She noted there is no reference to “remote” in the Strategic Objectives and Policies. She considered that the descriptor “*in locations that enable access to the District’s landscapes*” is a more important component of the location of RVZ areas than the requirement that locations be ‘remote’, and provides a direct link to the wording of SP 3.3.1A. As a result, Ms Grace recommended⁸⁵ removing the requirement for RVZs to be “remote” or “generally remote” and instead including a statement in the Purpose that RVZ may be “often in remote locations”.
97. We comment below on the criterion from SP 3.3.1A that RVZs be “*in locations that enable access to the District’s landscapes*”. However, we accept the evidence that “remote” or “remoteness” is difficult to define, means different things to different people and in different contexts, and does not provide helpful or effective guidance as a criterion for RVZ locations. We agree that, having accepted RVZs need not be confined to ONLs, it follows that they need not be confined to remote locations, given that most of the RCL areas of the District are within reasonably close driving distance of an urban area⁸⁶. Accordingly, we accept Ms Grace’s recommendation to delete the requirements for “remote locations” from the Purpose and policies.

⁸² Including Mr Carey Vivian (Submitters #31013 & #31014); Mr Duncan White (Submitter #31043), Ms Rebecca Lucas (Submitter #31033), Ms Jessica McKenzie (Submitter #31014), Mr Ben Espie (Submitter #31013), Mr Tony Milne (Submitter #31037) & Ms Debbie MacColl (Submitter #31035)

⁸³ On behalf of Corbridge (Submitter #31021), EIC, para [49]-[52]

⁸⁴ At [5.8]-[5.10]

⁸⁵ In her Reply Version

⁸⁶ We refer to Mr Scott Edgar (for Submitter #31021), EIC, para [52]

98. If RVZ are to be enabled anywhere within the rural environment, not only within ONL and not necessarily in remote locations, then it follows in our view that the potential for long-term cumulative adverse effects on the District’s rural environment needs to be effectively addressed. We return to this below when we consider the effectiveness of the Reply Version to address cumulative effects.
99. Another consequence of opening the door to non-remote locations for RVZ is the potential for adverse effects on neighbours and for reverse sensitivity effects in relation to established activities in the rural environment. Mr Scaife and Ms Byrch alerted us to this in relation to the proposed Matakauri RVZ, although we do not consider the concern is confined to Matakauri or to its current zone of RRL. Mr Scaife and Ms Byrch identified the lack of focus in the RVZ on effects from RVZ development on surrounding neighbours.
100. We agree that, as RVZ were assumed to occur in remote locations with few, if any, neighbours, Chapter 46 does not have a framework for considering such effects, either at the time of zoning a site, or for consent applications once the zone is established. We agree also that there is little policy direction regarding management of effects on neighbours, and the controlled and restricted discretionary activities do not clearly provide for consideration of this matter.
101. Objective 46.2.1, which sets the criterion for RVZ locations, does not require consideration of effects on neighbours or on established rural activities. The provisions for larger scale outdoor commercial recreational activities do enable consideration of wider effects on neighbours. (Policy 46.2.1.2⁸⁷ and Rule 46.5.7). The provisions for larger-scale buildings do not, despite the subsequent visitor accommodation or commercial recreational activities being permitted.
102. There are no, or limited, matters of discretion or control for buildings that would allow consideration of effects on neighbours from activities within those buildings, such as noise, lighting and glare, hours of operation, disturbance from night-time activity, security or reverse sensitivity. Similarly, the policies that guide the rule provisions are focussed primarily on landscape outcomes, rather than on more general effects of the RVZ buildings and activities on neighbours.
103. This may not have been a matter of concern when RVZ were confined to remote locations, but we consider it is a matter of concern for an RVZ in more settled and developed locations, including in many parts of the Rural Zone, WBRAZ, RRZ or RLZ. We set out our recommended amendments to the RVZ provisions to address this concern below.

5.3 What the RVZ is to Provide for?

104. The Notified Plan Change and Reply Version both state that RVZ provides for visitor industry activities and the principal activities in the Zone are visitor accommodation and related ancillary commercial activities, commercial recreation and recreation activities. We received no evidence in opposition to this approach (although we address the matter of residential activities below).
105. Ms Byrch’s submission⁸⁸ questioned the breadth of the term “visitor industry activities” and asks what is meant by “commercial recreation”, although she did not particularly address these matters in her evidence. “Commercial recreational activities”, “commercial”, “recreational activities” and “recreation facilities” are all defined in the PDP. These definitions

⁸⁷ Reply Version

⁸⁸ Submission #31030

are not subject to appeals and have, therefore, been settled through the previous stages of the PDP process. We do not have any reason, or evidence before us relating to the RVZ, that would cause us to recommend any changes to these definitions.

106. Ms Grace's Reply evidence⁸⁹ placed emphasis on the RVZ providing locations (in rural areas) that "*enable people to access and appreciate the district's landscapes*". She considered this a direct link to SP 3.3.1A and one of the key elements of the Strategic objectives and policies that provide guidance on applying the RVZ to new locations.
107. We agree with Ms Grace that this role of the RVZ should be included in the Purpose statement. The first paragraph of the Purpose uses wording from SO 3.3.1 and SP 3.3.1A, in order to describe the rationale for the RVZ. The reference to enabling "*people to access and appreciate the District's landscapes*" is directly from SP 3.3.1A and we consider it sits appropriately here. However, as a criterion in an objective or policy for identifying appropriate locations for an RVZ, we do not agree that it would be effective.
108. The Hearing Panel's observation, from our site visits and the landscape evidence relating to multiple and diverse parts of the District, is that the District's significant landscapes are able to be appreciated from most, if not all, parts of the rural environment (and many parts of the urban environment for that matter). Most, if not all, rural areas would meet this criterion to some degree. We do not find it to be a useful distinguishing criterion for the identification of appropriate RVZ locations. In terms of giving effect to SO 3.3.1A, we are satisfied that the inclusion of Chapter 46 in the PDP is the mechanism to achieve this, but that other criteria are required to determine where, and how, each individual RVZ is to be applied.

5.4 Limited Nature, Scale and Intensity

109. The Notified Plan Change included the words "*at a limited scale and intensity*" in the RVZ Purpose to describe the RVZ itself and the visitor industry activities it provides for⁹⁰. However, there was no further clarification as to how "*limited*" this was to be. This point was raised in the submission from Ms Byrch⁹¹ which states there is no indication of the scale or the extent of this zone that is anticipated. Ms Byrch requested that there should be some stipulation that restricts the extent of this zone i.e. how much land is likely to be given over to this permissive zoning. In the Reply Version, Ms Grace recommended adding reference to "*the limited extent of the Zoned areas*" to the Purpose, as a method for managing the effects of land use and development on landscape.
110. In order to gain a clearer understanding of what is intended by "*at a limited scale and intensity*" and "*limited extent*", we turned to the Section 32 Report and the evidence provided by Ms Grace.
111. The Executive Summary⁹² of the Section 32 Report states that "*The RVZ is designed to provide for visitor industry facilities on sites that are too small to likely be appropriate for resort zoning (i.e. a stand alone special zone), and the principal activity is visitor accommodation and smaller scale commercial recreation activities*". This indicates to us that the scale of the sites for RVZ was intended to be small, as were the scale of the commercial recreation activities provided for.

⁸⁹ At para [5.6] & [5.8]

⁹⁰ This wording is retained in the Reply Version

⁹¹ Submission #31030

⁹² Section 32 Report, para [1.2]

112. In her Section 42A Report⁹³, Ms Grace stated that they “*are small zones*”. In her first Rebuttal evidence⁹⁴, in relation to the Maungawera RVZ sought by Heron⁹⁵, she stated it was difficult to say that the rezoning proposal was limited in scale and intensity as intended by the Notified Plan Change, because the area of the site was large. In her Second Rebuttal evidence⁹⁶, Ms Grace discussed the scale and intensity of the RVZ sought by Corbridge⁹⁷ which she considered would be a larger scale and more urban scale and intensity than is foreseen for the RVZ. Her Reply⁹⁸ statement stated that a critical element of the RVZ and how it achieves the strategic objectives and policies is limiting scale and intensity of development within the zone to a level that means the effects can be absorbed within the zoned area.
113. The Section 32AA assessment⁹⁹ attached to Ms Grace’s Reply statement also emphasises “*limiting the scale and intensity*” as an important means of managing impacts on the landscape. Accordingly, she recommended adding “*at a limited scale and intensity*” to Objective 46.2.1, to describe the outcome sought for activities that occur in the zone.
114. The evidence from Ms Grace does not make it totally clear what she means by “*limited scale and intensity*” or “*limited extent*” in the RVZ Purpose and Objective 46.2.1. However, we consider her evidence (and the Section 32 Report) is sufficiently clear that it means small size for the zones themselves and small size and intensity for the activities within them (which we infer to mean small scale and low density of built form and small scale and low intensity of visitor industry activity).
115. The Corbridge submission¹⁰⁰ sought amendments to the RVZ text to remove the focus on “*limiting*” the scale, intensity or extent of the zone and its activities, and to include a more general objective directing development to be at a “*scale that maintains or enhances the District’s landscape values*”. However, the amended RVZ text attached to the evidence of Mr Edgar¹⁰¹ did not support this approach, retaining references in the Purpose to “*limiting*” the scale, intensity or extent of the zone and its activities.
116. Mr Edgar’s evidence did not evaluate the planning implications of opening up the notified RVZ to larger sites with less limitation on the scale and intensity of development. We asked him how he interpreted the term “*limited*” in relation to scale and intensity of RVZ sites and development. In response, he stated his view that “*limited*” means “*there are limits*”, such as those contained in the Corbridge proposal on number of units, maximum floor areas, and areas identified on the proposed Structure Plan. He noted that the notified RVZ did not say “*small*” scale and intensity. Accordingly, provided there were “*limits*” identified as to the ultimate scale of a zone or the amount of development allowed within it, even if those limits were large in absolute terms, then it would be “*limited*” in scale and intensity.
117. With due respect to Mr Edgar, we were not convinced by his approach to interpretation of the PDP’s intention for the scale and intensity of RVZs. We do not consider it is what is intended, or appropriate, to manage the effects (including cumulative effects) of RVZ across the rural areas of the District. We greatly prefer the evidence and recommendations of Ms Grace, in

⁹³ At para [16.6]

⁹⁴ At para [3.3]

⁹⁵ Submission #31014

⁹⁶ At para [4.3] & [4.7]

⁹⁷ Submission #31021

⁹⁸ At para [5.11]

⁹⁹ E Grace, Reply, Appendix F, para [2.2]

¹⁰⁰ Submission #31021

¹⁰¹ S Edgar, EiC, Appendix A

this regard, although we consider more clarification and specification is required for the objectives she recommended to effectively implement the Strategic objectives and policies.

5.5 Limited Numbers of Locations

118. One possible approach to RVZs is to introduce limitations on the number of RVZs throughout the District. We have previously referred to our concerns regarding the potential for multiple future plan changes for RVZ across the rural areas of the District, based on criteria for zone identification that are focused predominantly on effects on landscape values of the site itself and its immediate surroundings. We consider this could have potential for long-term cumulative effects on the wider landscape, rural character and amenity values of the rural environment, as well as adverse effects on matters such as traffic safety and efficiency.
119. We asked some of the landscape architects and planners supporting additional RVZ about this matter; in particular whether there were likely to be other sites, particularly outside the ONLs, that would satisfy the landscape criteria for RVZ and what the costs and benefits would be if these sites became RVZ. As we have indicated earlier, we were surprised that none of these experts appeared to have considered this issue prior to our questions at the hearing. Most were unable to answer our questions “on-the-spot”.
120. We received some mixed responses. For example, Mr Espie¹⁰² indicated there could be other areas of the WBRAZ (but not too many) or within the Upper Clutha Basin that could meet the requirements. Mr Vivian¹⁰³ acknowledged he hadn’t considered the potential for RVZ across the whole of the RCLs, but thought there wouldn’t be many sites that would meet the low landscape sensitivity criterion. If there were, he considered this to be a positive outcome by providing more opportunities for visitor accommodation and visitor activities across the District. In contrast, Mr Edgar¹⁰⁴ considered there could be many (large) areas of lower landscape sensitivity in the Upper Clutha Basin that would meet the low landscape sensitivity criterion. Unfortunately, these mixed and “off-the-cuff” responses did not assist us greatly, although it did confirm to us that the potential for long-term cumulative effects is a genuine planning issue that needs to be addressed for each new RVZ, particularly where located outside ONLs.
121. As we have set out above, Ms Grace acknowledged the Council had not assessed the costs and benefits of introducing this RVZ “spot zone” into the PDP and of the wider potential it opened up for requests for multiple RVZ sites across the District. It was her opinion that each application of the RVZ to a site needs to be considered case-by-case at the rezoning stage for any specific site¹⁰⁵, and that the Reply Version provisions set a reasonably high threshold for proposed RVZs to pass.
122. It is not possible to prevent future plan changes (either Council or private) coming forward for additional RVZ areas and, therefore, not realistic to try to put an absolute limit on the number of RVZ in the District. Given that the broad costs and benefits of opening up wider parts of the rural environment to additional RVZ sites have not been considered prior to notifying Chapter 46, future plan change processes will need to assess each potential new RVZ in terms of the PDP provisions. As this is the evidence before us, we consider Chapter 46 needs to

¹⁰² In answer to questions, when appearing for Submitter #31035

¹⁰³ In answer to questions, when appearing for Submitter #31014

¹⁰⁴ In answer to questions, when appearing for Submitter #31021

¹⁰⁵ Ms Irving and Mr Edgar, in answer to questions when appearing for Submitter #31021, also supported the “no need to worry about this now” approach and that wider effects of additional RVZ can be considered at the time of any specific proposal to rezone.

specifically address the potential for adverse cumulative effects of RVZ across the rural areas of the District.

5.6 Provision for Residential Activity?

123. The Notified Plan Change and Council Reply Version¹⁰⁶ both state that residential activity is not anticipated in the Zone, except for onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities. Other residential activity is to be avoided and is listed as a Non-Complying Activity.
124. The previous RVZ in the ODP included highly permissive provision for residential activities – they were not specifically listed as activities in the zone, which meant they defaulted to the general permitted activity status for activities not listed, in accordance with the ODP structure. This has resulted in significant development for residential activity in areas such as Cardrona Village and Arthurs Point (North) which were zoned RVZ in the ODP.
125. The appropriateness of continuing the ODP approach was considered in the Section 32 Report¹⁰⁷ which identified potential adverse effects relating to:
- (a) limiting the availability of the land in this zone for visitor-related purposes if residential activity became dominant;
 - (b) urban-type growth occurring across the wider rural area (outside UGBs);
 - (c) degradation of landscape character as a result of permissive levels of residential development in rural areas; and
 - (d) adverse effects on residential amenity from incompatible activities nearby, as well as reverse sensitivity effects from residential activities locating near visitor-related activities.
126. The Section 32 Report also identified that removing opportunity for residential activity would reduce the amount of land available for residential activity at a time when housing affordability in the District is an issue. It would also leave existing (or consented) residential development to rely on its resource consents (where given effect to) or existing use rights. Having evaluated the costs and benefits, the Section 32 concluded that the Notified Plan Change provisions, restricting residential activity, better reflected the purpose of the zone and were more efficient and effective than continuing with the previous ODP approach.
127. Some submissions seeking new areas of RVZ¹⁰⁸, and the submission on the notified Arcadia RVZ¹⁰⁹, challenged this approach to the RVZ. They sought the ability to provide additional residential activity within their zones. J & J Blennerhassett¹¹⁰ sought general provision for residential activity in the zone alongside visitor accommodation. Corbridge¹¹¹ sought construction staff accommodation be included as a permitted activity, and residential activity in accordance with its proposed Structure Plan be restricted discretionary activity. Loch Linnhe¹¹² sought provision for a farm homestead at its Wye Creek site. Barnhill¹¹³ sought discretionary activity status for residential activity at its RVZ site. Arcadia¹¹⁴ requested residential activity in accordance with its consented Structure Plan. Other submitters raised

¹⁰⁶ In the Purpose and Policy 46.2.1.7 of the Notified Plan Change (46.2.1.4 of the Reply Version)

¹⁰⁷ Section 32 Report, para [8.9]-[8.13] & [9.7]-[9.8], Table 1 and Section 11 (pg 43-44)

¹⁰⁸ For example, Submissions #31013, #31021, #31035 & #31053

¹⁰⁹ Submission #31008

¹¹⁰ Submission #31053

¹¹¹ Submission #31021

¹¹² Submission #31013

¹¹³ Submission #31035

¹¹⁴ LJ Veint, Submission #31008

this possibility through evidence or legal submissions at the hearing and questions arose relating to the scope of their submissions¹¹⁵. Here we consider the general question of the appropriateness of providing for residential activity in the RVZ.

128. Ms Grace addressed this matter initially in her Section 42A Report¹¹⁶ where she referred to the conclusions of the Section 32 Report above. She identified the purpose of the RVZ being to give effect to the Chapter 3 directions to provide for the benefits of the visitor industry while protecting and maintaining landscape values. She noted there are separate strategic policies in Chapter 3 that seek to manage the effects, particularly cumulative effects, of rural living activities on the values of ONLs and RCLs. In her view, the PDP has a separate framework for managing the effects of rural living to that of managing the effects of rural visitor activities, consistent with the framework set out in Chapter 3.
129. Ms Grace considered residential development to be inconsistent with the intent of the RVZ to provide for the rural visitor industry and non-complying activity status to be a means to ensure the zone is set aside for this purpose and protected from residential developments. She concluded that it would be contrary to the Strategic objectives and policies in Chapter 3 to allow residential development to occur within the RVZ. If residential activity is to be pursued on any site alongside visitor accommodation, then she considered it should be specifically considered by way of a resource consent process or a change to a different type of zone (such as a resort zone).
130. In both her Rebuttal and Second Rebuttal evidence, Ms Grace discussed the planning evidence provided to support specific requests for additional residential activity. In some instances, she considered there was no scope in the original submission for the provisions being suggested in the planning evidence¹¹⁷. In relation to other requests, she essentially referred back to her opinions in the Section 42A Report. In relation to the requested Loch Linnhe RVZ, she accepted that provision for one residential unit at Wye Creek, as a homestead on a large, relatively isolated, rural property, would be appropriate in conjunction with visitor industry use, in the same way that a homestead would be provided for in the current Rural Zone.
131. Ms Grace addressed the matter of workers' accommodation in more detail in her Reply¹¹⁸ statement. We had asked¹¹⁹ what Council's position was on defining and providing for workers' accommodation in the RVZ. Ms Grace pointed out that "workers' accommodation" is not used in the Notified Plan Change. The term used is "onsite staff accommodation" which is consistent with the use of this term as part of the definition of "Visitor accommodation" in Chapter 2 Definitions of the PDP. This results in consistent use of this term through the relevant policies and rules for Chapter 46. Ms Grace emphasised that the use of the term "onsite" within the definition and rules, and the requirement in the policy that accommodation be "ancillary", means that it is intended for staff working on the site of the visitor accommodation or commercial recreation, rather than working elsewhere. In order to reinforce and clarify this requirement through the rules, she recommended adding the word "ancillary" to Rule 46.4.3.

¹¹⁵ Which we address later in this report, as required

¹¹⁶ E Grace, EIC, para [6.2]

¹¹⁷ Planning evidence on behalf of Submissions #31014, #31022 & #31037

¹¹⁸ E Grace, Reply, Section 6

¹¹⁹ Minute 35, paragraph 14

132. When discussing the provisions proposed for workers' accommodation by Corbridge¹²⁰, Ms Grace noted the complexity and enforcement difficulties of trying to differentiate worker accommodation from residential activity. Ms Bowbyes¹²¹ also addressed this in her Reply statement. In Ms Bowbyes' opinion, differentiating "workers' accommodation" from "residential activity" would add significant complexity to the provision, would result in substantial monitoring and enforcement challenges, and could result in workers' accommodation becoming a 'trojan horse' that sets up an overly enabling regime for residential activity in the future. Report 20.8 discusses that evidence in the context of potential recognition in the policies and rules applying in the Settlement Zone (Chapter 20), recommending against such recognition largely for the reasons Ms Bowbyes identified¹²²
133. It was Ms Grace' opinion that these difficulties are exacerbated as the scale of the proposal increases (such as the 100 workers' accommodation units sought by Corbridge). She commented that the difficulty the Corbridge planning experts have had in drafting a standard, which adequately manages the diverse nature of workers' accommodation, demonstrates how fraught the exercise is for a proposal of the scale of the Corbridge request. At such a scale, it is possible to contemplate a number of different types of workers that may be accommodated with the site, and a number of different drafting and interpretation complications; for example for short-term contract, seasonal, part-time and unpaid workers and associated family members.
134. Ms Grace considered these issues do not arise to nearly the same extent at the small scale of zoning and development contemplated for the RVZ. The strong controls over the scale of permitted building development mean that onsite staff accommodation would need to be small-scale, appropriate to the small-scale nature of development within the zone. Where the zone itself and the scale of development within it is kept small, Ms Grace did not consider there is any need to define onsite staff accommodation.
135. With respect to onsite accommodation for construction staff, Ms Grace pointed to Chapter 35 which addresses temporary activities related to construction. She considered there is a consenting pathway within that chapter which would allow for construction staff accommodation, and which is a more effective and efficient means of managing the specific effects of temporary activities.
136. Addressing the potential to define and enable residential use of visitor accommodation units for 180 days per year¹²³, as suggested in evidence for Malaghans and Gibbston Valley Station¹²⁴, Ms Grace continued to hold her opinion that this would be contrary to the RVZ policy to avoid residential development within the zone.
137. In terms of the general question of appropriateness of residential activity in the RVZ, we did not receive a great deal of evidence on behalf of the submitters. What evidence and legal submissions we did receive tended to be site-specific and/or refer to previous consents held for the particular sites.

¹²⁰ Appendix 3 to Submission of Counsel (for Corbridge) in Response to Questions, dated 13 August 2020, in which workers' accommodation was proposed to be defined by way of occupants of "households", occupants of bedrooms, and nature of employment of occupants.

¹²¹ Ms Amy Bowbyes, Reply, para [4.1]-[4.3]

¹²² Report 20.8 at Section 3.2

¹²³ Minute 35, paragraph 14

¹²⁴ Submissions #31022 & #31037

138. For Loch Linnhe¹²⁵, Mr Vivian supported a single owner’s residence at Wye Creek, on the basis that is necessary for the continued farming activity which the visitor and tourism activities rely upon. As stated above, Ms Grace supported such provision in her rebuttal evidence. Although Heron¹²⁶ had initially sought provision for a single owner’s residence at Maungawera, at the hearing we were informed this was no longer sought and the owners would use the provision for onsite custodial accommodation. For the Barnhill RVZ, we had no specific evidence supporting their submission seeking discretionary activity status for residential activity. No evidence was presented for the submission from J & J Blennerhassett, which sought broad provision for residential activity in RVZ.
139. Mr Edgar’s evidence¹²⁷ for Corbridge¹²⁸ referred to construction workers’ accommodation and “limited residential activity”. He supported provision for workers’ accommodation as being consistent with, but more explicit than, the notified provision for onsite staff accommodation ancillary to activities on the site. He also supported extending this to accommodation for construction staff, on the basis that the accommodation would transition from use by the construction team to onsite staff as development progressed. He considered this to be a practical and efficient use of resources. Following completion of the hearing, counsel for Corbridge submitted¹²⁹ an amended suite of planning rules, which included more detailed standards to prescribe workers’ accommodation, which Ms Grace referred to in her Reply statement and as we discussed above.
140. For more general residential activity, Mr Edgar agreed that unfettered residential activity could undermine the intent of the zone and should be avoided. However, he considered some provision could be made, provided the extent of residential development was appropriately controlled to ensure the zone remains dominated by visitor industry activities. In his opinion, appropriate management can be achieved through the use of the Structure Plan approach proposed by Corbridge. Mr Edgar’s evidence noted that the provisions sought by Corbridge for residential activity do not rely on the existing resource consents for the site but does take them into account by incorporating provision for 35 residential units. His evidence does not provide any further analysis of how provision for 35 residential units in accordance with the proposed Structure Plan would achieve the strategic objectives and policies in Chapter 3 and be consistent with the RVZ objectives and policies.
141. Having considered the evidence from Ms Grace and the limited evidence on this matter on behalf of the submitters, we accept the position of Ms Grace that the RVZ is a targeted special zone as a method for implementing SO 3.3.1A by providing for commercial recreation and tourism related activities in rural areas. The RVZ is an exception from the normal requirements of the rural zones, in order to achieve this singular purpose relating to the visitor industry, and only if the provisions of this zone continue to manage landscape values in accordance with the policy requirements for managing ONLs / RCLs in Chapter 3. We accept Ms Grace’s emphasis on this targeted purpose for the RVZ. We do not consider it is intended the RVZ should be of the nature and scale of a resort, with its mix of residential activity, visitor accommodation and visitor activities (as defined in the PDP).
142. We also accept Ms Grace’s evidence that the PDP has a separate framework for managing the effects of rural living, through the identification of zones which are appropriate for rural living

¹²⁵ Submitter #31013

¹²⁶ Submitter #31014

¹²⁷ S Edgar, EIC, para [91]-[96] & [115]

¹²⁸ Submitter #31021

¹²⁹ Submissions of Counsel in Response to Questions, Corbridge Estate Limited Partnership, dated 13 August 2020

(or in some specific situations for resort-style development). This is directed by way of separate strategic policies in Chapters 3 & 6 that seek to manage the effects, particularly cumulative effects, of rural living activities on the values of ONLs and RCLs. We agree with Ms Grace's evidence that providing for general residential development in the RVZ would be inconsistent with the purpose of the RVZ and contrary to the strategic objectives and policies in Chapters 3 & 6. We did not receive any evidence that provided a clear opposing analysis to that of Ms Grace on this matter.

143. We have discussed our position on scale and intensity for the RVZ and its activities earlier in this report. We support clear direction in the RVZ provisions that "*limited scale and intensity*" means small scale and low density of built form and small scale and low intensity of visitor industry activity. Accordingly, we agree with Ms Grace that where the zone itself and the scale of development within it is kept small, there is no need to further define ancillary onsite staff accommodation and that the Reply version provisions are appropriate. With respect to onsite accommodation for construction staff, we also agree with Ms Grace that Chapter 35 provides a consenting pathway for construction staff accommodation, which is a more effective and efficient means of managing the specific effects of temporary activities.

5.7 Wider Requirements for identifying RVZ?

144. In Minute 35¹³⁰ we asked the Council how matters such as traffic safety, infrastructure services, natural hazards, effects on neighbouring properties are intended to be addressed in the objectives and policies guiding RVZ location choices. We referred to Ms Grace's response¹³¹ earlier in this report. She considered it unnecessary for these additional matters to be specifically identified as part of the policies guiding RVZ location. In her opinion, they would be considered in terms of other chapters of the PDP and Section 32 requires assessment of effects for any new zone.
145. Earlier in this report, we discussed the matter of the potential for adverse effects from new RVZ, and from activities within RVZ, on amenity values, and for reverse sensitivity effects, for properties in the surrounding environment.
146. In relation to the other matters, we are not convinced by Ms Grace's response. The Council's evidence on the new RVZ sites sought by submitters has gone well beyond landscape-related matters. We have received evidence from the Council and submitters, including technical expert evidence, on these wider matters for most of the sites sought to be rezoned as RVZ. The Council's recommendations for rezoning sites have turned on consideration of these wider factors in several instances. We consider they form key determinants of appropriateness for RVZ, alongside the landscape-related criteria. We consider they need to be specifically included in Objective 46.2.1, which sets out the locational requirements for RVZ and their associated activities. For reasons of clarity, transparency and efficiency, we consider it is more appropriate to include these matters directly in the Chapter 46 provisions, rather than relying on other general PDP Chapters to trigger their consideration or the broader Section 32 evaluation requirements.

6. ZONE-WIDE PROVISIONS OF CHAPTER 46 AND ASSOCIATED VARIATIONS

6.1 Overview

147. In this section of this report, we consider amendments to the Zone-wide provisions of Chapter 46 and the associated Variations to Chapters 25, 27, 31 and 36 to the PDP. Many of the

¹³⁰ Dated 24 August 2020

¹³¹ E Grace, Reply, para [4.12]

submissions seeking additional RVZ sites also sought site-specific provisions for those RVZ locations. We will address these site-specific amendments at the time we address the requests for rezoning in the Part B of this report. We also address the request by Council for a consequential amendment to Chapter 3 related to Exception Zones discussed above.

148. As we referred to at the start of this report, Ms Christine Byrch¹³² requested a number of general changes to the Notified Plan Change, including that:
- (a) the purpose of the RVZ be written more clearly;
 - (b) the Plan stipulate restrictions on the extent of an RVZ;
 - (c) the Plan provide clear guidelines describing what areas (if any) are suitable for an RVZ.
149. As will be clear from our evaluation in Sections 4 and 5 of this report, the matters raised by Ms Byrch have been highly relevant. They have paralleled our concerns about the clarity, specificity, efficiency and effectiveness of the RVZ provisions being recommended by the Council and sought by some submitters. We have had regard to the matters raised in Ms Byrch's submission and in her evidence to us at the hearing, as we consider the most appropriate provisions for this chapter.

6.2 General Submissions on Zone-Wide Provisions

150. Mr Michael Clark¹³³ requested that the present noise protection regarding helicopters in the whole of the District be retained for the RVZ. Ms Grace addressed this submission¹³⁴ and her understanding of Mr Clark's concern that the notification of the variation to Chapter 36 Noise, as part of the Notified Plan Change, could mean that there has been a change to the noise standards in the PDP generally. Ms Grace explained that the variation does not affect the noise controls relating to aircraft and helicopters in Chapter 36, nor the separation distance for informal airports that exists in the rural chapters. The variation applies the same noise standard to the RVZ that applies within most rural and residential zones. Therefore, we recommend the submission be accepted in part.
151. The Ministry of Education¹³⁵ requested that educational facilities be enabled to establish as a restricted or full discretionary activity within the RVZ, with a new supporting policy. Mr Keith Frentz¹³⁶ identified the potential for "*education facilities such as community education, early childhood education, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments*" in the RVZ and that non-complying activity status is not appropriate for these facilities¹³⁷.
152. Ms Grace¹³⁸ expressed her opinion that the RVZ is not a suitable location for educational facilities as its purpose is to provide for visitor industry activities at limited scale and intensity; the zones are small; and residential activity is not anticipated, nor that permanent communities will establish. She considered there is no need for educational services in the RVZ, however, the definition of "*commercial recreation activities*" includes "*training*" and "*instruction*" such that the zone does allow for some forms of education to take place. We agree with Ms Grace, for the reasons she expressed, that the RVZ is not suitable for the wide range of educational activities included within that defined term and that some appropriate

¹³² Submission #31030

¹³³ Submission #31001.1

¹³⁴ E Grace, EIC, para [16.2]–[16.3]

¹³⁵ Submissions #31025.1 & #31025.2, with support from FS31049 Southern District Health Board

¹³⁶ Consultant planner on behalf of Ministry for Education

¹³⁷ K Frentz, EIC, para [10.3], [10.5] & [10.8]

¹³⁸ E Grace, EIC, para [16.6] and Second Rebuttal, para [7.1]–[7.2]

provision is already made within the zone. Therefore, we recommend these submissions be rejected.

153. Fire and Emergency New Zealand (FENZ)¹³⁹ requested that provisions be included in the RVZ that enable emergency services facilities to establish as a Controlled Activity, and that the maximum building height be increased to 7m for emergency services buildings. FENZ did not provide evidence to support its submission. Ms Grace¹⁴⁰ expressed her opinion, for similar reasons as she expressed for educational facilities, that the RVZ are not suitable locations for emergency services facilities; there is no expectation of communities establishing; and no need for emergency services to be located within the zone. We agree with Ms Grace, for the reasons she expressed in her evidence and, therefore, recommend these submissions be rejected.
154. Aurora¹⁴¹ requested a number of changes to the RVZ provisions to reflect agreement reached in mediation on a Stage 1 appeal. Aurora's submission was supported by evidence from Ms Joanne Dowd¹⁴² who provided us with a Draft Consent Order on Regionally Significant Infrastructure¹⁴³. She described Aurora's electricity distribution network and explained how the Consent Order provisions for the Stage 1 zone chapters could be carried over into the Stage 3 zones to achieve a similar outcome. Ms Grace¹⁴⁴ discussed this submission and explained that the Council had agreed to apply an approach consistent with the mediated agreement across the zones notified in Stage 3 and 3B of the PDP. The changes relate to:
- (a) an Advice Note on the New Zealand Electrical Code of Practice for Safe Distances;
 - (b) a matter of control relating to potential reverse sensitivity effects on electricity sub-transmission and distribution infrastructure; and
 - (c) a requirement to give consideration to Aurora as an affected party.
155. The Hearing Panels' reports on the GIZ, the Three Parks Commercial Zone and the Settlement Zone address the amendments sought by Aurora to those zones¹⁴⁵. As stated by Ms Grace¹⁴⁶, a key consideration, in relation to the RVZ, is whether any of Aurora's infrastructure is identified on the planning maps within or adjoining areas of RVZ. We agree with Ms Grace that it is inefficient to include the requested provisions if no relevant infrastructure is located in or alongside RVZ. None of the areas of RVZ in the Notified Plan Change are affected, although four of the areas requested to be zoned as RVZ through submissions have relevant electricity infrastructure on the road adjacent to the site. We agree with Ms Grace that the provisions requested by Aurora could be considered for inclusion in the RVZ chapter should any of these areas be rezoned RVZ.
156. In her Reply statement, Ms Grace recommended three sites be rezoned as RVZ. In the case of the Maungawera RVZ proposed by Heron, she noted¹⁴⁷ there are regionally significant distribution lines located in Camp Hill Road adjacent to the site. However, Ms Grace considered it was not necessary to apply the Aurora provisions to this site, on the basis that the land adjacent to the road has been identified as high and moderate-high landscape

¹³⁹ Submissions #31023.4 & # 31023.5

¹⁴⁰ E Grace, EIC, para [16.7]

¹⁴¹ Submission #31020.1-#31020.8

¹⁴² Joanne Dowd, Aurora's Resource, Property and Environment Manager, EIC, para [7]-[42]

¹⁴³ Topic 1 Subtopic 4: (Regionally Significant Infrastructure) Draft Consent Order Appendix 1. As far as we are aware, the Environment Court has not yet confirmed these suggested changes in a Consent Order.

¹⁴⁴ E Grace, EIC, para [16.10]-[16.12]

¹⁴⁵ Report 20.3, Section 4; Report 20.4, Section 4; and Report 20.8, Section 3

¹⁴⁶ E Grace, EIC, para [16.11]-[16.12]

¹⁴⁷ E Grace, Reply, para [8.9]-[8.10]

sensitivity. Any buildings within those areas would require discretionary or non-complying activity resource consent. Any areas where buildings are controlled or restricted discretionary activities would be on a terrace, at least 200m from the road, which she considered sufficient to ensure no adverse effects to the distribution lines located in the road. We agree with Ms Grace that, if the Maungawera site is rezoned as RVZ, it would not be effective or efficient to include the provisions sought by Aurora into the RVZ for this site.

6.3 46.1 Zone Purpose

157. The notified Purpose for Chapter 46 explained the RVZ's role in providing for visitor industry activities, recognising their contribution to the economic and recreational values of the District. In terms of matters raised in submissions, the notified Purpose stated that the RVZ was in "*remote locations*", "*within the ONL*" and the activities are to be "*at a limited scale and intensity*". Residential activity is stated as "*not anticipated*", except for onsite ancillary staff accommodation.
158. Ms Grace recommended various amendments to the Purpose through her iterations to Chapter 46. In her Reply¹⁴⁸ statement she reflected again on its wording. She explained that, in the PDP, the Purpose statements are intended to be a brief summary of what the zone or chapter does, rather than an explanation of the reasoning or justification of the approach taken in the provisions. She considered she had added too much explanation into the Purpose in her Section 42A Report recommendations. In light of this, she refined her recommended wording for the Purpose to be an accurate, but succinct summary of what the amended zone provisions are intended to achieve.
159. We agree with and accept Ms Grace's approach to the Purpose in the Reply Version – that the Purpose should be clear, accurate and succinct, with the direction for resource consents and future plan changes being included in the objectives and policies. We consider that there is a real danger, if such statements are too long and detailed, of introducing unintended inconsistencies with the objectives and policies (or the potential for future arguments that that has occurred).
160. The resulting Reply Version of the Purpose included the following changes from the Notified Plan Change:
- (a) Removing the requirement to be within an ONL and extending the location for RVZ to "*within the rural environment*"
 - (b) Removing the requirement for remote locations, and replacing with a statement that RVZ are "*often in remote locations*"
 - (c) Refining the explanation of landscape management by adding references to focussing development in areas of lower landscape sensitivity and to limiting the nature, scale and intensity of development
 - (d) Including reference to "*the limited extent of the Zoned area*", in addition to retaining the reference to activities being "*at a limited scale and intensity*"
- We have used the Reply Version as the basis for our consideration of the Purpose.
161. The submission from Matakauri¹⁴⁹ sought to retain the notified Purpose. Four submissions¹⁵⁰ sought to change the Purpose to allow the RVZ to apply to areas outside ONLs. The submission from Corbridge¹⁵¹ included a redrafted Purpose which sought to remove the requirements for

¹⁴⁸ E Grace, Reply, para [5.1]-[5.2]

¹⁴⁹ Submission #31033.2

¹⁵⁰ Submissions #31014.5, #31021.3, #31035.5 and #31053.4

¹⁵¹ Submission #31021.3

remote locations and to be within the ONL, as well as the requirement for limited scale and intensity of activity. The Corbridge request also sought that residential activity only be “*not anticipated in the more sensitive Outstanding Natural Landscapes within the Zone*”. As noted above, Ms Byrch¹⁵² requested that the Purpose be written more clearly.

162. We have considered these matters earlier in this report. On the basis of the evidence before us, we have accepted the recommendations of Ms Grace that Chapter 46 be amended to enable the RVZ to be applied to areas outside of ONL/ONF, and to delete the requirement for “remote locations”. We have accepted this approach is consistent with the strategic objectives and policies in Chapters 3 and 6 of the PDP and will give effect to the relevant RPS provisions.
163. We agree with the evidence and recommendations of Ms Grace regarding the emphasis on “*limiting the scale and intensity*” as an important means of managing potential adverse effects of the RVZ and its activities on the landscape. We support clear direction that “*limited scale and intensity*” means small scale and low density of built form and small scale and low intensity of visitor industry activity. However, as stated earlier, we consider more clarification and specification is required in the Purpose and objectives and policies.
164. In terms of general provision for residential activity in the RVZ, we agree with Ms Grace that providing for general residential development in the RVZ would be inconsistent with the purpose of the RVZ and contrary to the Strategic objectives and policies in Chapters 3 & 6.
165. Accordingly, we generally accept Ms Grace’s recommended wording for the Purpose in the Reply Version, subject to our amendments to:
 - (a) Clarify that “limited scale and intensity” means “small scale and low intensity” for the visitor industry activities provided for in the RVZ; and “limited extent of the Zoned areas” means “small scale”;
 - (b) Reword “often in remote locations” to “including in remote locations”, as we considered “often” overstated the remoteness of many of the RVZ;
 - (c) Add a statement that no zone shall comprise areas of only high or moderate-high landscape sensitivity, in order to emphasis the importance of areas of low landscape sensitivity in identifying appropriate RVZ;
 - (d) More accurately use the PDP defined terms for the visitor industry activities.

6.4 Objectives 46.2.1 and 46.2.2

166. Objective 46.2.1 addresses the appropriate locations for visitor accommodation, commercial recreation and ancillary commercial activities (which we have taken to mean the location for RVZ) and Objective 46.2.2 addresses how buildings and development with an RVZ would be managed in relation to effects on landscape values. In the Notified Plan Change, the objectives assumed locations for RVZ within an ONL, but the direction in the objectives was in our view not well aligned to the provisions of Chapter 3 in relation to protecting the landscape values of ONL.
167. In the Section 42A Report¹⁵³, Ms Grace recommended extending both objectives to include rural areas outside ONLs, as well as amending the wording of the objectives to better align with the specific language used in Chapters 3 and 6 for managing the different landscapes. She also recommended making more explicit the 2-tier approach in the objectives of first identifying the extent and location of the zone, and secondly managing built development

¹⁵² Submission #31030

¹⁵³ E Grace, EIC, para [4.12]-[4.13]

within it. Ms Grace generally carried these amendments over to the objectives she recommended in the Reply Version, along with an emphasis on limited scale and intensity in Objective 46.2.1.

168. As with the Purpose, the submission from Matakauri¹⁵⁴ sought to retain the notified Objectives. Four submissions¹⁵⁵ sought to change the objectives to allow the RVZ to apply to areas outside ONLs. The Corbridge submission sought more generalised rewording for the objectives. However, in his evidence for Corbridge, Mr Edgar¹⁵⁶ supported wording much closer to that recommended by Ms Grace.
169. We have considered relevant matters earlier in this report. On the basis of the evidence before us, we have accepted the recommendations of Ms Grace to amend the objectives to enable RVZ in areas outside of ONL/ONF. We also accept her recommendations for amendments to ensure the direction in the objectives regarding management of landscape values aligns accurately with the language used in Chapters 3 and 6. We do not agree that including a reference to enabling “*people to access and appreciate the District’s landscapes*” as a criterion for RVZ would be effective or useful as a distinguishing criterion for the identification of appropriate RVZ locations.
170. We support Ms Grace’s emphasis on scale and intensity in Objective 4.6.1, although, as stated previously, we consider the wording needs to be clearer and more specific. We consider reference to “small scale and low density” should also be included in Objective 46.2.2 to be consistent with our determination that the size of the zoned areas, the activities and the built development, are all intended to be small scale and low intensity. We have recommended using the words “low density” in Objective 46.2.2, rather than “low intensity” recommended for Objective 46.2.1, as we consider this is a more commonly used term for built development and is consistent with the wording of the Matters of Control / Discretion for buildings in the Zone.
171. As we stated earlier, we consider Chapter 46 needs to specifically address the potential for adverse cumulative effects of RVZ across the rural areas of the District. In our opinion, both objectives need to require consideration of cumulative effects – both for the location and scale of the zoned area and its associated activities, and for the nature and scale of built development within it. Earlier in this report we expressed our concerns regarding the potential for cumulative effects across the rural areas of the District from multiple areas of RVZ. On this basis, we consider that cumulative effects on landscape values need to be avoided and have recommended additions to both objectives accordingly.
172. As we discussed earlier, a consequence of removing the requirements for RVZ to be in ONLs and remote locations is the potential for adverse effects on neighbours and for reverse sensitivity effects in relation to established or anticipated activities in the surrounding rural environment. We consider these aspects need to be included in Objective 46.2.1 (which refers to activities) in relation to both effects on amenity values and reverse sensitivity effects and in Objective 46.2.2 (which refers to buildings) in relation to effects on amenity values.
173. As the RVZ is to be a discrete zone in rural locations, and therefore surrounded by other rural zones, we have looked to the objectives of those zones to for direction as to effects on amenity values and reverse sensitivity effects. Consistent with the general approach to managing

¹⁵⁴ Submissions #31033.3 & #31033.11

¹⁵⁵ Submissions #31014.5, #31021.4 & #31021.14, #31035.6 & #31035.8 and #31053.4

¹⁵⁶ S Edgar, EIC, Appendix A

effects of commercial activities in the Rural Zone, WBRAZ, RRZ and RLZ¹⁵⁷, we have recommended that amenity values of the surrounding environment be maintained. For the management of reverse sensitivity effects, the general direction provided through each of the rural zones is not as consistent or clear. On balance, we consider that visitor accommodation, commercial recreational activities and ancillary commercial activities should not compromise the operation of existing activities or those enabled by the zones in the surrounding environment as a result of reverse sensitivity effects. We have recommended amendments to the objectives accordingly.

174. In accordance with our earlier discussion, we consider traffic and access safety, infrastructure services and natural hazards form key determinants of appropriateness for RVZ, alongside the landscape-related criteria. We consider these need to be specifically included in Objective 46.2.1 which sets out the locational requirements for RVZ and their associated activities.
175. Regarding natural hazards, we have referred to the Consent Order version of Chapter 28 Natural Hazards¹⁵⁸. This uses concepts of both “significant risk” and “intolerable risk to people and the community”. Policies 28.3.1.1 & 28.3.1.2 set out the matters to be considered when determining risk significance and assessing risk tolerance. Policy 28.3.1.4 requires activities that result in “significant risk” from natural hazard to be avoided. The policies relating to “intolerable risk” are not so clearly worded, but Policies 28.3.1.6 & 28.3.1.7 seem to us to direct that development of land subject to natural hazards is not precluded provided it does not create or worsen intolerable risks, and otherwise needs to be restricted. In terms of creating a new RVZ where people will stay overnight or come for visitor activities, we have interpreted these provisions as requiring avoidance of significant or intolerable risks from natural hazards.
176. Accordingly, we generally accept Ms Grace’s recommended wording for Objectives 46.2.1 and 46.2.2 in the Reply Version, subject to our amendments to:
- (a) Clarify that “limited scale and intensity” means “small scale and low intensity” for the RVZs and visitor industry activities in Objective 46.2.1; and including “small scale and low density” in Objective 46.2.2 to apply to buildings and development with RVZ;
 - (b) Add “rural” to qualify locations for RVZ in Objective 46.2.1 ” consistent with the name of the Zone and the Purpose and to clarify that the zone can only be applied in rural areas;
 - (c) Delete reference to “enable access to the District’s landscapes” from Objective 46.2.1;
 - (d) Add criteria referring to avoiding cumulative effects into Objectives 46.2.1 and 46.2.2;
 - (e) Add criteria referring to effects on amenity values and reverse sensitivity effects in relation to the surrounding rural areas into Objectives 46.2.1 and 46.2.2;
 - (f) Add a criterion requiring adequate servicing and safe access into Objective 46.2.1;
 - (g) Add a criterion requiring avoidance of significant or intolerable risks from natural hazards into Objective 46.2.1,
 - (h) For consistency throughout the objectives and policies, include reference to both ONLs and ONFs when referring to protection of their landscape values;

¹⁵⁷ For example, Policy 21.2.1.10, Objective 22.2.1 and Objective 24.2.2

¹⁵⁸ Real Journeys Limited and Others v Queenstown Lakes District Council. Environment Court Consent Order on Topic 12, 11 June 2020

- (i) Amend “enabled” to “provided for” in Objective 46.2.2, on the basis that this is more consistent with provision for buildings as controlled activities rather than permitted activities;
- (j) Delete “and where necessary are restricted or avoided to” from Objective 46.2.2, as we considered this wording to be confusing and lack direction as to when avoidance or restriction would be necessary. Instead, we recommend similar wording and structure as for Objective 46.2.1 in terms of the landscape requirements;
- (k) More accurately use the PDP defined terms for the visitor industry activities.

6.5 Policies

177. The Notified Plan Change included seven policies under Objective 46.2.1 and six policies under Objective 46.2.2. Having considered the submissions, Ms Grace recommended amendments to these policies in each iteration of Chapter 46 attached to her Section 42A Report, Second Rebuttal evidence and Reply statement. For the purposes of our consideration here, we have focused on the Reply Version.
178. The submission from Matakauri¹⁵⁹ sought to retain all the notified policies relevant to its site. Fish and Game¹⁶⁰ sought notified Policies 46.2.2.1, 46.2.2.3 and 46.2.2.4 be retained as notified. Several submissions¹⁶¹ sought the retention of the notified policy provisions that relate to the high, medium and low landscape sensitivity areas. As with the Purpose and Objectives, submissions¹⁶² sought to ensure the policies allowed RVZ outside ONLs and that the language regarding effects on landscape values reflected the Strategic PDP requirements for both ONLs and other rural areas. J & J Blennerhassett¹⁶³ sought the policies be amended to provide for residential activities. The Corbridge submission sought amended wording for several of the policies. In his evidence for Corbridge, Mr Edgar¹⁶⁴ supported wording close to that recommended by Ms Grace in her Section 42A Report, apart from deletion of references to “remote” and greater provision for residential activity (as we have discussed earlier).
179. We have considered the matters raised in the submissions earlier in this report and have stated our conclusions relating to opening up the potential for RVZs beyond ONLs and “remote” locations, and provision for residential activity.
180. In general, we accept Ms Grace’s recommended wording for the policies in the Reply Version, subject to our amendments to:
- (a) Replace “Provide an enabling framework” with “Enable” in Policy 46.2.1.1, as we considered this to be more succinct wording;
 - (b) For consistency throughout the objectives and policies, include reference to both ONLs and ONFs in Policies 46.2.1.1, 46.2.1.5 and 46.2.2.1.b.;
 - (c) Add “ancillary” before onsite staff accommodation in Policy 46.2.1.1, for consistency with the objective;
 - (d) Widen the application of Policy 42.2.1.2 to address effects on amenity values and reverse sensitivity effects for visitor accommodation, commercial recreational activities, and associated aspects such as traffic generation, access and parking, informal airports, noise and lighting;
 - (e) Amend “levels of amenity” to “amenity values” in Policies 46.2.1.2 and 46.2.1.3, for more succinct wording and to use the RMA term of “amenity values”;

¹⁵⁹ Submissions #31033.4 - #31033.10 & #31033.12 - #31033.16

¹⁶⁰ Submissions #31034.1, #31034.2 & #31034.3

¹⁶¹ Submissions #31012.5, ## 31014.4#1016.3

¹⁶² Submissions 3#1014.5, #31021 (generally), #31035.8 – #31035.10, and #31053.4

¹⁶³ Submission #31053.3

¹⁶⁴ S Edgar, EIC, Appendix A

- (f) Replace “Zoned area” with “Zone” in Policy 46.2.1.2, for consistency of wording between the policies;
- (g) Add reference to the small scale and low intensity of development” in Policy 46.2.1.4, in order to emphasise the nature of the development we consider the staff accommodation is intended to be ancillary to. We consider this policy to be relevant to consideration of larger scale proposals – either through a plan change for new RVZ, or a resource consent to exceed building coverage or size, in order that the appropriate scale of ancillary staff accommodation can be considered as part of that process;
- (h) Replace “Ensure the appropriate location of” with “Strictly manage” in Policy 46.2.2.1, as we consider “appropriate” to provide little clarity or guidance within the policy. We have recommended “Strictly manage”, as this direction is strongly qualified by the management approaches in a. to c., and the activity status for buildings which do not meet the requirements indicates a strict approach in adherence to this policy;
- (i) Amend “enabling” to “providing for” in Policy 46.2.2.1.a., on the basis that this is more consistent with provision for buildings as controlled activities rather than permitted activities;
- (j) Add “landscape character and visual amenity values” to Policy 46.2.2.2, for consistency with the requirements of Objective 46.2.1;
- (k) Add “cumulative effects” to Policy 46.2.2.3, in order to be consistent with the reference to “cumulatively minor” effects in the Purpose and our recommended addition to Objective 46.2.1 relating to cumulative effects;
- (l) Amend Policy 46.2.2.6 to refer to landscape and amenity values both within the zone and the land around it, as we considered lighting has broader effects than just on landscape values and may also reduce the sense of remoteness for the adjoining land outside the RVZ.
- (m) Use the PDP defined terms for the visitor industry activities more accurately;
- (n) Improve clarity, succinctness and consistency of wording through minor amendments.

6.6 46.4 Rules – Activities and 46.5 Rules - Standards

181. We set out our recommendations on site-specific rules at the time we address the requests for rezoning in the Part B of this report. Apart from site-specific rule recommendations associated with the three additional RVZs Ms Grace recommended be accepted, she did not recommend many general changes to the RVZ Rules. Having considered the submissions and submitter’s evidence, Ms Grace recommended the following changes to the rules in the Reply Version:

- (a) Adding reference to Chapter 29 Transport into 46.3.1 District-Wide;
- (b) Adding building density and location; and design and layout of site access, on-site parking, manoeuvring and traffic generation as matters of control in Rule 46.4.6;
- (c) Adding density of development; and design and layout of site access, on-site parking, manoeuvring and traffic generation as matters of discretion in Rule 46.5.2; and
- (d) Adding a Standard (46.5.3) for the maximum total ground floor area for all buildings in any zone (for any new RVZ recommended to be accepted).

182. In terms of the general, zone-wide rules, Fish and Game¹⁶⁵ requested that notified Rules 46.4.10 and 46.4.11 (Buildings in Moderate-High and High Landscape Sensitivity Areas) be retained. Ms Grace did not recommend amending these rules in her Reply Version and neither do we.

¹⁶⁵ Submissions #31034.4 & #31034.5

183. Matakauri¹⁶⁶ requested that notified Rules 46.4.2, 46.4.6, 46.4.12, 46.5.1, 46.5.2 and 46.5.5 be retained as notified. Ms Grace recommended some amendments to the matters of control for notified Rule 46.4.6 and the matters of discretion for notified Rule 46.5.2, which we accept, otherwise no changes have been recommended to these rules.
184. Heritage New Zealand Pouhere Taonga¹⁶⁷ sought that notified Rule 46.4.6(a) be amended to add the words "and location", so that the matter of control reads as follows: "The compatibility of the building design and location with landscape, cultural and heritage, and visual amenity values". Ms Grace included this amendment in the Reply Version of Rule 46.4.6.
185. Loch Linnhe¹⁶⁸ requested that the activity status for notified Rule 46.4.7 Farm Buildings be changed from restricted discretionary to controlled activity. However, the matter was not addressed further in the evidence of Mr Vivian¹⁶⁹ for Loch Linnhe. This was not specifically addressed by Ms Grace although she recommended the submission be rejected.
186. Fish and Game¹⁷⁰ sought that "effects on nearby recreation use and amenity values" be included as an additional matter of discretion in Rule 46.5.6.1 relating to Commercial Recreational Activity. We did not receive any evidence from Fish and Game in relation to this submission and Ms Grace did not specifically address it in her evidence although she recommended it be rejected.
187. Corbridge¹⁷¹ sought an amendment to Rule 46.5.5 to insert the word "natural" in front of "waterbodies", so that the heading to the rule would read "Setback of buildings from natural waterbodies", however, this was not pursued further in the evidence on behalf of Corbridge. Ms Grace¹⁷² did not support this amendment and recommended it be rejected.
188. Ms Byrch¹⁷³ sought that Rule 46.5.7 (Informal Airports) be amended so that the activity status for non-compliance is non-complying. Other than referring to the noise and disturbance from helicopters as a reason for opposing Matakauri's request for RVZ, Ms Byrch did not provide any evidence or reasoning to support non-complying activity status, rather than discretionary, for informal airports that do not comply with the standards in Rule 46.5.7. As a result, we have no basis on which to accept these submissions.
189. J & J Blennerhassett¹⁷⁴ requested the rule framework be amended to provide for residential activities alongside visitor accommodation activities. We have addressed the matter of residential activity within the RVZ earlier in this report and, accordingly, recommend this submission also be rejected.
190. In general, we accept Ms Grace's recommended wording for the general, zone-wide rules in the Reply Version, subject to our amendments to:

¹⁶⁶ Submissions #31033.17 – #31033.22

¹⁶⁷ Submission #31011.8

¹⁶⁸ Submission #31013.5

¹⁶⁹ C Vivian, EIC, for Loch Linnhe

¹⁷⁰ Submission #31034.7

¹⁷¹ Submission #31021.23

¹⁷² E Grace, EIC, para [16.9]

¹⁷³ Submission #31030.2

¹⁷⁴ Submission #31053.3

- (a) Add building “scale” as a matter of control for the construction of buildings in Rule 46.4.7 and as a matter of discretion relating to building size in Rule 46.5.2, consistent with our findings regarding small scale and low intensity of development in RVZ being an important means of managing potential adverse effects, including cumulative effects;
- (b) Add, or widen, reference to effects on amenity values and reverse sensitivity effects in neighbouring zones to Rules 46.5.2, 46.5.3, 46.5.6, 46.5.7 and 46.5.12, consistent with our findings regarding the consequences of removing requirements for RVZ to be in ONL and remote locations and the resulting potential for adverse effects on neighbours and for reverse sensitivity effects in relation to established or anticipated activities in the rural environment;
- (c) Add “Natural Hazards” as matter of discretion in Rule 46.5.3, relating to the total maximum ground floor area of buildings in each zone, consistent with its inclusion as a matter of control in Rule 46.4.7 and with our finding that natural hazards has been an important issue for many of the RVZ that we have evaluated through this Plan Change process. We would have recommended its inclusion in the matters of discretion for Rule 46.5.2, but we could not identify any submission seeking that outcome in respect of the notified RVZ Zones.
- (d) Use the PDP defined terms for the visitor industry activities more accurately;
- (e) Improve clarity, succinctness and consistency of wording through minor amendments.

6.7 46.4 Non-Notification Provisions

191. Rule 46.4 sets out the requirements for non-notification of applications within the RVZ. All applications for controlled or restricted discretionary activities must be non-notified except those listed in Rule 46.4. A submission from Matakauri¹⁷⁵ asked that Rule 46.4 be retained as notified, although we received no evidence on this aspect of their submission. Fish and Game¹⁷⁶ sought that applications under notified Rule 46.5.7 Informal Airports be added to the list of those that would not be automatically non-notified. We did not receive any evidence from Fish and Game on this matter. Ms Grace did not recommend any changes to the notification provisions and that the submission from Fish and Game be rejected. On this basis, we recommended rejecting the submission from Fish and Game.

192. Whilst we recommend no changes to Rule 46.6 as a result of the submissions, the numbering of the rules in the Reply Version requires amendment to be consistent with the numbering changes to the relevant Activity Rules and Standards. We recommend these corrections be made as changes of minor consequence.

6.8 Variations

193. Notified with the Chapter 46 Plan Change were Variations to PDP Chapters 25 Earthworks, 27 Subdivision and Development, 31 Signs, and 36 Noise. Only one general, zone-wide submission was received to these variations. LJ Veint¹⁷⁷ supported the variation to Chapter 25 Earthworks and requested that the rule to enable up to 500m³ of earthworks be retained. There were no submissions opposing this provision and Ms Grace recommended it be accepted. We also recommend it be accepted.

¹⁷⁵ Submission #31033.23

¹⁷⁶ Submission #31034.10

¹⁷⁷ Submission #31008.14

7. CONSEQUENTIAL AMENDMENTS

194. In Section 2 of this Report, we discussed the request of Counsel for the Council that we consider recommending an amendment to Section 3.1B.5 of the PDP to identify the RVZ as an Exception Zone following the decision of the Environment Court¹⁷⁸ declining to do that as part of resolution of the Stage 1 appeals.
195. Considering that request against the Environment Court's reasons for its decision, we have reviewed the provisions of Chapter 46 seeking to ensure that the RVZ will faithfully implement the policy direction for ONLs and ONFs progressively emerging as a result of the Environment Court's decisions on Stage 1 appeals. We have strengthened those provisions in places. We conclude that in terms of the rationale underlying the Exception Zones, as stated by the Environment Court, we are satisfied that the objectives, policies and rules of Chapter 46 capture the policy direction in Chapter 3 and remove the need for separate consideration of Chapter 3 in their implementation.
196. As regards the second reason provided by the Court, Ms Scott referred us to a reference in the Section 32 Report for the RVZ¹⁷⁹ referencing now renumbered Policy 6.3.1.3 and stating that the RVZ provides for a separate regulatory regime to manage the effects on landscape values.
197. A number of the memoranda filed by submitters referenced above indicate that those submitters similarly thought that the RVZ would operate on a stand-alone basis. We take into account the fact that these submitters would be advantaged if that were the case. As against that, we also received comment from Ms Byrch¹⁸⁰ that she did not understand this would be the case. These provided the only external comment we received in response to our open invitation for submitters to comment on Ms Scott's memorandum. We do not consider this constitutes a sufficient basis for us to make a finding on this matter.
198. We are more concerned about the Court's third reason. Just as the Court had difficulty identifying scope to add new zones to the list of Exception Zones, we also have struggled with this aspect. No submission sought amendment to the Exception Zone framework in Chapter 3. That is hardly surprising given that the Environment Court's interim decision indicating a readiness to put such a framework in place post-dated filing of submissions on Chapter 46.
199. We also think it is something of a stretch to suggest that this might be considered a consequential amendment. Ms Scott referred us to the submission of Ms Byrch, which provided the basis for Ms Grace's recommended strengthening of the RVZ framework to ensure that it achieved both Section 6(b) and the relevant objectives and policies in Chapter 3.
200. We do not read Ms Byrch's submission as providing an adequate basis for lessening the constraints on development within RVZs, given that she was seeking the opposite outcome¹⁸¹.
201. Ms Scott referred us also to the Gibbston Valley Station and Malaghans submissions, relying on the fact that the zone they sought would be consistent with both Section 6(b) of the RMA and the objectives and policies of Chapter 3. Again, we do not see such general submissions

¹⁷⁸ [2020] NZEnvC 159

¹⁷⁹ At [8.7]

¹⁸⁰ Submitter #31030 and a neighbour to Matakauri

¹⁸¹ Which she has confirmed in her response to our request to provide feedback relating the Exception Zones.

as providing a basis to remove the cross check that currently exists over development within RVZs by reason of the need to refer back to the Chapter 3 objectives and policies governing development in ONLs and ONFs.

202. In summary, like the Environment Court, we are not satisfied that we have scope to make the recommendation Ms Scott suggests.
203. We are concerned also that the Environment Court clearly did not contemplate use of the power Ms Scott suggests is available to us. It said¹⁸² that the most appropriate process for consideration of additions to the Exception Zone framework would be a Council initiated variation or plan change. We do not think that the Environment Court was contemplating a plan change that had already been initiated without containing the necessary provision.
204. Last, but certainly not least, we are not at all clear whether we have the power to recommend an amendment to Section 3.1B.5 at this point. That provision did not exist in the Decisions Version of Chapter 3. Although the Environment Court has released interim decisions indicating its intention to direct amendments to include the provision, that has not yet occurred. The Environment Court's latest (21 September 2020) decision records¹⁸³ that final directions for including the relevant provisions in the ODP will be made by a further and future decision.
205. It follows that Section 3.1B.5 has no legal status at present and is therefore not susceptible to amendment as a result of any recommendation we might make.
206. We therefore decline to make the recommendation requested by Ms Scott.
207. We observe that while the end result may be a less efficient process, we struggle with the suggestion of counsel for Gibbston Valley Station and Malaghans, Mr Gardner-Hopkins, that it results in a lack of certainty. If the requirement to consider and give effect to the objectives and policies of Chapter 3 produces a different outcome from the application of the objective and policies we have recommended in Chapter 46, that suggests that the latter are flawed and require reconsideration. The only legitimate basis for not considering the Chapter 3 objective and policies is because there is no need to do so, not because that might produce a different outcome.

8. OVERALL CONCLUSION ON THE ZONE-WIDE AMENDMENTS TO THE PDP TEXT

208. Our recommended amendments to Chapter 46 and related Variations to Chapters 25, 27, 31 and 36 are set out in Appendix 1 to this report. For the reasons set out above, we are satisfied that:
 - (a) the amendments we are recommending to the objectives are the most appropriate way to achieve the purpose of the Act and the strategic objectives and policies of Chapters 3 and 6,
 - (b) the amendments we are recommending to the policies and rules are the most efficient and effective in achieving the objectives of the PDP; and
 - (c) our recommended amendments to the rules will be efficient and effective in implementing the policies of the Plan.

¹⁸² [2020] NZEnvC 159 at [42]
¹⁸³ At [60]

PART B – REZONING AND MAP CHANGE REQUESTS AND SITE-SPECIFIC AMENDMENTS TO PROVISIONS OF CHAPTER 46 AND RELATED VARIATIONS

9. GENERAL MATTERS

9.1 Zoning Principles

209. Report 20.1¹⁸⁴ has listed a set of zoning principles that previous Hearing Panels have found useful to apply to assist in answering the question as to what the most appropriate zoning is for a given area of land. We are satisfied that they remain broadly applicable and have applied them, as applicable, to the rezoning requests for RVZ.
210. We also note the discussion of scope issues in Section 3.1 of Report 20.1. For the reasons set out there, we have approached requests to rezone to RVZ on the basis that we have the ability to grant the relief sought in the relevant submission, if we are satisfied as to the merits of that relief.

9.2 Use of Structure Plan Approach

211. Before we consider the specific requests for rezoning and associated site-specific RVZ provisions, we address the appropriateness of including a Structure Plan approach in the RVZ, as requested for several of the sites sought for rezoning.
212. Submissions from LJ Veint (for Arcadia) and Corbridge specifically sought inclusion of a Structure Plan for their respective RVZs. LJ Veint¹⁸⁵ sought the notified provisions of the Arcadia RVZ be amended to incorporate the consented Structure Plan and Design Guidelines approved under Resource Consent RM110010, either as part of a revised Arcadia RVZ and/or as part of Chapter 27 (Subdivision and Development). Corbridge¹⁸⁶ sought the inclusion of a Corbridge Structure Plan¹⁸⁷ for the site it requested be rezoned as RVZ at 707 Wānaka Luggate Highway, as well as rules requiring activities and built development standards to be in accordance with the Structure Plan.
213. Although not specifically requested in their submissions, the planning evidence for Heron¹⁸⁸, Loch Linnhe¹⁸⁹, Malaghans¹⁹⁰, Gibbston Valley Station¹⁹¹ and Glen Dene¹⁹² sought some form of Structure Plan approach be included for their respective RVZs. Each of these Structure Plans was proposed to include different information relevant to the site, such as the landscape sensitivity mapping, developable areas, setback lines, access points, height and building coverage controls. For these requests, it was not completely clear whether or not they were seeking to link the proposed Structure Plans to Rule 27.7.1, which provides for subdivision consistent with a Structure Plan as a Controlled Activity.
214. Later in this report we address the particular relief sought by these submitters by way of their proposed Structure Plans. Here we address the general approach of employing Structure Plans as a method of implementation in the RVZ.

¹⁸⁴ Report 20.1, Section 2.9

¹⁸⁵ Submission #31008.2

¹⁸⁶ Submission #31021.24

¹⁸⁷ A Draft Structure Plan was included with the submission

¹⁸⁸ C Vivian, EiC, para [3.17]

¹⁸⁹ C Vivian, EiC, para [3.18]

¹⁹⁰ B Farrell, EiC, para [16] & [52] and Supplementary Legal Submissions dated 5 August 2020

¹⁹¹ B Giddens, EiC, para [32] and Supplementary Legal Submissions dated 5 August 2020

¹⁹² D White, EiC, para [4.2]

215. Ms Grace addressed the use of Structures Plans several times throughout her evidence, both generally and in relation to the specific requests. In her EIC¹⁹³, she addressed the Structure Plans sought by LJ Veint for Arcadia and by Corbridge. She understood both of these submissions to be seeking bespoke RVZ, with the Structure Plan being an alternative to the notified framework, with a set of rules that would manage development in accordance with Structure Plan.
216. Ms Grace emphasised that she considered a Structure Plan either to be unnecessary, or to allow development which would not protect the landscape values of the sites. However, if a Structure Plan identified areas of landscape sensitivity and included sufficient, detailed provisions that protect, maintain or enhance the relevant landscape values, then she considered it may be a useful process. However, she stressed that the result must support the application of the RVZ landscape management framework to the site. In relation to the provisions put forward by Corbridge, she considered supporting a Structure Plan through a specific policy within Chapter 46 would be a way of clearly demonstrating that the Structure Plan is a means of achieving the objectives and policies of that chapter.
217. In her first and second Rebuttal statements¹⁹⁴, Ms Grace addressed the Structure Plans put forward for the Maungawera (Heron), Loch Linnhe, Malaghans and Gibbston Valley Station sites. In her opinion, the implementation of the RVZ rules relies on the landscape sensitivity mapping. This requires that mapping to be shown on the Planning Maps rather than in a separate Structure Plan, as the Planning Maps are the tool used in the PDP to show where particular rules apply. She considered there is no need to complicate PDP implementation by including landscape sensitivity mapping in a different place for these RVZ. She made similar comments¹⁹⁵ in relation to a Height Plan proposed as a Structure Plan for the Glen Dene RVZ. In her opinion¹⁹⁶, it is a more efficient approach to show the landscape sensitivity mapping on the Planning Maps compared with complicating Chapter 46 with an unnecessary Structure Plan.
218. Ms Grace¹⁹⁷ also addressed the unintended consequence of including a Structure Plan in the PDP, as Rule 27.7.1 makes subdivision in accordance with a Structure Plan a controlled activity. She stated that there has been no intention through the Notified Plan Change provisions for a landscape sensitivity mapping exercise to enable subdivision as a controlled activity.
219. In her Reply statement¹⁹⁸, Ms Grace summarised her opinion in relation to Structure Plans. She continued to consider them an unnecessary method for the RVZ, particularly where the main information included is landscape sensitivity mapping, and they would add nothing more to the RVZ provisions to manage effects of activities. In her opinion, additional information to allow operation of the RVZ provisions, such as the Developable Areas for Gibbston Valley Station, can go on the Planning Maps.
220. Other than for Arcadia and Corbridge, we heard little evidence supporting the general concept of using Structure Plans for RVZ.

¹⁹³ E Grace, EIC, Section 6

¹⁹⁴ E Grace, Rebuttal evidence, para [3.7(e) & (f)] and [4.9(d)]

¹⁹⁵ E Grace, Rebuttal evidence, para [5.7(c)]

¹⁹⁶ E Grace, Second Rebuttal evidence, para [3.11] & [5.8]

¹⁹⁷ E Grace, Rebuttal evidence, para [3.7(f)]

¹⁹⁸ E Grace, Reply statement, para [7.2] & [10.4]

221. For Arcadia and Corbridge, the proposed Structure Plans were an integral means of implementing the complex outcomes for location of different activities within their sites. We discuss these further when we consider the site-specific submissions for these sites.
222. For Maungawera (Heron) and Loch Linnhe, Mr Vivian gave no reasons for supporting Structure Plans and, by the time of its hearing, a Structure Plan no longer appeared to be part of Heron's proposal. Mr White also gave no evidence as to why a Structure Plan is appropriate for the proposed height controls at Glen Dene.
223. The supplementary legal submissions and evidence for Malaghans and Gibbston Valley Station pursued the Structure Plan approach, with Mr Gardner-Hopkins stating in his verbal legal submissions that these submitters sought controlled activity subdivision in accordance with their Structure Plans. It was Mr Farrell's opinion¹⁹⁹ that Structure Plans are not uncommon in the ODP and PDP and can be an appropriate method for managing the effects of development in an integrated way. For the Malaghans site, he considered it is an effective method for enabling certain activities in appropriate locations and restricting development in other areas. Similarly, it was Mr Giddens' opinion²⁰⁰ that a Structure Plan for Gibbston Valley Station is the most efficient method of guiding land use and development within the zone, particularly through the identification of the landscape sensitivity areas. He considered including them onto a Structure Plan, that sits within the zone itself, to be the most appropriate place for this information.
224. Having heard the positions of the relevant submitters, we accept the evidence of Ms Grace that Structure Plans are an unnecessary method for the RVZ, particularly where the main information included is landscape sensitivity mapping. They do not provide any enhanced management over the effects of activities, beyond the notified approach of the RVZ provisions. As sought by most submitters, the Structure Plans would complicate PDP implementation by including landscape sensitivity mapping on Structure Plans for some RVZ, and on the Planning Maps for others. We consider it is more efficient and effective, in terms of plan coherence, clarity and implementation, to have a consistent approach to mapping of landscape sensitivity and similar straight-forward features of each RVZ. We were not persuaded by the evidence or legal submissions presented to us, that the use of a Structure Plan in these circumstances would be more appropriate.
225. We are also cognisant that a Structure Plan method is employed predominantly through Chapter 27 Subdivision and Development as a tool for achieving an integrated approach to subdivision and development over time, often across large and complex zones. The RVZ is not a zone where subdivision is particularly envisaged, although a consent pathway as a discretionary activity is provided for in the Notified Plan Change. We have no evidence before us that supports an easier activity status (as a controlled activity) for subdivision in the RVZ, or that has addressed the environmental effects, costs and benefits of doing so. We do not consider it appropriate to enable such a pathway for subdivision in the RVZ through a Structure Plan approach.
226. Accordingly, we accept the position of Ms Grace and reject the general use of Structure Plans within the RVZ. We agree it is a more efficient and appropriate approach to show the landscape sensitivity mapping on the Planning Maps, as well as any additional, readily-mapped, information which will assist specific operation of the RVZ provisions.

¹⁹⁹ B Farrell, EIC, para [16]-[19]

²⁰⁰ B Giddens, EIC, para [32]-[33]

10. ARCADIA – LJ VEINT – SUBMISSION #31008

10.1 Overview

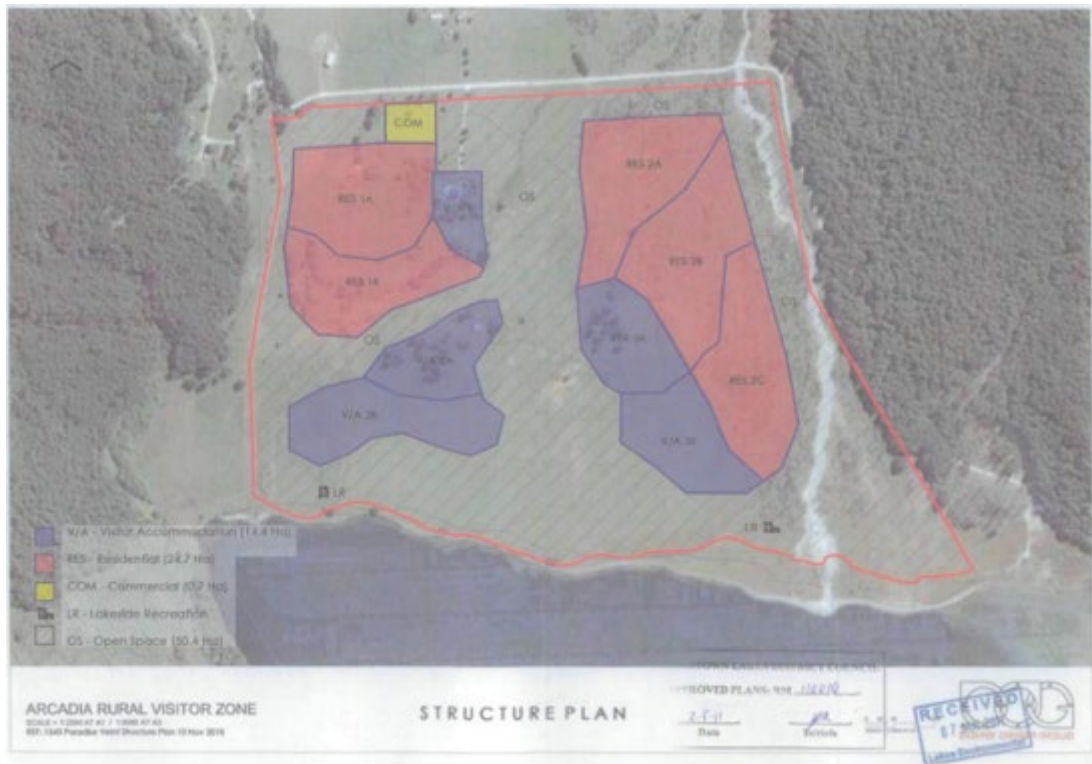
227. The Arcadia RVZ site, subject of the submission from LJ Veint²⁰¹, is approximately 89ha in area, part of Arcadia Station (Arcadia) and located at Paradise approximately 13km north of Glenorchy. It is accessed from the Glenorchy-Paradise Road which runs along its northern boundary. The southern boundary of the site adjoins Diamond Lake and the eastern boundary adjoins Mt Aspiring National Park. The site includes the historic Arcadia homestead which is listed in the PDP as a heritage feature.
228. The site was previously zoned Rural Visitor Zone under the ODP and has been included as one of the four proposed RVZ in the Notified Plan Change. The PDP maps identify the surrounding land as being within an ONL and Diamond Lake being part of an ONF. The notified Planning Map for the Arcadia RVZ showed an area of low landscape sensitivity in the north-west quadrant of the site adjoining the Glenorchy-Paradise Road; a slightly smaller area of moderate-high landscape sensitivity in the east of the site (near to the road); and the balance of the site, including all the area in proximity to Diamond Lake, as high landscape sensitivity.



229. The submission from LJ Veint sought detailed amendments to the notified RVZ provisions. In summary, these included:
- Incorporate the consented Structure Plan and Design Guidelines for Arcadia into a revised Arcadia RVZ and/or as part of Chapter 27;
 - Provide for subdivision and development in accordance with the consented Structure Plan as a controlled activity;
 - Replace the areas shown as Moderate-High and High Landscape Sensitivity Areas on the notified Planning Maps with the consented Structure Plan and Design Guidelines;

²⁰¹ During the course of the hearings, the Arcadia site was sold to The Station at Waitiri Ltd, which became the successor to Submission #31008 by LJ Veint. Mr Edney attended the hearing on 13 August for the new owner.

- Add objectives, policies and rules to recognise the unique circumstances of Arcadia where a Structure Plan and Design Guidelines have been approved by the Council under the RVZ of the ODP, and given effect to;
- Provide for residential as a permitted activity in the areas identified for this activity in the consented Structure Plan (and within the lots approved by subdivision);
- Provide for commercial activity as a controlled activity in the area identified for this activity in the consented Structure Plan;
- Provide for the construction, relocation or exterior alteration of buildings in accordance with the consented Structure Plan as a controlled activity.



230. Fish and Game²⁰² opposed the entire submission from LJ Veint as it relates to the Arcadia RVZ. In particular, Fish and Game sought the notified landscape sensitivity classifications be retained and development close to the waterfront be avoided as it would disrupt the remote, backcountry characteristics of the fishery at Diamond Lake and impact on recreation amenity.
231. Fish and Game also lodged its own submission²⁰³ generally seeking to retain the notified provisions for the Arcadia RVZ with additional controls, including notification provisions, over commercial recreational activities and informal airports – such that commercial recreational activities would be limited to 12 persons in any one group, with discretionary activity status for non-compliance; and informal airports limited to 2 flights per day and located at least 500m from another zone or a residential unit. Fish and Game sought consideration be given to the impacts of development and commercial recreational activities with large groups close to the wilderness reserve near the Arcadia RVZ. Fish and Game did not provide evidence to support its submissions.

²⁰² Further Submission #31064.

²⁰³ Submission #31034

232. Ms Grace evaluated the submission from LJ Veint in her EIC²⁰⁴ recommending that the amendments sought to the notified RVZ be rejected. She provided further evaluation in Section 7 of her first Rebuttal evidence, and Section 2 of her Reply statement. She continued to recommend that the changes sought to the notified Arcadia RVZ provisions be rejected. Ms Grace also evaluated the submission from Fish and Game in her EIC²⁰⁵ recommending that the submission points relating to commercial recreational groups and informal airports be rejected.

10.2 Issues in Contention

233. The Submitter's evidence and legal submissions relied substantially on the historical situation with the ODP RVZ at Arcadia and consents obtained under that previous zoning. Extensive information was provided regarding consents already obtained for a Structure Plan and Design Guidelines in 2011 and a 12 lot residential subdivision over part of the site in 2014, for which s223 certification was issued in 2018. The Structure Plan identifies eleven Activity Areas for a variety of residential, visitor accommodation and commercial activities in different parts of the RVZ.

234. Emphasis was placed on the unique position of this site. It was Ms Robb's submission²⁰⁶ that the Arcadia RVZ can be seen as an exception to the general requirements for RVZ in the PDP, as it has a consented Structure Plan which constrains the nature and scale of development through a consent issued under the ODP RVZ. In Mr Vivian's opinion²⁰⁷, the unique situation with this site cannot be replicated anywhere else in the District. We discuss the relevance of these matters after reviewing the principal effects-based issues in contention.

Landscape Effects of Development enabled by the Structure Plan

235. The submitter called planning evidence from Mr Vivian, but did not call its own landscape evidence, relying instead on its understanding of the position of Ms Mellso²⁰⁸ at the time the Structure Plan was approved. Mr Vivian provided us with Ms Mellso's report and subsequent memorandum to the Council at the time of the Structure Plan application, and his EIC reproduced extracts from her report.

236. Ms Robb's legal submissions²⁰⁹ stated that the current Council's position to reject this submission is unreasonable and indefensible in light of the fact that assessments completed by Council officers, including Ms Mellso, resulted in approval to the Structure Plan and a finding that the landscape effects of the approved development would be no more than minor. Ms Robb submitted²¹⁰ that the landscape assessment completed for the Structure Plan application in 2011 was thorough, detailed and collaborative, and the same Structure Plan with more restrictive controls is now proposed on the same land. As the proposed development and the landscape value of the site and its surroundings remain unchanged, Ms Robb submitted there are no justifiable grounds to argue from a landscape perspective that the Structure Plan is no longer appropriate, and it is illogical for the Council's assessment to now come to a different conclusion.

²⁰⁴ E Grace, EIC, para [6.2]-[6.4], [6.6]-[6.15] and [14.15]-[14.16]

²⁰⁵ E Grace, EIC, para [14.17]-[14.20]

²⁰⁶ Legal Submissions from V Robb, para [58]

²⁰⁷ Vivian, Evidence summary Statement, para [1]

²⁰⁸ Ms Helen Mellso, a landscape architect acting for the Council at the time of the Structure Plan application; and the Council's landscape architect witness in relation to the Arcadia RVZ for Stage 3B

²⁰⁹ Legal Submissions from V Robb, para [26]

²¹⁰ Legal Submissions from V Robb, para [28], [32]-[34]

237. On the matter of landscape evidence, it was Ms Robb's submission²¹¹ that the submitter does not need to provide landscape evidence in support of its submission on Chapter 46 because detailed landscape evidence from the applicant and the Council at the time of the previous consents is already available to the Council; there is no reason why the Council cannot and should not rely on that information.
238. In answer to questions at the hearing, Mr Vivian acknowledged the landscape protection requirements of the RPS and Strategic Chapters 3 and 6 of the PDP have become more specific since the Structure Plan and residential subdivision were consented at Arcadia. He accepted it would be more difficult to argue now that the RVZ provisions sought by the submitter give effect to these higher order provisions. However, he has relied upon the special situation that has arisen at Arcadia at this "point in time", particularly the subdivision consent for residential development, to justify going beyond what is contemplated in terms of the notified RVZ.
239. Ms Mellsoop evaluated the development enabled by the Structure Plan and the ODP RVZ provisions in her EiC²¹² and in her Rebuttal evidence²¹³ in response to Mr Vivian. She opposed the changes to the Arcadia RVZ requested by LJ Veint.
240. In response to the submitter's reliance on her assessment of the Structure Plan application in 2011, Ms Mellsoop noted her previous assessment was undertaken in the statutory context of the ODP RVZ, a relatively enabling zone in which any activities, included structure plans, are controlled activities, with no site coverage standards and buildings able to be constructed up to 12m in height. In addition, she noted there were no assessment matters stated and, therefore, no guidance as to the appropriate landscape outcomes for a structure plan or how such a plan might achieve the objective and policies for the zone. On the matter of reliance on the previous resource consent process, Ms Grace²¹⁴ also noted the regional and district planning framework had been updated since those historic assessments were undertaken²¹⁵ and that Chapter 46 needs to be considered in the current planning context.
241. Ms Mellsoop maintained her opinion that development enabled by the Structure Plan, and the bespoke provisions sought by the submitter, would exceed the capacity of the area to absorb development without compromising its landscape values. Her evidence was that the character and values of this ONL are highly sensitive to change, with large areas of the site being of high landscape sensitivity. In particular, she considered development would significantly detract from the naturalness, coherence and scenic quality of views from the Glenorchy-Paradise Road. Visible development on the lower slopes leading down to Diamond Lake would reduce the naturalness and coherence of scenic views within the landscape. Development could also have significant adverse effects on the perceived quality and aesthetic coherence of the surrounding ONL and compromise the remoteness and tranquillity of the landscape and its very high shared values.
242. Relying on Ms Mellsoop's evidence, Ms Grace²¹⁶ concluded the structure plan framework, and bespoke RVZ provisions, put forward by the submitter (through Mr Vivian's evidence) will not protect the values of the ONL in which the Arcadia RVZ sits. She considered that including this approach in the PDP would be contrary to Chapter 3 and not an appropriate way to achieve the objectives of the RVZ.

²¹¹ Legal Submissions from V Robb, para [38]

²¹² H Mellsoop, EiC, para [7.25]-[7.29]

²¹³ H Mellsoop, Rebuttal evidence, Section 3

²¹⁴ E Grace, Rebuttal evidence, para [7.2]

²¹⁵ Including the planning framework for managing landscape values in ONL set out in Chapter 3 of the PDP

²¹⁶ E Grace, Rebuttal evidence, para [7.3]-[7.4] & [7.5(h)]

Residential Activities

243. Earlier in this report, we discussed residential activity within the RVZ. We concluded that providing for general residential development in the RVZ would be inconsistent with the purpose of the RVZ and contrary to the Strategic objectives and policies in Chapters 3 & 6.
244. For the Arcadia RVZ, we have been asked by the submitter to consider the exceptional situation of this site, where residential activity has been anticipated through an approved Structure Plan and Design Guidelines. In addition, consent has been granted²¹⁷ to a subdivision for 11 residential lots with identified residential building platforms and conditions²¹⁸ relating to building design and landscaping. A condition of the subdivision consent also requires a covenant to be registered on the subdivision lots requiring that any future development be in accordance with the Structure Plan and Design Guidelines. As we noted earlier, residential activity is permitted in the ODP RVZ, and the construction of the residential buildings is a controlled activity, with matters of control including coverage, location, external appearance, earthworks and landscaping.
245. The submitter's legal submission was that the notified RVZ provisions (with residential activities being a non-complying activity under Rule 46.4.13) would not allow for reasonable use of the submitter's land, particularly in light of the consents for residential subdivision already obtained for the site, associated conditions and covenant. Mr Vivian's evidence²¹⁹ was that the residential development authorised by both the Structure Plan and the subdivision resource consent is a reasonable use of the land. In his view, changing the status of residential dwellings from controlled activity in the ODP to non-complying activity in the Notified Plan Change places an unfair burden on the current owner of the land or the new owners of the subdivided lots. He considered residential development in accordance with the Structure Plan can co-locate with visitor accommodation, benefitting the visitor industry while protecting and maintaining landscape values.
246. Ms Grace's response²²⁰ to the particular consented situation at Arcadia is that an approved subdivision intended to provide for 11 residential dwellings suggests that the submitter's aspirations for the Arcadia RVZ are not in keeping with the intent and purpose of the notified RVZ. She notes that the residential subdivision occupies much of the area identified as lower landscape sensitivity and where visitor industry activity is encouraged through the notified RVZ. This suggested to her that an alternative zone may be more appropriate than the RVZ.
247. At the time of writing her Section 42A Report, Ms Grace²²¹ did not consider non-complying activity status for construction of a house on the approved building platforms to be unreasonable. In her opinion, consent is capable of being granted to a non-complying activity or alternative uses permitted in the RVZ could be undertaken. However, in her Reply²²², Ms Grace reflected on the discussion between the submitter's representatives and the Hearing Panel regarding the nature of the structure plan and subdivision consent granted at Arcadia, as well as the effect of the covenant.
248. Ms Grace responded to a comment made at the hearing regarding the possibility of the land already subdivided for residential use being zoned Rural rather than RVZ. Whilst maintaining

²¹⁷ RM130799, with s223 certification now issued

²¹⁸ With consent notices required on the subdivision lots

²¹⁹ C Vivian, EiC, para [2.55]-[2.56]

²²⁰ E Grace, EiC, para [6.4]

²²¹ E Grace, EiC, para [14.16]

²²² E Grace, Reply, Section 2

her opinion that there should be no exception for residential development within the Arcadia RVZ, Ms Grace provided us with a set of modifications to the Rural Zone rules and standards²²³. This would enable one residential unit within each approved building platform as a permitted activity and the construction of buildings on those building platforms as a controlled activity.

249. In her Reply²²⁴, Ms Mellsop also considered the potential for Rural zoning and the modified rules for residential activity set out by Ms Grace. She supported this approach, but with a 6m building height for Arcadia, rather than the 8m height allowed in the Rural Zone. This was on the basis that 8m high buildings could adversely affect the landscape and visual amenity values of the ONL; could be visible from the Glenorchy-Paradise Road and Diamond Lake; would be more difficult to integrate and screen with vegetation; and could compete visually with the form of Arcadia House and detract from its contribution to the heritage values of the landscape.
250. In Ms Mellsop's opinion, controlled activity status would be required for residential buildings on the consented building platforms. This is so that conditions can be imposed to ensure the buildings are able to be appropriately absorbed into the landscape and any adverse landscape and visual amenity effects can be avoided or mitigated.
251. Ms Mellsop did not support removing the lot containing Arcadia House from the RVZ, as this lot is part of the high landscape sensitivity mapping within the notified RVZ. Ms Mellsop considered this mapping needs to be retained, in order to retain the landscape integrity of the area and provide a high level of landscape protection for this highly valued area.

Incorporation of a Bespoke Structure Plan

252. Earlier in this report, we considered the use of Structure Plans within the RVZ. We recommended rejecting the general use of Structure Plans on the basis that it is a more efficient and appropriate approach to show the landscape sensitivity mapping on the Planning Maps, as well as any additional, readily-mapped, information which allow specific operation of the RVZ provisions. We indicated we would return to the question of whether a Structure Plan is an appropriate means of prescribing the location of the different activities sought within the Arcadia site. We note the consented Structure Plan includes identifies locations for visitor accommodation, residential activity (beyond that anticipated by the approved subdivision consent), commercial activity within a site fronting the Glenorchy-Paradise Road, lakeside recreation and open space.
253. Ms Robb²²⁵ submitted that implementation of the consented Structure Plan presents unique opportunities for economic growth and employment that will benefit the local Glenorchy and Queenstown economies. She referred to commercial activities such as filming which are contemplated at Arcadia²²⁶ and which have a known economic benefit for the Queenstown area and nationally. In her submission, the PDP should encourage diversity of activities and not limit the types of activities that can occur in a location, as long as potential adverse effects can be appropriately managed. She submitted that the Structure Plan provides this diversity as well as managing potential effects. It was also Mr Vivian's evidence²²⁷ that the approved Structure Plan can be integrated into the notified RVZ provisions without having a significant effect on their integrity.

²²³ E Grace, Reply, Appendix B

²²⁴ H Mellsop, Reply, Section 2

²²⁵ Legal submissions from V Robb, para [62]-[63]

²²⁶ Ms Robb introduced the future purchaser of Arcadia Station from LJ Veint, Mr Edney who intends to enable increased use of the Arcadia RVZ by the film industry

²²⁷ C Vivian, EiC, para {2.52}

254. Earlier in our report, when considering the use of structure plans, we noted Ms Grace’s opinion that if a Structure Plan identified areas of landscape sensitivity and included sufficient, detailed provisions that protect, maintain or enhance the relevant landscape values, it may be a useful approach. In our view, this could be the case for implementing complex outcomes for the location of different activities within sites. However, we acknowledge that Ms Grace stressed the result must support the application of the RVZ landscape management framework to the site.
255. In relation to the consented Arcadia Structure Plan, Ms Grace compared the location of the activities provided for through the Structure Plan with the landscape sensitivity areas mapped for the notified RVZ. She concluded that incorporating the Structure Plan, as sought by the submitter, would provide for a much more permissive regime than the notified RVZ provisions. Ms Grace referred to Ms Mellsop’s evidence that the development enabled by the Structure Plan would exceed the capacity of the area to absorb development without compromising its landscape values. Ms Grace concluded that the permissive regime sought for Arcadia, through incorporation of the Structure Plan approach, would have the potential to result in significant adverse effects on landscape values. As such, it would not protect the values of the ONL in which Arcadia sits, and would be contrary to Chapters 3 and 6 of the PDP and the objectives of the RVZ. Ms Grace recommended the bespoke Structure Plan approach sought for the Arcadia RVZ be rejected.

Limitations on Commercial Recreation Groups and Informal Airports

256. We have set out above the submission from Fish and Game²²⁸. This sought additional controls over commercial recreational activities and informal airports in the Arcadia RVZ, because of potential impacts from large groups close to the adjoining wilderness reserve. As we noted earlier, Fish and Game did not provide evidence to support its submission²²⁹.
257. Ms Mellsop²³⁰ agreed with Fish and Game that large groups of people involved in organised commercial recreation could detract from the remoteness and tranquillity of the landscape and temporarily affect its scenic values. However, she did not consider that groups of 30 people intermittently using the lake edge would result in significant degradation of values. Ms Grace referred to Ms Mellsop’s opinion, and also noted that the Arcadia RVZ is set back from the edge of Diamond Lake by between 30m and 100m with a reserve in between the two, which is likely to help mitigate noise and visual effects from groups within the Arcadia RVZ. In Ms Grace’s opinion, the purpose of the RVZ (to enable visitor industry activities) means that the standards controlling the size of groups of people and informal airports should be more permissive than in the Rural Zone. She did not consider Fish and Game had provided sufficient strong evidence to support an exception to this approach, on the basis of protecting the amenity values of the area surrounding the Arcadia RVZ²³¹.

10.3 Hearing Panel’s Consideration and Recommendations

258. Consideration of this submission needs to take account of the complex historical background. The starting point is that Mr Veint applied for and obtained a resource consent (RM110010) for a structure plan over the site. That consent was granted pursuant to Rule 12.4.3.2(i) of the ODP RVZ, that provided for the grant of resource consents for structure plans within the RVZ as a controlled activity. Ms Robb placed much emphasis on the fact that that consent has a

²²⁸ Submission #31034

²²⁹ Noted in the Legal Submission of V Robb, para [86]

²³⁰ H Mellsop, EIC, para [7.31]

²³¹ Mr Vivian concurred with Ms Grace, EIC, para [2.58]

condition requiring registration of a covenant requiring, in turn, all future development of the area the subject of the structure plan to be undertaken in accordance with it, design guidelines submitted with the resource consent application, and the resource consent. There is a separate condition requiring development to be undertaken in accordance with plans submitted with the resource consent application.

259. Ms Robb advised that the covenant required in accordance with the Structure Plan resource consent had not yet been registered, but would be registered in conjunction with issue of the Section 224(c) certification for the subdivision the submitter has subsequently had granted.
260. On the face of the matter, Ms Robb had a point. Having granted a resource consent requiring Mr Veint to register a covenant over his land requiring it be developed in a certain manner (as per the Structure Plan and associated documents), the Council has notified a plan change effectively depriving him of the ability to develop his land in the manner required in circumstances where the covenant he is required to register on his title will preclude development in the manner that the notified plan change envisages. It appears to be a classic 'Catch 22'.
261. Ms Robb suggested that the situation lends itself to an appeal to the Environment Court relying on Section 85 of the RMA. If anything, that understates the position. There is Environment Court authority²³² indicating that a first instance decision-maker on a plan can consider a challenge to a plan change on the basis that it deprives the landowner of the ability to make reasonable use of their land, albeit on a slightly different basis to the Environment Court considering the matter on appeal. That too would support Ms Robb's argument.
262. We do not consider, however, that the situation is quite as bleak as Ms Robb painted it. We had a lengthy discussion with her and Mr Vivian about the nature of Resource Consent 110010 and the rule pursuant to which it was granted. What we struggled to understand, and Ms Robb struggled to find an answer to, is what activity that resource consent actually authorised.
263. The conclusion we have come to is that it does not authorise anything. We find that the Structure Plan Rule pursuant to which the Resource Consent purported to be granted is an example of the type of provision the Environment Court considered when making decisions on declarations in relation to the use of framework plans in the context of the Proposed Auckland Unitary Plan²³³. In summary, the Environment Court found that it was not permissible for the Council to give approval to a framework plan or like document guiding the manner in which a subdivision or development of an area might occur and/or that consent status should turn on any approval that the Council might have given to such a plan. The Environment Court reasoned that the role of Council was to give consent to resource consent applications. Unless an application to Council was framed as an application for resource consents, the Council has no jurisdiction to consent to a framework plan or like document.
264. Based on that authority, we consider that Resource Consent RM110010 is a legal nullity and that the landowner could obtain a declaration from the Environment Court to that effect. Or even more simply, it could surrender the purported resource consent, thereby avoiding the requirement to register a covenant on its land, and avoiding the Catch 22 situation described above.

²³² See *Gordon v Auckland Council* [2012] NZEnvC 7

²³³ Re Application for Declarations by Auckland Council [2016] NZEnvC 056 and [2016] NZEnvC 65

265. Ms Robb suggested that those steps might create difficulties for the subdivision of part of the land that is now in progress.
266. We struggle to see how that can be so. As the decision on RM110010 recorded, having an approved structure plan was not a precondition to development of the site. Similarly, while the conditions of the subsequent subdivision consent (RM130799) require a covenant to be registered requiring future development to be undertaken in accordance with the structure plan and related documents, that covenant is only to be registered on the titles created by the subdivision, not the broader area the subject of the structure plan.
267. In summary, if the landowner gets into the Catch 22 situation described above, it would be because it chooses to do so and does not take action to extricate itself from the obligations purporting to be imposed by the structure plan consent. We do not think that Section 85 would require us to take action that we considered contrary to the strategic objectives and policies in Chapters 3 and 6 in such a situation.
268. That is not the end of the matter. Similar issues arise by virtue of Subdivision Consent RM130799. The landowner is in the process of exercising that consent. We were advised that the Section 223 certification was issued on 21 December 2018 and that it is on track to obtain a Section 224(c) certification prior to the deadline of 21 December 2021.
269. At that point, the landowner will have a subdivision identifying building platforms, a covenant on the title requiring development in accordance with structure plan (which requires that those sites be utilised for residential purposes), and a non-complying activity rule in Chapter 46 governing residential activity.
270. The position is unusual to say the least. Theoretically, the landowner could surrender the subdivision consent. We do not think it is past the point of no return. Whether it is reasonable to expect the landowner to do that, given its investment (in good faith) in reliance on the provisions of the ODP, is another matter.
271. The ability to obtain subdivision consents identifying building platforms is a feature of the ODP that has been carried forward in the decisions on Chapter 27 (refer Report 7). In that manner, consideration of appropriate locations for buildings are explicitly brought into the subdivision process. The corollary of that is that once a building platform is identified, there is in our view a legitimate expectation that a building will be able to be constructed within the identified building platform: not with complete freedom perhaps, because depending on the situation, issues of building height, design and landscaping, among others, may need to be considered. In the ODP RVZ, such matters were considered under a controlled activity rule.
272. We do not consider that the changed status of building within a building platform pursuant to the notified Chapter 46 is retrospective in effect, or not in the strict sense. But we are sympathetic to the legitimate expectation we consider that the owner of Arcadia had that having obtained a subdivision consent and taken steps to implement same, it should not be subject to revised District Plan Rules that require either to surrender that consent or to accept that land identified on the Proposed District Plan as having the lowest sensitivity to development should, in fact, not be able to be developed.
273. We approach the consideration of the appropriate relief in that light.

274. We received no expert landscape to support the submitter's position in relation to the landscape effects of development enabled by the Structure Plan and bespoke RVZ provisions sought by LJ Veint. The submitter's legal submissions and planning evidence relying instead on their understanding of the position of Ms Mellsop at the time the Structure Plan was approved and that assessments completed by Council officers, including Ms Mellsop, resulted in approval to the Structure Plan and a finding that the landscape effects of the approved development would be no more than minor.
275. We have, however, received landscape assessment evidence from Ms Mellsop. She explained the reasons for the apparent difference in her assessments, in particular the previous statutory context of the ODP RVZ as a relatively enabling zone for a wide range of activities with few standards and no assessment matters. We accept Ms Mellsop's explanation for this and find it to be reasonable and understandable given the significant changes to the regional and district planning framework since those historic assessments were undertaken, as described by Ms Grace.
276. As a result, in the absence of any competing landscape evidence. we accept Ms Mellsop's evidence on landscape effects. We accept her opinion that development enabled by the Structure Plan, and the bespoke provisions, would exceed the capacity of the area to absorb development without compromising its landscape values, for the detailed reasons she set out.
277. Relying on Ms Mellsop's evidence, we agree with Ms Grace that the permissive regime sought for Arcadia would have the potential to result in significant adverse effects on landscape values. It would not protect the values of the ONL in which the Arcadia RVZ sits. Including this approach in the PDP would be contrary to Chapter 3 and not an appropriate way to achieve the objectives of the RVZ which, as we have previously recommended, are to provide for visitor industry activities, buildings and development in rural locations where protection of the landscape values of ONL is achieved.
278. Accordingly, we recommend rejecting the submissions which seek to replace the notified RVZ provisions, and associated landscape sensitivity mapping, with the consented Structure Plan and bespoke provisions to enable its implementation by way of permitted or controlled activities.
279. When it comes to residential development in accordance with the consented subdivision at Arcadia, as discussed above, we do have sympathy with the submitter's position. As we previously stated, we have concluded that providing for general residential development in the RVZ would be inconsistent with the purpose of the RVZ and contrary to the Strategic objectives and policies in Chapters 3 & 6. However, for the Arcadia RVZ, we consider an exceptional situation has arisen at this site.
280. We accept the position of the submitter that some residential activity has been anticipated and provided for through the Structure Plan and subdivision consent (with identified residential building platforms), approved in terms of the long-standing ODP RVZ at this site. Residential activity would have been permitted under the ODP RVZ, with the construction of the residential buildings being a controlled activity. However, the notification of the updated RVZ provisions now means that any residential activity, even on the consented building platforms, is a non-complying activity. We accept this is an exceptional "legacy" situation that is highly unlikely to apply to other sites in the District. Only four RVZ have been carried over from the historical ODP RVZ. In addition, this situation has arisen as a result of the more

restrictive provisions of the Chapter 46 being notified between the point in time when the subdivision being consented and building consents being obtained for the houses.

281. Having considered the evidence before us, we agree with the submitter that this has resulted in an unacceptably harsh change from their reasonable historical expectations. We do not agree with Ms Grace's opinion that the submitter has the alternative of gaining consent to a non-complying activity for houses on the approved building platforms. In our view, it would be very difficult to obtain such a consent in the face of the clear direction in Policy 46.2.1.4 to avoid residential activity. We consider that provision should be made for residential units on the consented building platforms within the Arcadia RVZ, provided that the landscape values of the ONL can be protected. We are grateful to Ms Grace and Ms Mellsoop turning their minds to this alternative, albeit in terms of a Rural zoning that would allow residential units and the construction of buildings on approved building platforms as permitted activities.
282. From a landscape perspective, Ms Mellsoop stated that she could support a Rural zoning for the majority of the land subject to the subdivision consent, provided that a 6m height limit is applied²³⁴ and controlled activity status is applied to the construction of the 11 residential buildings²³⁵ on the approved building platforms. In her opinion, this would ensure that the landscape values of the ONL are protected and development would be reasonably difficult to see from outside the site. In addition, Ms Mellsoop noted the existing subdivision consent, which resulted in the approved building platforms, has conditions including consent notices that if implemented would allow the residential buildings to be appropriately absorbed into the landscape.
283. We do not consider it is necessary to change the zoning of part of the Arcadia RVZ to Rural Zone, in order to achieve what we consider is appropriate provision for residential activity. We have received no evidence that supports the abandonment of the RV zoning on all or part of the Arcadia site. Subject to implementing the controls recommended by Ms Mellsoop, we consider that appropriate provision can be made by amendments to the RVZ provisions.
284. Enabling one residential unit as a permitted activity on each of the 11 residential building platforms created by subdivision consent RM130799 would enable the submitter's reasonable historical expectations of residential development to be achieved. Limiting building height to 6m and requiring controlled activity consent for construction of the buildings (both of which are already required in the RVZ) would meet Ms Mellsoop's requirements for the management of adverse effects on landscape and visual amenity values, alongside the conditions of the subdivision consent itself. On the basis, we are satisfied that the landscape values of the ONL within which Arcadia sits will be protected and the objectives of the RVZ achieved. We have recommended appropriate amendments to the RVZ provisions in Appendix 1.
285. If the submitter decides not to proceed with the approved subdivision and/or associated residential activities, the normal requirements of the RVZ would continue to apply to this part of the zone (along with the balance of the zone). If the residential development proceeds, the balance of the RVZ would remain available for visitor industry activities, albeit that new buildings would require consents as the majority of the low landscape sensitivity area would be taken up by the residential activity.
286. Finally, we have agreed with Ms Grace that permitted activity status for general residential activity in the RVZ would be contrary to Policy 46.2.1.4 to avoid residential activity. Therefore,

²³⁴ Rather than 8m in the Rural Zone

²³⁵ Rather than permitted activity status in the Rural Zone

having determined that provision for residential activity on the 11 approved building platforms is not contrary to achieving Objective 46.2.1, we are satisfied an appropriate amendment can be made to the policy to create an exemption from the general policy. This would be in addition to the exemption for staff accommodation. In order to prevent this policy being used to support more widespread provision for residential activity, we consider it must be confined to the Arcadia RVZ and to identified buildings platforms from the historical resource consent approved under the previous ODP RVZ. We have recommended such wording in Appendix 1.

287. We have evaluated this provision for residential activity, alongside the principles and tests we have set out previously, and in terms of our duties pursuant to section 32AA of the Act. Having weighed the costs and benefits to the landowner, to the wider public and in relation to effects on landscape values, we are satisfied these amendments are the most appropriate way of achieving the objectives and policies of the PDP. We recommend that the submission from LJ Veint as it relates to residential activity be accepted in part.
288. In terms of the submission from Fish and Game, we have no evidence to support the requested amendments relating to commercial recreation and informal airports, and Ms Grace and Ms Mellsop do not support the requested amendments. Accordingly, we recommend that these submissions from Fish and Game be rejected.

11. ARCADIA – LJ VEINT – TEMPORARY FILMING ACTIVITY - SUBMISSION #310074

11.1 Overview

289. As explained in Report 20.1, the late submission of LJ Veint²³⁶ was ascribed a separate hearing stream number (Stream 20). It was heard by the same Hearing Panel as Stream 18. Ms Grace provided an additional Section 42A Report²³⁷ responding to the late submission of LJ Veint²³⁸. Planning evidence was received on behalf of the submitter from Mr Vivian and legal submissions from Ms Robb. Ms Robb, Mr Vivian and Mr Edney (who was at that point in the process of purchasing Arcadia) attended the hearing.
290. The submission related to temporary filming activities in the Arcadia RVZ. Temporary activities are provided for in Chapter 35 of the PDP. The submission sought that the provisions of Chapter 35 be amended to be more enabling of temporary filming activities in the Arcadia RVZ, to the same extent that these activities are enabled in the Rural Zone. In particular, the submission sought Rule 35.4.7²³⁹ be amended so that, for temporary filming activities within the Arcadia RVZ:
- (a) The permitted number of persons participating at any one time is increased from 50 to 200;
 - (b) The limit on duration of temporary filming is as permissive as for the Rural Zone; and
 - (c) The use of land as an informal airport for temporary filming is allowed.
291. The submitter's legal submissions²⁴⁰ outlined Arcadia's historic and ongoing use as a filming location, primarily as a temporary hub from which film crews travel to shoot in remote rural landscapes. These are popular filming locations that bring both film crews and film enthusiasts to the District and Glenorchy. Ms Robb explained that Mr Edney sought to use Arcadia Station

²³⁶ Submission #31074

²³⁷ Dated 16 July 2020

²³⁸ Submission #31074

²³⁹ The permitted activity rule for temporary filming, and shown as Rule 35.4.8 in the Consolidated Version of Chapter 35 on the Council's Website

²⁴⁰ Legal submissions from V Robb, made the successor to the submission by Mr Veint, (The Station at Waitiri Ltd) para [3]-[8]

as an operational base for film production with shooting at various locations in the surrounding area, as well as a technical base for editing.

292. Ms Grace²⁴¹ acknowledged Arcadia is surrounded by Rural-zoned land, with no urban areas in close proximity. As regards effects of activities that extend beyond the RVZ boundaries, she considered it appropriate for the provisions to be the same in the Arcadia RVZ as in the surrounding rural environment.
293. For effects within the RVZ, Ms Grace was more cautious. She was concerned about effects on future owners of the 11 residential lots that have recently been subdivided, as well as effects on visitor accommodation and commercial recreational activities. She considered these activities could be sensitive to effects on amenity values of temporary filming activities that involve up to 200 people and unrestricted use of land as an informal airport. However, she noted mitigating factors were the size of the zone area that meant separation could be achieved between filming and sensitive activities; the lack of provision for residential activity in the RVZ; and the limit of 30 days per year in Rule 35.4.8.b.
294. Ms Grace also identified the positive effects of allowing a greater scale of filming activity at Arcadia. Overall, she considered there is likely to be low level of adverse effects, off-set by positive social, cultural and economic effects, if the Rural Zone provisions for temporary filming were applied. She recommended the necessary changes to Rule 35.4.8.
295. Ms Grace was clear her recommendation only applied if her Stream 18 recommendations regarding the RVZ at Arcadia were also accepted. If Mr Veint's primary submission²⁴² seeking more permissive activity status for residential activity, visitor accommodation and commercial recreational activities is accepted, her recommendation would not be the same.
296. Planning evidence from Mr Vivian²⁴³ generally agreed with Ms Grace, other than her concerns in relation to effects on residential activity, visitor accommodation and commercial recreational activities within the Arcadia RVZ. We discuss these outstanding matters below.

11.2 Issues in Contention

297. Ms Grace²⁴⁴ noted Mr Veint's primary submission seeks permitted activity status for residential activity within the Arcadia RVZ, and well as more permissive status for buildings for visitor accommodation and commercial recreational activities within areas of moderate-high and high landscape sensitivity. If this submission is accepted, she considered potential adverse effects on residential amenity would need to be addressed; and there would be less area within the zone where filming would not overlap with visitor accommodation and commercial recreational activities.
298. In terms of relevant policy direction, Ms Grace referred to Policy 35.2.1.7 which requires residential activity to be protected from undue noise during night-time hours, and Policy 35.2.1.8, which requires minimising of effects of noise on adjacent properties from informal airports during filming. In her opinion, if residential activity was allowed in the Arcadia RVZ, applying the temporary filming provisions for "any other zone" (rather than the Rural Zone) would be a more effective and appropriate means of achieving these policies. This would limit

²⁴¹ E Grace, EIC, Section 4

²⁴² Submission #31008

²⁴³ C Vivian, EIC, 30 July 2020

²⁴⁴ E Grace, EIC, Section 4

temporary filming activity to 50 persons at any one time, only 7 days per year of film shooting, and no associated use of land as an informal airport.

299. Mr Vivian addressed Ms Grace’s concerns in his planning evidence. In relation to effects of temporary filming on residential activity at Arcadia, he stated²⁴⁵:
- By the time the subdivided titles have issued and been sold, the temporary filming provisions will have legal effect, and future purchasers will be aware of what the RVZ at Arcadia enables;
 - The limit of 30 days filming per year (including informal airport use) is adequate to ensure residential amenity values are maintained. This would not enable frequent disturbance throughout a year and would minimise adverse effects in accordance with Policy 35.2.1.8;
 - It is unlikely that filming will be undertaken at night, so residential amenity will be protected in accordance with Policy 35.2.1.7.
300. In terms of effects on visitor accommodation and commercial recreational activities, Mr Vivian²⁴⁶ considered that these activities are not typically sensitive to noise associated with temporary filming (including informal airports). He noted that guests at visitor accommodation are usually visiting for a short period of time and are not necessarily aware of the ambient noise levels. Similarly, with customers of commercial recreational activities, who are not necessarily seeking a quiet environment. In his opinion, these activities are unlikely to be adversely affected by temporary filming, due to the nature of the activities and the limited duration period for filming.
301. In answer to our questions about night-time activities, Mr Vivian suggested a standard could be included restricting temporary filming activity (including the associated use of informal airports) during night-time hours, consistent with the night-time hours for noise levels of 2000h to 0800h. With the restrictions on night-time activity, Ms Robb submitted there was no justification for restricting filming activity to less than 200 people or only 7 days of shooting per year.

11.3 Hearing Panel’s Consideration and Recommendations

302. As set out in Section 10.3 of this report, we have recommended provision should be made for residential activity, as a permitted activity, on the consented building platforms within the Arcadia RVZ. We have not recommended accepting Mr Veint’s²⁴⁷ request for wider provision for additional residential development within the zone, nor for more permissive status for buildings for visitor accommodation and commercial recreational activities within areas of moderate-high and high landscape sensitivity. Our recommendation would enable the development of residential activity on the 11 subdivided lots which are clustered together in the north-west of the site. We agree with Ms Robb and Mr Vivian that any purchasers of these lots would likely be aware of the provisions for filming activity.
303. We acknowledge and accept the submitter’s offer (via Mr Vivian’s suggestion) that a night-time limitation could be included for temporary filming, including informal airport use. We agree this would be consistent with Policy 35.2.1.7. On the basis of our recommendation to provide for only limited residential activity in the zone, and with a restriction on night-time activity, we are satisfied the other Rural Zone provisions for temporary filming activity can be applied within the Arcadia RVZ. We consider this would be consistent with Objective 35.2.1

²⁴⁵ C Vivian, EiC, para [3.8]-[3.15]

²⁴⁶ C Vivian, EiC, para [3.16]-[3.21]

²⁴⁷ Submitter #31008

and implement its associated policies, which seek to encourage temporary filming, recognising the contribution it makes to social, cultural and economic wellbeing, provided it is managed to minimise adverse effects, in particular protecting residential amenity from undue noise during night-time hours.

304. Accordingly, we recommend that the submission of LJ Veint relating to temporary filming activity be accepted in part, in accordance with our recommended wording in Appendix 1.

12. LOCH LINNHE – LOCH LINNHE STATION – SUBMISSION #31013

12.1 Overview

305. The proposed Loch Linnhe RVZ, subject of a submission from M & K Scott²⁴⁸, is in two sites – the northern site (Wye Creek) immediately south of Wye Creek is approximately 1.0ha in area; and the southern site (Homestead), which includes the existing homestead and farm base buildings, is approximately 8.6ha in area²⁴⁹. The two sites adjoin State Highway 6 (SH6) between Queenstown and Kingston, with the Wye Creek site being located between SH6 and the lake and the Homestead site being located immediately above SH6. Under the PDP, the land is zoned Rural and is within an ONL.



Extent of Southern Requested Rural Visitor Zone Area

²⁴⁸ Submission #31013, M & K Scott, leaseholders of Loch Linnhe Station (Loch Linnhe)
²⁴⁹ B Espie, EIC, para [4.1]



Extent of Northern Requested Rural Visitor Zone Area

306. The submitter previously made a submission on Stage 1 of the PDP, seeking that large farms (over 1000ha) should have the ability to provide for tourism activities as permitted or controlled activities, particularly where clustered with homesteads and farm buildings. This submission identified the ODP Rural Visitor Zone as an alternative to this approach for two small areas of the large Loch Linnhe Station, being the same sites sought as RVZ through their Stage 3B submission²⁵⁰. The Hearing Panel's Report²⁵¹ on the Stage 1 submission concluded that the submission be rejected, but that:
- The Council consider the introduction of a variation to the form of zoning that would enable appropriate development at the submission sites when it reviews the ODP Rural Visitor Zone; and
 - That the farm base concept proposed by the submission be evaluated for possible use in the PDP as part of the process of reviewing the ODP Rural Visitor Zone.
307. The submitter has appealed the Council's Stage 1 decision²⁵². However, this appeal is on hold until the Council has released its decision on the RVZ under this Notified Plan Change.
308. The Loch Linnhe submission sought that the two sites (Wye Creek and Homestead) be zoned as RVZ. It stated the submitter is happy for a zone map to be developed through the submission process identifying areas of high, medium and low landscape sensitivity, albeit the submission stated the majority of the land sought to be rezoned is of low landscape sensitivity. The landscape sensitivity mapping was attached to the evidence of Mr Espie²⁵³ and Mr Vivian²⁵⁴, with areas shown as low and moderate-high landscape sensitivity.

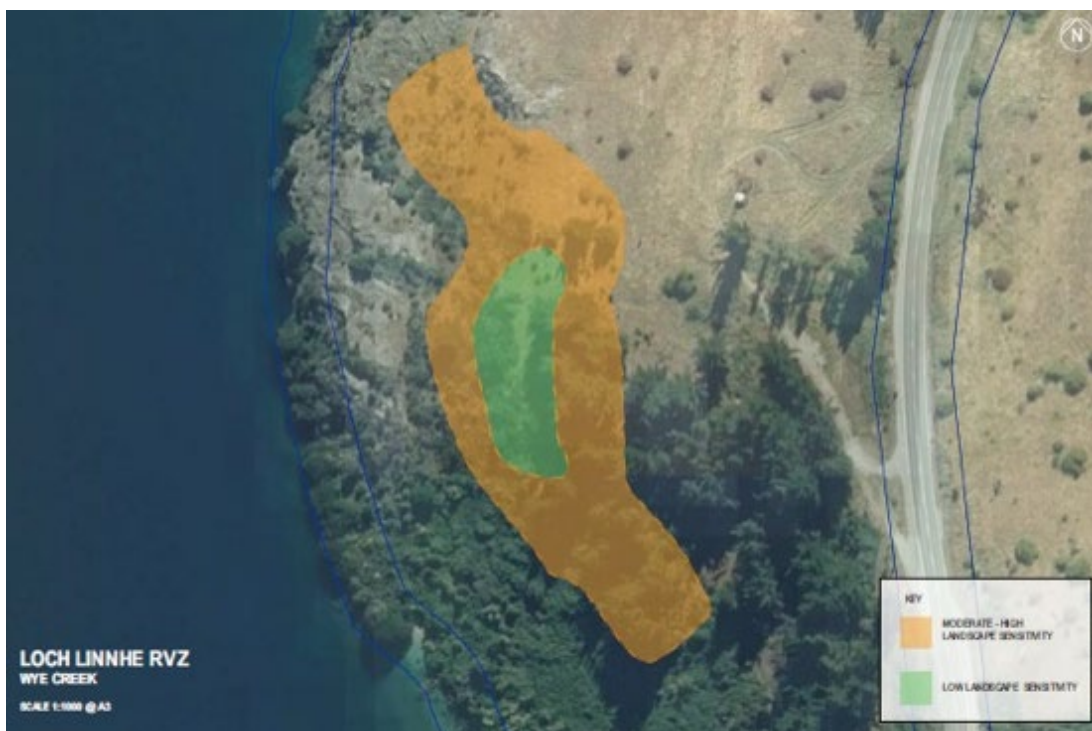
²⁵⁰ C Vivian, EiC, Section 2

²⁵¹ C Vivian, EiC, para [2.10] – PDP Report 17-9 Report and Recommendations of Independent Hearing Commissioners regarding Mapping of Wye Creek to Kingston

²⁵² ENV-2018-CHC-68 Loch Linnhe Station vs. QLDC

²⁵³ B Espie, EiC, Appendices 1 and 3

²⁵⁴ C Vivian, EiC, Attachment A, 46.9 Visibility Mapping Plan – Loch Linnhe Station Rural Visitor Zones (Homestead and Wye Creek)



309. The submission supported the proposed RVZ provisions as they relate to the landscape sensitivity areas. It also sought the following site-specific amendments for a Loch Linnhe RVZ:
- Amend the rule for farm buildings from restricted discretionary to controlled activity;
 - Provide a further exception to the non-complying activity rule for residential activity to enable the construction of a farm homestead at the Wye Creek RVZ;
 - Add specific density standards, such that: *“Within Loch Linnhe built form shall not exceed a footprint of (a) 1800m² at the Wye Creek Site (b) 4700m² at the Homestead Site”*;
 - Add a visibility standard specific to the Wye Creek RVZ, such that: *“At the Wye Creek RVZ within Loch Linnhe Station no building shall be visible from the State Highway.”*

310. Barbara Kipke²⁵⁵ opposed the Loch Linnhe submission. Her submission related to the Wye Creek site, and how it might affect her land at Wye Creek. She opposed the submission to the extent that the development of any buildings, structure and/or roads are visible from her property, and opposed any informal airport, in particular helicopter landings / take-offs to and from the proposed RVZ. Ms Kipke did not appear at the hearing to present evidence in relation to her further submission.
311. Ms Grace evaluated the submission from M & K Scott in her EiC²⁵⁶, recommending based on the information available to her at the time that the requested rezoning to RVZ be rejected, predominantly on landscape grounds. The Council's landscape evidence on the Loch Linnhe submission was provided by Ms Bridget Gilbert²⁵⁷ in her EiC²⁵⁸ and Rebuttal evidence²⁵⁹. Ms Grace provided further evaluation in Section 4 of her first Rebuttal evidence, and Section 11 of her Reply statement. She continued to recommend that requested Loch Linnhe RVZ rezoning and provisions be rejected, due to landscape matters. Ms Grace, however, also provided an evaluation of the site-specific provisions sought through the submission, should the Hearing Panel decide to rezone the sites²⁶⁰.

12.2 Issues in Contention

312. We note here that the submitter's evidence and legal submissions referred extensively to the submitter's involvement in Stage 1 of the PDP process. Details were provided²⁶¹ regarding the submissions made and evidence presented for Stage 1, the Hearings Panel's recommendations (adopted by the Council), and subsequent discussions with Council planning staff regarding the appeal on Stage 1 and Notified Plan Change. Several paragraphs from the Hearing Panel's report on the Stage 1 submission²⁶² were drawn to our attention, as follows:

Firstly we observe that we are entirely sympathetic to the submitters' wish to provide a second homestead and farm buildings at Wye Creek, and to diversify the economic base of the station by developing visitor accommodation and activities on the two sites. This is specifically recognised and provided for in the PDP provided that it is carried out in an appropriate way. The question to be resolved is the most appropriate way to do this.

With regard to the possibility of introducing the Farm Base Area concept into the PDP, we acknowledge this may have some merit. However we are aware that it was developed in a different district to address issues there. We do not know if the issues are the same in the Queenstown district. We think that if introduced here, it would be a precedent for other proposals. Overall, we believe that this is a concept which may be worth evaluating at a district-wide level at the time the Council carries it its review of the ODP Rural Visitor Zone.

²⁵⁵ Further Submission #31059

²⁵⁶ E Grace, EiC, para [12.1]-[12.3] and [12.4]-[12.17]

²⁵⁷ Landscape architect consultant acting for the Council

²⁵⁸ B Gilbert, EiC, Section 6

²⁵⁹ B Gilbert, Rebuttal, Section 3

²⁶⁰ In both her first Rebuttal evidence and her Reply statement

²⁶¹ Legal Submissions from J Macdonald, para [4]-[13] and C Vivian, EiC, Section 2

²⁶² PDP Report 17-9, para [25]-[31]

Otherwise we suggest that the Council consider introducing a variation for these sites when it reviews the ODP Rural Visitor Zone sites, so as to enable an appropriate level of development.

313. The Hearing Panel's report²⁶³, while recommending that the Loch Linnhe submission on Stage 1 be rejected, went on to include recommendations, based on the two suggestions in the paragraphs above, for matters for the Council to consider as part of its review of the ODP RVZ - in other words the process we are now engaged in.
314. On the basis of these recommendations for Stage 1, Ms Macdonald (counsel for the submitters) submitted that *"One could hardly blame LL for getting its hopes up that the economic diversification it was seeking to enable and with it 'an appropriate form of zoning' would be addressed by the Council as they proceeded with the staged review of the PDP, and in particular the review of the Rural Visitor Zone."* She went on to submit that *"LL expresses its disappointment that the Council failed to explore at all, prior to notification of the Rural Visitor Zone, the possible inclusion of LL's sites within the zone, and that the opportunity has been lost to formulate (in collaboration with the Council), a zone that would allow for an appropriate level of development at the submission sites."*
315. By the time this submission came before us, there was some general agreement between the Council experts and those for Loch Linnhe on matters other than landscape.
316. The Council²⁶⁴ agreed the natural hazards risks at the sites are very low at Wye Creek; and generally low at the Homestead site, but with risk from a debris flow along the line of the creek through the centre of the site. On natural hazards grounds, the Council did not oppose rezoning of the Wye Creek site and the majority of the Homestead Wye Creek site, but excluding a strip through the centre of the latter site. While the submitter did not provide natural hazards evidence at the hearing, Mr Vivian agreed verbally to inclusion of a Building Restriction Area over the area identified by Mr Bond as being of debris flow risk through the Homestead site.
317. In his evidence, Mr Vivian did not pursue all the site-specific amendments to the RVZ provisions that were sought in the submission. He restricted his evidence to the farm homestead provision at Wye Creek and the building coverage requirements for each site. He also recommended some additional controls:
- non-complying activity status for informal airports at the Wye Creek site²⁶⁵;
 - a standard requiring that no building at Wye Creek be visible from SH6²⁶⁶;
 - a standard restricting the number of overnight visitor at each site to maintain visitor accommodation at a scale consistent with the rural character of the area; and
 - non-complying activity status for subdivision at both sites to reduce the potential for any dwellings to be subdivided from the main Station land.
318. Ms Grace accepted that one additional residential unit may be appropriate at the Wye Creek site, if the site should be rezoned RVZ, although she recommended discretionary activity status with a targeted supporting policy²⁶⁷. She did not oppose non-complying activity status

²⁶³ PDP Report 17-9, para [32]

²⁶⁴ R Bond, EIC, Section 11

²⁶⁵ To address the further submission from Barbara Kipke

²⁶⁶ Recommended by B Espie, EIC, para [4.1(a)], and included in Attachment A to C Vivian, EIC (Amended RVZ Provisions)

²⁶⁷ E Grace, first Rebuttal, para [4.4]-[4.8]

for informal airports at Wye Creek²⁶⁸ or for subdivision. She recommended an alternative, more enforceable wording for Mr Vivian's recommended control on overnight visitor numbers²⁶⁹. She retained her opposition to the building coverage requirements on the basis of landscape effects.

Landscape Effects

319. Ms Gilbert had considered the landscape-related information presented to the Stage 1 Hearing Panel and had undertaken a joint site visit with the submitter's landscape architect, Mr Ben Espie²⁷⁰. She undertook a 'high-level' landscape analysis for the two proposed RVZ sites, including a brief analysis of the existing landscape character and identification of the key potential landscape opportunities and constraints associated with the sites.
320. Ms Gilbert²⁷¹ generally agreed with the landscape description provided by Mr Espie for the Stage 1 hearing, although she also noted the strong spatial and visual connections between the sites and Lake Wakatipu, as well as with the western side of the lake. She identified the potential visibility of the sites from SH6.
321. Ms Gilbert²⁷² did not agree that the proposed RVZ sites have a low sensitivity to landscape change. In her opinion, the open character of much of the areas and their consequent visibility (at least in part) from the wider ONL context, including from SH6 and Lake Wakatipu, makes the sensitivity towards the mid to higher end of the spectrum. At a 'high-level', Ms Gilbert²⁷³ assessed both sites as having the ability to successfully absorb a modest level of development, subject to implementation of some specific controls.
322. In Ms Gilbert's opinion²⁷⁴, additional, more detailed, landscape assessment was required to support the submission and provide the basis for specific controls over development within each site that would protect landscape values and ensure the RVZ development would be reasonably difficult to see. On the basis of the information available at the time of preparing her EiC, Ms Gilbert²⁷⁵ did not support the rezoning.
323. Mr Espie²⁷⁶ responded to the evidence of Ms Gilbert by providing a more detailed assessment of the existing landscape character of the proposed RVZ sites and of the views and visual amenity that might be affected. He provided an evaluation of the potential effects on landscape character, as well as potential effects on views and visual amenity for users of Lake Wakatipu, users of SH6, observers in Kingston and observers on the west side of the lake. Mr Espie provided aerial photographs of the sites overlain with landscape sensitivity mapping, and photographs of the Wye Creek site from the lake. He explained²⁷⁷ this work was undertaken during Covid-19 virus Alert Levels 3 and 4 and so only limited site work was possible.

²⁶⁸ E Grace, first Rebuttal, para [4.9(a)]

²⁶⁹ E Grace, Reply, para [11.2]-[11.3]

²⁷⁰ Landscape architect consultant

²⁷¹ B Gilbert, EiC, para [6.8]

²⁷² B Gilbert, EiC, para [6.9]-[6.10]

²⁷³ B Gilbert, EiC, para [6.12]

²⁷⁴ B Gilbert, EiC, para [6.16]-[6.17]

²⁷⁵ B Gilbert, EiC, para [3.5]

²⁷⁶ B Espie, EiC, Sections 5 & 6

²⁷⁷ B Espie, EiC, para [7.6]

324. On the basis of his assessment, Mr Espie concluded²⁷⁸ the attributes that contribute to the ONL status of the landscape, within which the proposed areas of zoning sit, would not be materially compromised if the RVZ sought were approved. He concluded²⁷⁹ natural character would be slightly reduced by the introduction of new human elements at the Wye Creek site, but that these would be inconspicuous. For the Homestead site, he considered²⁸⁰ the existing modification would mitigate effects on landscape character such that the location has capacity to absorb more development.
325. In relation to visual effects, he concluded²⁸¹ that development on the Wye Creek site would only have significant effects on users of a certain part of the lake, but that the modification will appear in a logical location and would be dwarfed by the surrounding mountain slopes and lake surface. In visual terms, the Homestead site would be an expansion of an existing farm base and will have a visual logic, distinct from the rugged mountain slopes and lake which dominate views, and not significantly reducing visual amenity for lake viewers or highway users.
326. We asked Mr Espie why he had not carried out a more thorough landscape analysis in accordance with Ms Gilbert's recommendations. He responded that due to the small scale of the sites, the lack of available digital contour information, and the analysis he had undertaken on the ground, he did not consider a greater degree of analysis was required. He was sure that the landscape sensitivity mapping would have been the same, even if he had used digital contour mapping and visibility analysis.
327. Ms Gilbert responded further to Mr Espie in her Rebuttal evidence²⁸². She took into account the additional development controls put forward by Mr Vivian. Ms Gilbert continued to disagree with Mr Espie's assessments of landscape effects. In relation to both the Wye Creek and Homestead sites, Ms Gilbert remained of the opinion that the lack of detailed contour information and thorough landscape analysis meant there was insufficient support for the extent of the RVZ and the landscape sensitivity mapping. She considered Mr Espie had potentially underestimated the scale of adverse visual effects in relation to views from Lake Wakatipu, which is an ONL (and in the case of the Homestead site, views from SH6 also), as well as underestimating the scale of adverse landscape effects.
328. Ms Gilbert expressed her firm opinion that there is inadequate 'base' information and subsequent landscape and visual effects analysis to support either area of RVZ. She did not have confidence that the associated landscape change would satisfy the fundamental landscape policy requirements for ONLs that development protects landscape values and is reasonably difficult to see.
329. In answer to the Panel's questions, Ms Gilbert maintained her strong view that the landscape evaluation undertaken by Mr Espie was inadequate for a rezoning to RVZ within an ONL. She considered that the sites required more detailed evaluation of their landscape sensitivity and the landscape effects of potential development, in order to give assurance that the ONL values can be protected. While she acknowledged this may be possible, she considered it would require a more detailed, nuanced and location-specific approach, in order to generate the

²⁷⁸ B Espie, EIC, oara [8.2]

²⁷⁹ B Espie, EIC, para [5.9]

²⁸⁰ B Espie, EIC, para [5.13]-[5.14]

²⁸¹ B Espie, EIC, para [8.3]-[8.4]

²⁸² B Gilbert, Rebuttal, Section 3

necessary development controls that would ensure the zone is designed to protect the landscape values of the ONL.

12.3 Hearing Panel's Consideration and Recommendations

330. We consider first the statements brought to our attention from the Hearing Panel's Stage 1 report and its recommendation for consideration of RVZ for these sites. We acknowledge the submitter has already been before the Stage 1 Hearing Panel and received some support for visitor industry diversification on Loch Linnhe Station. We agree with the Stage 1 Hearing Panel that there is some merit in the submitter's concept of diversifying the Station's economic base by developing visitor accommodation and activities at the two sites. However, we note the emphasis of that Hearing Panel that any such development on these sites needs to be carried out in an appropriate way, with an appropriate level of development.
331. Based on the evidence before us, we agree with the Stage 1 Hearing Panel that there is potential for each site to successfully absorb a modest level of development while protecting landscape values, subject to the implementation of specific, detailed controls. However, we do not consider this means that any proposal for RVZ at these sites must be accepted. While we agree there is some scope for visitor-related development at these two sites, the submitter still needs to provide sufficient information and evaluation to enable us to decide upon the appropriate zone sizes, the landscape sensitivity mapping, and appropriate controls over development location, scale and intensity.
332. Regarding the location and scale of the proposed RVZ sites, we have previously recommended that Objective 46.2.1 be amended to require visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where protection of the landscape values of ONL is achieved.
333. In terms of scale, we agree the Wye Creek site, at 1.0ha in area, is a small size and, as proposed by the submitter, would provide for visitor development at a small scale. We are less convinced that the Homestead site, at 8.6ha, is a small size, or that the proposed 4700m² of buildings would be small scale. In terms of scale, we would have been more comfortable if the Homestead site was limited to the area north of the creek. With the existing built development, topography and vegetation screening on that part of the site, we consider it more likely that any additional development there would be reasonably difficult to see. In terms of the intensity of development proposed on each site, we have not received sufficient evaluation from the submitter's experts to enable us to properly conclude that the effects of the RVZ sought would be acceptable from this perspective.
334. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require the landscape values of ONL to be protected. We have considered the evidence of Mr Espie in light of the criticism of its adequacy by Ms Gilbert. We accept the position reached by Ms Gilbert. We agree Mr Espie has not provided sufficient 'base' information or subsequent landscape and visual effects analysis to give us confidence this fundamental landscape policy requirement would be achieved - that the landscape values of the ONL would be protected. Mr Espie did not appear to us to directly address this specific requirement in his evidence.
335. Without more detailed and specific evaluation, as recommended by Ms Gilbert, we are not satisfied the extent and scale of each RVZ site, the landscape sensitivity mapping, and the controls over development location, scale and intensity are sufficient to ensure the proposed RVZ will protect the landscape values of the ONL. In particular, we were not satisfied that Mr

Espie had sufficiently evaluated the scale of adverse visual effects in relation to views from Lake Wakatipu (and in the case of the Homestead site, views from SH6), as well as the potential for adverse landscape effects from the scale of development proposed at the Homestead site.

336. We are sympathetic to the constraints on Mr Espie’s on-site evaluation as a result of Covid-related restrictions, but other submitters have successfully surmounted these obstacles and it was open to the submitter to seek leave to supplement Mr Espie’s analysis, particularly when it was clear that this was a key issue in Ms Gilbert’s mind.
337. Our recommended Policy 46.2.2.3 directs buildings in ONL to be sited where they are reasonably difficult to see from beyond the boundary of the Zone. This follows from Policy 6.3.3.1 (previously Policy 6.3.12) which directs any buildings, structures and changes to landform in an ONL to be reasonably difficult to see from beyond the boundary of the site. As indicated above, we agree with Ms Gilbert’s concern that Mr Espie has not adequately evaluated the visibility of development on each of the proposed RVZ sites from Lake Wakatipu and, in the case of the Homestead site, from SH6. We do not have sufficient information to be confident that the development will be reasonably difficult to see from beyond the boundaries of the RVZ. This is of particular concern when Lake Wakatipu itself is an ONL.
338. We acknowledge the submitter has proposed a standard requiring no building at Wye Creek be visible from SH6, but a similar approach has not been proposed for the Homestead site, where development on the open area south of the creek is likely to be visible from parts of SH6. Although Mr Espie expressed his opinion that this southern part of Lake Wakatipu is not well used for recreation, due to its rough and exposed conditions, this does not appear to us to be a qualifier to this requirement. The policy directs development be reasonably difficult to see from the lake irrespective of the level of recreational use.
339. Accordingly, for the reasons set out above, we recommend rejecting Submission 31013 from M & K Scott to rezone the proposed Wye Creek and Homestead sites as RVZ.

13. MAUNGAWERA – HERON INVESTMENTS LIMITED – SUBMISSION #31014

13.1 Overview

340. The proposed Maungawera RVZ, subject of a submission from Heron Investments Limited (Heron)²⁸³, is approximately 115ha in area and located on the corner of the Lake Hāwea – Albert Town Road (SH6) and Camp Hill Road in the Maungawera Valley. Access to the site is from Camp Hill Road, with a restricted access from SH6. Under the PDP, the land is zoned Rural and is within a Rural Character Landscape (RCL).

²⁸³ Submission #31014



Submission #31014 site

341. The owners of the property²⁸⁴, have owned it for close to 30 years, and are in the process of diversifying their land use from solely agriculture to a mixture of agriculture and tourism activities. Resource consents and certificate of compliance have been obtained for outdoor hot tubs and associated small buildings on the site. The owners are also in the process of applying for additional visitor-related activities, including additional hot tubs, e-bike hire and use, visitor accommodation (including motorhome sites), café / restaurant, service centre/office and staff accommodation. Future plans to attract visitors to the property were also described to us.
342. The Submission sought the whole of the property be zoned as RVZ, to be known as Maungawera RVZ, with low, medium and high landscape sensitivity areas to be shown. As discussed earlier in our report, the Submission also requested RVZ be located within areas of RCL, rather than being confined to ONL as the Plan Change was notified. The only other specific change sought from the Notified Plan Change was an exception for the Maungawera RVZ from the requirement to limit commercial recreation activity undertaken outdoors to 30 persons in a group.
343. Ms Grace evaluated the Heron submission in her EiC²⁸⁵ recommending, based on the information available to her at the time, that the requested rezoning to RVZ be rejected, predominantly on landscape grounds. Ms Grace provided further evaluation in Section 3 of her first Rebuttal evidence, and Section 8 of her Reply statement. Landscape evidence was provided for the Council by Matthew Jones²⁸⁶ in his second EiC²⁸⁷, first Rebuttal evidence²⁸⁸ and Reply statement²⁸⁹.

²⁸⁴ R & J Deaton

²⁸⁵ E Grace, EiC, para [10.1]-[10.8] and [10.12]-[10.14]

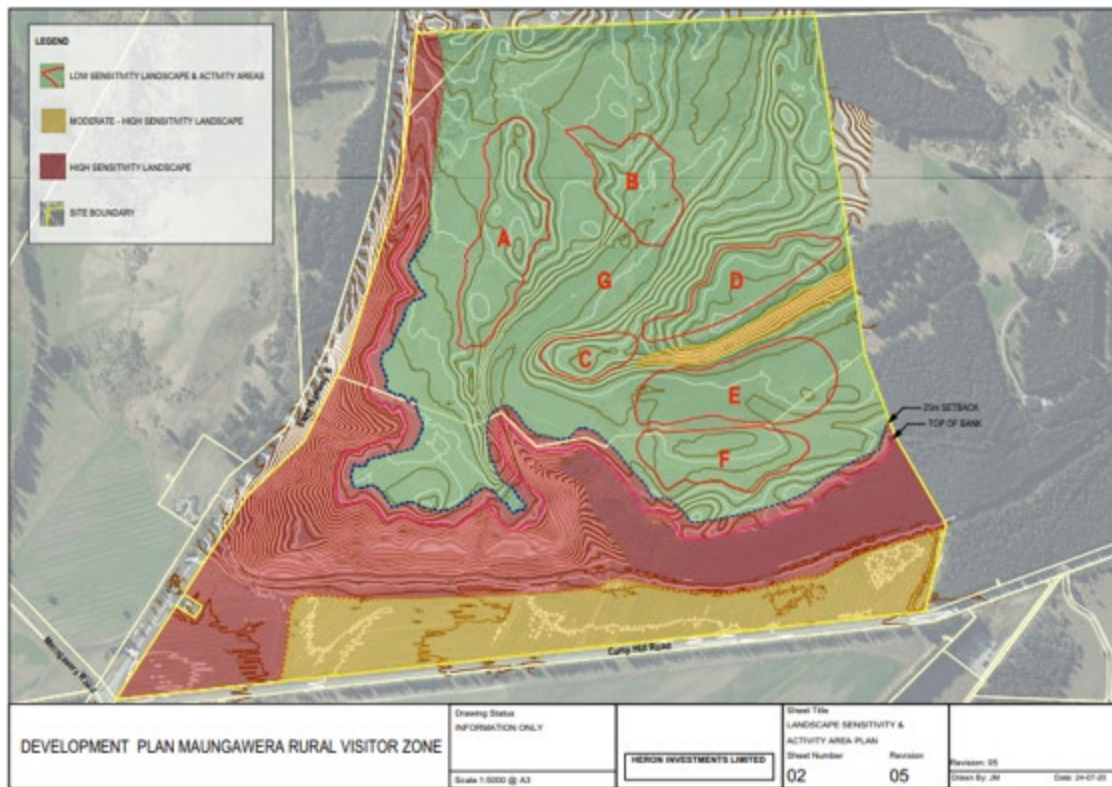
²⁸⁶ Consultant landscape architect

²⁸⁷ M Jones, second EiC, Section 10

²⁸⁸ M Jones, first Rebuttal, Section 3

²⁸⁹ M Jones, Reply, Section 6

344. There was ongoing dialogue between the Council’s experts and those representing the submitter throughout the hearing process. We commend the parties for their constructive approach to resolving outstanding differences regarding the appropriate zoning provisions for this property. As a result of this dialogue, the submitter presented²⁹⁰ a revised development plan for the property at the hearing, showing refined landscape sensitivity mapping, a 25m setback from the escarpment edge, and specific activity areas (A-G) for built development. On the basis of these mapping refinements, and some rule amendments we address further below, Ms Grace and Mr Jones recommended the submission be accepted and the Maungawera RVZ be included on the planning maps.



13.2 Issues in Contention

345. By the time of the Council’s Reply statements, there was general agreement between the submitter and the Council regarding the inclusion of the Maungawera RVZ into the PDP, although there were some amendments to zone provisions recommended by Ms Grace and Mr Jones that we had not heard directly from the submitter about.

346. On the basis of the revised mapping presented by the submitter, and the associated development controls, Mr Jones changed his assessment conclusion²⁹¹ for this site and no longer opposed its rezoning as RVZ. His revised conclusion was subject to a recommendation regarding the maintenance of an existing shelterbelt that we refer to further below. In relation to the direction in Strategic Chapters 3 and 6 and in our recommended Objectives 46.2.1 and 46.2.2 and Policy 46.2.2.3.b. for sites within RCL, Mr Jones concluded²⁹²:

- The proposal will result in an acceptable outcome that will serve to maintain the landscape character and visual amenity values of the RCL;

²⁹⁰ Legal submissions from J Macdonald, dated 24 July 2020

²⁹¹ M Jones, Reply, para [6.8]

²⁹² M Jones, Reply, Section 6

- The shape, size and location of Areas A-G and the defined building coverage within each area provides certainty to the location and potential distribution of buildings across the site, which will serve to maintain the landscape character and visual amenity values of the RCL;
 - The balance area of low landscape sensitivity (Area G) should be limited to a maximum of 1000m² building coverage, inclusive of the existing buildings, so as not to allow inappropriate further distribution of buildings that would adversely affect landscape character or visual amenity values;
 - Views of the upper terrace are restricted from the south, east and west due to the topography (predominantly the undulation and escarpments) and the existing vegetation on the site. He concurs with the assessment of the submitter's landscape architect, Ms Jessica McKenzie²⁹³, in relation to the visibility of the site²⁹⁴.
347. In her Reply statement, Ms Grace stated she had held discussions with the submitter's planner²⁹⁵ and they had largely come to agreement on the most appropriate zone provisions for the site. On the basis of these discussions, the revised provisions presented by the submitter, and the conclusions reached by Mr Jones, Ms Grace also changed her opinion²⁹⁶ and supported this rezoning request. In her opinion, having considered s32AA of the RMA, the site is appropriate as an RVZ and the specific provisions to manage development within it are an appropriate way to achieve the RVZ objectives. In particular, she concluded:
- The site would provide access to an area of the RCL that provides views to and enables experience of the wider landscape;
 - Although the site is large, it is largely of lower landscape sensitivity and limited scale and intensity of development is achieved through the definition of developable areas (A-G) and the specific standards to managed building coverage and scale of activities;
 - The rule provisions provide a high degree of control over the scale of activities and reinforces the limited nature of development foreseen on the site;
 - The zone provisions would maintain the landscape character and visual amenity of the RCL (based on Mr Jones' evidence), limit the scale and intensity of activities and manage effects beyond the zone, whilst providing benefits for visitor industry development.
348. The following outstanding matters of detail were raised by Ms Grace and Mr Jones in their Reply statements²⁹⁷.
349. Ms Grace pointed out that her recommended standard for building colours and materials should be applied to Maungawera RVZ and that this had not been included in the version of the RVZ provided with the submitter's legal submissions.
350. Ms Grace responded to questions posed to Mr Vivian by the Hearing Panel regarding the enforceability of Mr Vivian's proposed limit on the number of overnight visitors. She recommended that the limit be applied to the capacity of the visitor accommodation, rather than to the number of visitors on any one night, which she agreed would be difficult to enforce. A standard specifying the capacity of the visitor accommodation itself could be checked at the time of the resource consent application for the buildings and/or the building consent. She considered this would be a more effective way of managing the scale of visitor use of the site. Mr Vivian did not have the opportunity to respond to this suggestion.

²⁹³ Consultant landscape architect

²⁹⁴ J McKenzie, EiC, para [6.1]-[6.5]

²⁹⁵ Mr Carey Vivian, consultant planner

²⁹⁶ E Grace, Reply, para [8.5]

²⁹⁷ E Grace, Reply, Section 8; M Jones, Reply, Section 6

351. Ms Grace agreed with Mr Jones' recommendation for a standard limiting the maximum building coverage in Area G to 1000m². This would allow for an additional 408m² of new floor area, following implementation of a resource consent referred to by Mr Vivian to extend the existing farm building to 592m². She considered that this standard, along with the building coverage requirements for Areas A-F, would collectively manage the impacts on the landscape from all built form. The additional 408m² is slightly less than the 500m² of additional floor area sought by the submitter in the provisions attached to its legal submissions²⁹⁸.
352. In his reply, Mr Jones addressed the visibility of the site when travelling south along SH6 from Lake Hāwea. From a stretch of road approximately 400m long, there are direct views toward the site. An existing shelter belt extends along the northern boundary of the site and currently provides a buffer and screening of the site. It was Mr Jones' opinion that this shelterbelt should be maintained and included in the planning provisions to provide a level of surety to mitigate any potential adverse visual amenity impacts from future buildings on the site when viewed from the north.
353. Ms Grace agreed that making sure activities on the site are not highly visible from public places is consistent with the strategic policy direction in Policy 6.3.4.6. She recommended including a standard requiring the maintenance of the shelterbelt. Neither Mr Jones nor Ms Grace indicated in their Replies whether this additional standard had been discussed with Ms McKenzie or Mr Vivian, although Ms McKenzie²⁹⁹ identified that screening of the site from the north is provided by established shelterbelts.

13.3 Hearing Panel's Consideration and Recommendations

354. We address first our recommended Chapter 46 objectives and policies regarding the location, scale and intensity of RVZ and their visitor activities and buildings. We have previously recommended that Objectives 46.2.1 & 46.2.2 be amended to enable RVZ to be located within RCLs. We agree with Ms Grace that the availability of visitor-industry activities on this site would provide access to an area of the RCL that provides views to and enables experience of the wider landscape.
355. Given that the site is not within an ONL or ONF, our recommended Objective 46.2.1 requires visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where maintenance of landscape character, and maintenance or enhancement of visual amenity values, are achieved.
356. In terms of scale, the proposed Maungawera RVZ site is not small. However, we are satisfied on the evidence before us that the scale, nature and location of visitor activities and built development will be sufficiently controlled through the proposed RVZ provisions to limit visitor activities to a small scale and low intensity, and built development to a small scale and low density. We consider the landscape assessments, undertaken by Mr Jones and Ms McKenzie, of potential effects of development on landscape character, views and visual amenity values have been in sufficient detail to identify appropriate levels and specific locations for development within the wider areas of lower landscape sensitivity.
357. The overall scale of built development (6000m²) provided for would be approximately 0.5% of the total site area (as a controlled activity). We consider this to be a low density of built development across the overall site. We agree with the evidence of Mr Jones that Area G

²⁹⁸ Legal submissions from J Macdonald, dated 24 July 2020

²⁹⁹ J McKenzie, EiC, para [6.2]

should be limited to a maximum of 1000m² building coverage, inclusive of the existing buildings, so as not to adversely affect landscape character or visual amenity values. The non-complying activity requirement, put forward by the submitter for any additional built form within the overall site, provides increased certainty that built development will remain at a small scale and low density, consistent with recommended Objective 46.2.2 and the values of the RCL within which the site currently sits.

358. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require landscape character to be maintained and visual amenity values maintained or enhanced on this site. By the end of the hearing process, there was strong agreement in the evidence from Mr Jones and Ms McKenzie regarding the effects of the proposed RVZ on landscape character and visual amenity values. We are satisfied on the basis of this evidence that the proposed RVZ, with its site-specific development controls, will maintain the landscape character and visual amenity values of the RCL. We agree with Ms Grace's conclusion that the site is appropriate as an RVZ and the specific provisions to manage development within it are an appropriate way to achieve the RVZ objectives.
359. Our recommended Policy 46.2.2.3 directs buildings outside ONL and ONF to be sited so they are not highly visible from public places and do not form the foreground of ONL or ONF. As Ms Grace noted, making sure that activities on the site are not highly visible from public places is consistent with the strategic policy direction in Policy 6.3.4.6 (previously 6.3.26). We agree with Mr Jones and Ms McKenzie that views of the upper terrace are restricted from the south, east and west due predominantly to the topography. However, we accept Mr Jones's evidence, confirmed during our visit to the site and its surroundings, that development on the site may be highly visible from SH6 to the north if a shelterbelt is not maintained along the northern boundary.
360. We agree with Mr Jones' recommendation to include a standard requiring the maintenance of a shelterbelt along this boundary. However, we have recommended revised wording from that of Ms Grace, in order to for it to be written as a standard applying to permitted and controlled activities. We have decided not to include Ms Grace's recommendation to require all activities, including farming and recreation, to comply with this standard, as those activities are permitted in the PDP's Rural Zone. We consider it would be unduly onerous to require a shelterbelt to be maintained, in order to continue farming the site or undertaking recreation that is not commercial. For other activities to occur in this RVZ, we recommend a standard requiring the maintenance of a shelterbelt along this boundary.
361. We have evaluated the rezoning of this site to RVZ, with its associated site-specific development controls, alongside the principles and tests we have set out previously, and in terms of our duties pursuant to section 32AA of the Act. Having weighed the costs and benefits to the landowner to the wider public and in relation to effects on landscape character and visual amenity values, we are satisfied that applying the RVZ to this site would be the most appropriate way to achieve the objectives of Chapters 3, 6 and 46, and to implement the policies of the RVZ. We recommend the rezoning to RVZ sought by the submitters be included on the Planning Maps and the provisions of the RVZ be amended, as shown in Appendix 1. We, therefore, recommend that the submissions from Heron Investments Limited be accepted in part.

**14. MALAGHANS - BRETT MILLS (KIMIĀKAU) – SUBMISSION #31015
- MALAGHANS INVESTMENTS LIMITED – SUBMISSION #31022**

14.1 Overview

362. Two submissions were lodged seeking RVZ rezoning over adjoining parcels of land within Skippers Canyon. Brett Mills³⁰⁰ sought RVZ over his property of approximately 4ha which he requested be named Kimiākau Rural Visitor Zone. Malaghans Investments Limited (Malaghans)³⁰¹ sought RVZ over the 7.9ha property it owns immediately adjacent to and south of Kimiākau³⁰². Malaghans lodged a Further Submission³⁰³ in relation to Mr Mills’ submission. The Further Submission supported the identification and appropriateness of providing for a RVZ at Skippers but opposed adoption of the rezoning sought by Submission 31015 if that excluded the RVZ sought by Submission 31022. The Further Submission stated Malaghans would engage with other submitters seeking RVZ in the Skippers area, regarding potentially presenting a joint case at the hearing.
363. The Malaghans submission also included the property owned by its neighbour Mr Mills. Mr Brett Giddens³⁰⁴ explained in his written statement that when the two neighbours lodged very similar submissions, they considered it made sense to present jointly given their common interests and that they were seeking the same outcome for Skippers. As a result, the evidence and submissions provided to the hearing on behalf of Malaghans also covered the adjoining land to the north, which is the subject of Mr Mills’ submission. We refer to this combined site as the proposed Skippers RVZ or the Malaghans site.
364. The Malaghans site is located on the eastern side of the Shotover River, within Skippers Canyon, but south of the historic “Skippers” township. The site immediately adjoins and is above the Skippers Road, approximately 9.8km from the intersection of Skippers Road and Coronet Peak Road. Under the PDP, the land is zoned Rural and is within an ONL. The site is also within the PDP Skippers Heritage Overlay Area, which has relevant provisions in Chapter 26 including requirements for building design and compatibility with heritage values.



Submissions 31015 and 31022 site

³⁰⁰ Submission 31015

³⁰¹ Submission 31022

³⁰² We note that the Malaghans submission (31022) also includes the Brett Mills property to the north (Lot 1 DP19171) covering a total of 11.9ha

³⁰³ Further Submission 31052

³⁰⁴ Sole director and shareholder of Malaghans Investments Limited

365. The submissions sought the whole of the 11.9ha property be zoned as RVZ, with the current PDP overlays to be removed. Submission #31022 sought that the notified RVZ provisions be applied to the site. The only specific change from the Notified Plan Change sought through this submission was an increased permissible height of 8m rather than the notified 6m. Submission #31015 also sought that the low, medium and high landscape sensitivity areas be included on the planning maps for the proposed RVZ.
366. Ms Grace evaluated the Malaghan and Mills submissions in her EiC³⁰⁵. She considered the site generally has the key characteristics for RVZ areas, being remote, relatively difficult to see from public places, and potentially with the capability to successfully absorb some development. She understood that accommodation options within Skippers are currently very limited and allowing RVZ in this area would provide greater access to this particular ONL landscape, which also has heritage values. However, she considered there were significant information gaps for the site in terms of landscape and natural hazard risk assessment. She recommended, based on the information available to her at the time, the requested rezoning to RVZ be rejected, predominantly on landscape and natural hazards grounds.
367. Ms Grace provided further evaluations in Section 2 of her second Rebuttal evidence, and Section 7 of her Reply statement. In her Rebuttal evidence, Ms Grace continued to recommend the rezoning to RVZ be rejected, principally on natural hazard grounds, although there remained landscape-related matters of contention between the Council and the submitter. By the time of her Reply statement³⁰⁶, Ms Grace was satisfied there was no barrier to rezoning from a natural hazard risk point of view. Mr Robert Bond³⁰⁷, the Council's geotechnical engineering consultant, had reviewed further geotechnical information provided by the submitter³⁰⁸. On the basis of that information, he concluded landslide risk at the site was low and did not oppose the rezoning to RVZ.
368. In response to questions from the Hearing Panel regarding Skippers Road, the Council filed a Reply statement from Mr Andrew Edgar³⁰⁹, providing information on the Council's management of the road and the potential impact of the rezoning. On the basis of Mr Edgar's information, which we will address further, Ms Grace was unable to support the rezoning request.
369. Landscape evidence was provided for the Council by Mr Matthew Jones in his second EiC³¹⁰, second Rebuttal evidence³¹¹ and Reply statement³¹². Geotechnical engineering evidence was provided for the Council by Mr Bond in his section EiC³¹³ and Reply statement³¹⁴. Traffic information regarding Skippers Road was provided by Mr Edgar in a Reply statement.

305 E Grace, EiC, Section 9

306 E Grace, Reply, para [7.7]

307 R Bond, Reply, Section 3

308 Technical Correspondence from Grant Meldrum, gdm consultants, to Brett Giddens, dated 24 July 2020, attached to the evidence of B Giddens

309 The Council's Asset Engineer

310 M Jones, second EiC, Sections 8 & 9

311 M Jones, second Rebuttal, Section 3

312 M Jones, Reply, Section 5

313 R Bond, second EiC, Sections 4 & 5

314 R Bond, Reply, Section 3

370. At the hearing, the submitter presented³¹⁵ a revised structure plan for the site³¹⁶ showing refined landscape sensitivity mapping, the alignment of the escarpment edge, indicative site access, and a development area (which aligned with the area of lower landscape sensitivity).



371. A document showing changes to the RVZ provisions was also attached to the submitter’s legal submissions presented at the hearing. This was subsequently updated following the hearing³¹⁷. We have taken the latter document as representing the submitter’s final position on the RVZ provisions. The following amendments to the notified RVZ were sought:
- Inclusion of a Structure Plan for the Skippers RVZ, with policy and rule requiring development to be in general accordance with the Structure Plan;
 - Policy and rule enabling visitor accommodation buildings to be used for residential activity for up to 180 days per year
 - Policy enabling provision of air transport servicing of the site;
 - Policy and rule providing for roading and infrastructure to be of a rural standard, character and appearance;
 - Standard permitting a maximum building height of 8m, instead of the notified RVZ height of 6m;
 - Matter of discretion enabling consideration of traffic effects for buildings exceeding 500m² ground floor area;
 - Setback of 10m for buildings from the escarpment shown on the Structure Plan;

³¹⁵ Attachment 1B to legal submissions from James Gardner-Hopkins, counsel for Malaghans, dated 27 July 2020

³¹⁶ Updated from the Structure Plan attached the EIC of Mr Tony Milne, the submitter’s landscape architect. Sheet 16 of his Graphic Attachment

³¹⁷ Attached to Supplementary Legal Submissions from James Gardner-Hopkins, dated 5 August 2020

- Objective and policies enabling subdivision with the Skippers RVZ, and subdivision in accordance with the Structure Plan to be a controlled activity³¹⁸.

14.2 Issues in Contention

Transport – Use of Skippers Road

372. Having visited the site in mid-winter using a commercial transport operator, the Hearing Panel was concerned to ask both the Council and submitter’s witnesses about the safety and security of using Skippers Road for access to visitor accommodation and other commercial recreational activities on the site. No expert evidence was pre-circulated on this matter.
373. In answer to our questions, Ms Grace stated that her opinion, prior to the hearing, was that the scale of activities allowed as permitted or controlled activities³¹⁹ would mean there was no need to assess effects on traffic safety relating to the use of Skippers Road. Beyond that scale, the restricted discretionary consent application can include consideration of transport and traffic safety matters. In response to our concerns, she indicated she would seek more expert opinion on this matter to include with her Reply.
374. Mr Giddens³²⁰ expressed his opinion that there are several ways of obtaining transport in and out of Skippers and the road is quite well maintained to beyond the Malaghans site, with reasonably good access being available during the summer months. The road’s limitations are well signposted at the start of the road. He rather memorably observed that you can’t legislate for idiots who pay no attention to those warnings.
375. In his verbal presentation, Mr Farrell³²¹ expressed his opinion that the District Plan should not attempt to address public use of a public road (maintained by the Council) beyond the level of control exercised by the road-controlling authority. He considered Skippers Road to be safe for its intended low-level of use.
376. Attached to the evidence of Mr Giddens, received during the week before Malaghans appeared at the hearing, was a letter from a traffic engineer³²², Mr Jason Bartlett³²³, addressing traffic access issues. Mr Edgar’s Reply statement for the Council responded to this letter and provided information on current safety and management issues with Skippers Road, and his opinion regarding traffic safety impacts of allowing the rezoning.
377. In Minute 30, the Chair directed that Mr Bartlett’s letter would be received into the record, but not as expert evidence. We have reconsidered that ruling given that the Council has provided an expert written response (at our request). It seems to us that both need to be considered as expert commentary and given such weight as we deem appropriate given that we did not hear from either witness in person.
378. Mr Bartlett’s letter advised that, with the limitations on permitted or controlled activity, and the current on-site residential activity, the traffic generation is unlikely to create a noticeable

³¹⁸ We note Mr Gardner-Hopkins stated in his legal submissions (and verbally) that the submitter was seeking controlled activity subdivision in accordance with the Structure Plan; whereas Ben Farrell, consultant planner for Malaghans Investments Limited, stated verbally that the submitter was not seeking this status for subdivision

³¹⁹ One building not more than 500m² in ground floor area and outdoor commercial recreation at not more than 30 persons per group

³²⁰ Appearing as owner and director of Malaghans Investments Limited

³²¹ Mr Ben Farrell, consultant planner for Malaghans Investments Limited

³²² Letter from Bartlett Consulting, dated 23 July 2020

³²³ Consultant traffic engineer

increase in traffic on Skippers Road, although larger vehicles may be used to transport groups to the site. Alternative transport options are available to the site. Traffic and transport matters can be considered as part of applications for larger developments. On this basis, he advised the proposed rezoning will not have a noticeable effect on the operation or safety of Skippers Road or the surrounding transport network.

379. In response, it was Mr Edgar’s opinion³²⁴ that Mr Bartlett had underestimated the number of visitors able to stay at the site³²⁵; failed to take into account the change in the type and timing of visitors accessing the site³²⁶; and the lack of availability of other transport options³²⁷ during unfavourable weather conditions.
380. Mr Edgar provided information³²⁸ about the Council’s current approach to maintenance and management of Skippers Road, the numerous safety issues associated with the road (including during maintenance and repair work), and the frequency and duration of road closures due to slips (the principal reason for closures) and adverse weather.
381. Mr Edgar expressed his concerns regarding the traffic safety impacts of allowing a rezoning that increased the number of overnight visitors using Skippers Road for access. He gave examples of difficulties experienced with tourist businesses requiring access via Kinloch Road which is subject to flooding. These result in increased pressures, such as:
- keeping the road open for visitors even when there are safety risks,
 - a higher level of road maintenance than typically undertaken,
 - tourist drivers continuing to use the road when conditions are hazardous or when they don’t have the skill or experience for the road conditions, and
 - increased night-time vehicle movements exacerbating the safety risks.
382. It was Mr Edgar’s position that the presence of overnight visitors, unfamiliar with an already hazardous road, creates an unacceptable level of risk to those visitors and places an undue burden on the Council in terms of road maintenance and management.
383. In light of this information from Mr Edgar, Ms Grace³²⁹ stated she was unable to support the Malaghans rezoning request. She had not been successful in devising a rule that required an alternative to, or prevented, private vehicle access to the site and had concluded a permissive zone framework of permitted and controlled visitor-related development is not appropriate at this site for traffic safety reasons.

Residential Activity

384. There remained an outstanding difference between the submitter and the Council regarding provision for residential activity in the proposed Skippers RVZ. Mr Giddens³³⁰ continued to seek allowance for residential use of visitor accommodation units for 180 days per year, as providing a workable balance between visitor accommodation and residential activity in the same building. As we have set out earlier in this report, Ms Grace continued to hold her

³²⁴ A Edgar, Reply, Section 2

³²⁵ E Grace advised approximately 10 visitor rooms (up to 20 overnight guests) could be accommodated within a 500m² building— E Grace, Reply, Appendix G

³²⁶ Tourist drivers who have never driven the road before, unfamiliar with hazardous roads, and potentially arriving at night

³²⁷ Such as jetboats and helicopters

³²⁸ A Edgar, Reply, Section 3

³²⁹ E Grace, Reply, para [7.9]

³³⁰ B Giddens, Statement as owner and director of Malaghans Investments Limited, 24 July 2020

opinion that this would be contrary to the RVZ policy to avoid residential development within the zone.

Landscape Effects

385. There was broad agreement between Mr Milne³³¹ and Mr Jones regarding the landscape assessment of site and surrounding environment, and the landscape effects of development under the proposed RVZ provisions. However, there remained a difference of opinion regarding the landscape sensitivity of the site.
386. Mr Milne assessed the upper slopes along the eastern boundary of the site as having a “moderate-high” landscape sensitivity rating, predominantly due to the limited visibility of this part of the site from the road and the river³³². In answer to our questions on this matter, Mr Milne supported his landscape sensitivity assessment on the basis that, although the slopes were the steeper parts of the site, it was difficult to obtain views of the site from the road or river. On the road, a driver would need to stop to get a view, their passengers would be looking more generally at the wider landscape, and river users would be focused on the river itself. He considered some development could be sited in this area without compromising the landscape values of the ONL.
387. Mr Jones did not agree with this assessment³³³. He considered these areas have a “high” landscape sensitivity due to their steep gradient and potential visual prominence. Mr Jones considered any future development along these upper slopes has the potential to result in adverse effects on the ONL and should be considered as a non-complying activity³³⁴.

14.3 Hearing Panel’s Consideration and Recommendations

388. As an initial matter, we consider that many of the site-specific amendments sought by Malaghans for a Skippers RVZ are well beyond the scope of what was included in its submission. As stated in Report 20.1 (Section 3.2), scope to consider site-specific plan provisions depends on it being fairly raised in a submission. In this case, we do not consider the submission did include much of the relief subsequently sought through evidence and legal submissions.
389. The submission strongly supported the RVZ and sought it be implemented over the Skippers site, with removal of the site’s previous zoning and overlays, and any refinements to the provisions of Chapter 46 necessary to better achieve the purpose of sustainable management. The submission positively analysed the appropriateness of its proposed Skippers RVZ in terms of the notified RVZ objectives, policies and rules. No issues were raised with the Notified Plan Change provisions, other than the height limit. In its requested relief, the submission sought to adopt Chapter 46, with appropriate amendments as sought in, or to otherwise address, the issues raised in the submission. A new height standard was sought, and any other additional or consequential relief to fully give effect to the matters raised in the submission.
390. We can see nothing in the submission what would make us, or any interested or affected party, aware that the submission was seeking amendments to provide for residential activity, or subdivision as a controlled activity. We do not consider this submission provides the scope to seek these amendments to the Notified Plan Change provisions.

³³¹ Mr Tony Milne, consultant landscape architect for the submitter

³³² T Milne, EIC, para [42] and Sheets 11 & 15 of his Graphic Attachment

³³³ M Jones, second Rebuttal, para [3.3]; and Reply, para [5.3]

³³⁴ The rule requirement for areas of high landscape sensitivity

391. Turning to the Skippers Road traffic safety / transport matter. Despite Mr Bartlett's reassurance, we were more convinced by the information from Mr Edgar. Mr Edgar's information and opinions reinforced our views, obtained during our site visit, regarding the unsuitability of the Skippers Road for inexperienced tourist traffic travelling independently to visitor accommodation or commercial recreational activities on the site and the associated safety risks. We agree with Mr Edgar that Mr Bartlett had underestimated various factors that influence the traffic safety risks. We consider Mr Edgar presented cogent examples of the difficulties caused by tourist drivers using unsuitable hazardous roads for access to accommodation and visitor activities. We accept his position regarding the traffic safety risk of a rezoning that would increase the number of overnight visitors, unfamiliar with the road, using the already hazardous Skippers Road for access.
392. We agree with Ms Grace that it would be very difficult, if not impossible, to draft a workable and enforceable standard that required an alternative to, or prevented, private vehicle access to the site. We do not consider it possible to restrict the use of a public road through such a standard. On the basis of these considerations, we accept the evidence of Ms Grace that a permissive RVZ framework of permitted and controlled visitor-related development is not appropriate at this site for traffic safety reasons. On this matter alone, we do not recommend acceptance of RVZ rezoning for this site.
393. We addressed the matter of general residential activity previously in this report. We concluded that providing for general residential development would be inconsistent with the purpose of the RVZ and contrary to the Strategic objectives and policies in Chapters 3 & 6. Accordingly, had we recommended a Skippers RVZ be accepted, we would not have recommended including the submitter's request for residential use of visitor accommodation units 180 days per year.
394. With regard to the outstanding difference between Mr Milne and Mr Jones on landscape sensitivity of the upper slopes of the site along the eastern boundary, we prefer the evidence of Mr Jones. Whilst Mr Milne is correct that drivers need to keep their eyes on the road (particularly this road), not all travellers on the road are drivers, especially if commercial transport is used. Passengers have time to take in the view ahead. From our own observations, we agree with Mr Jones that the upper steep slopes of the site are visually prominent and any development along those upper slopes has the potential to result in adverse effects on the ONL. Had we recommended a Skippers RVZ be accepted, we would have recommended showing the upper slopes as being of high landscape sensitivity.
395. Accordingly, for the reasons set out above, we recommend rejecting Submission #31015 from B Mills and Submission #31022 from Malaghans Investments Limited to rezone the proposed Skippers³³⁵ site as RVZ.

15. CORBRIDGE – CORBRIDGE ESTATES LIMITED PARTNERSHIP – SUBMISSION #31021

15.1 Overview

396. The proposed Corbridge RVZ, subject of a submission from Corbridge Estates Limited Partnership (Corbridge)³³⁶ is approximately 322ha in area and located on the Wānaka Luggate Highway (SH6), 3.5km east of Wānaka and 650m west of Wānaka Airport. The main access to the site is from SH6. The site lies between SH6 (along its southern boundary) and a high bank above the Clutha (Mata-Au) River (along its northern boundary). Under the PDP, the land is

³³⁵ Including the proposed Kimiākau RVZ sought by B Mills

³³⁶ Submission #31021

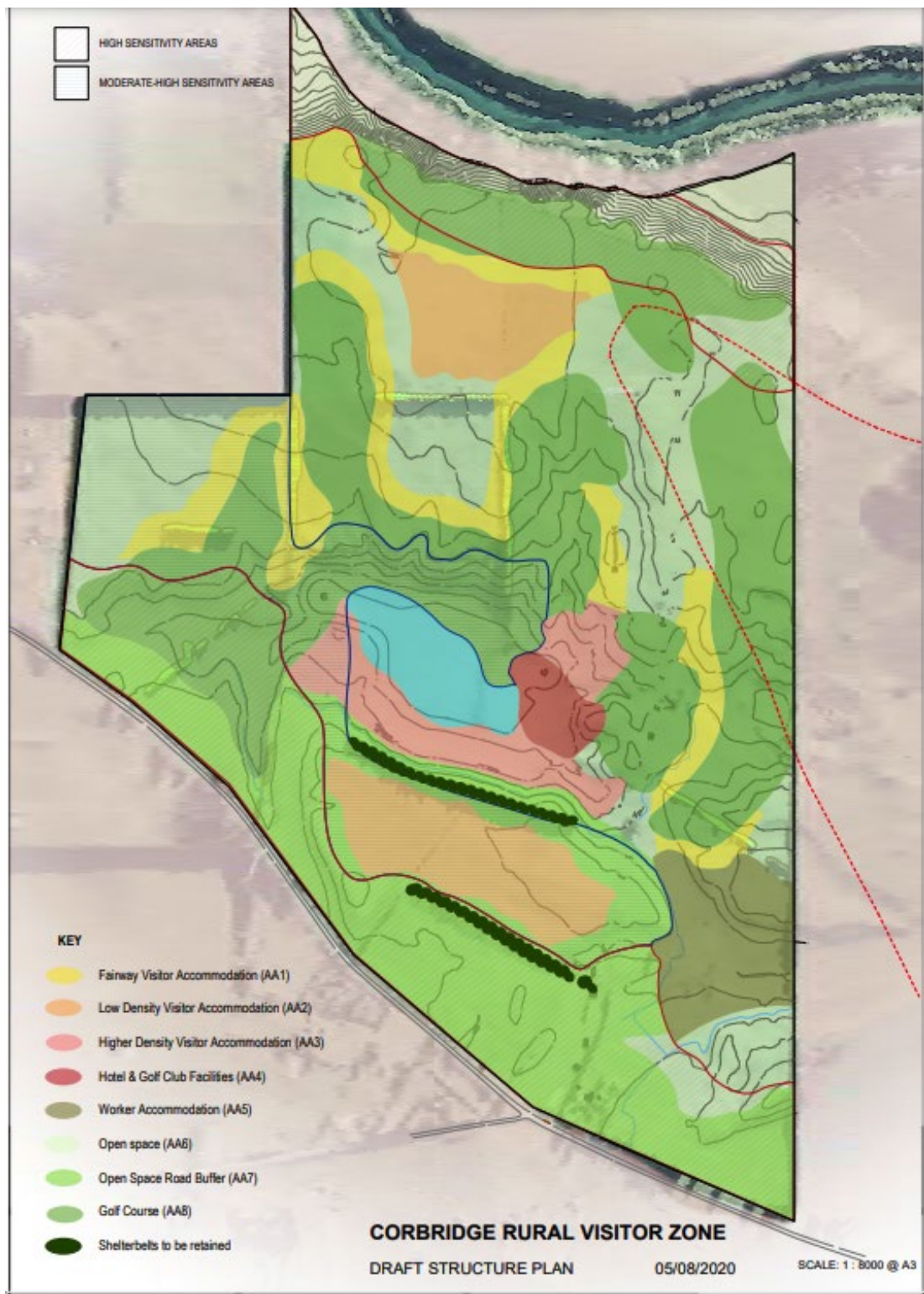
zoned Rural and is within a Rural Character Landscape (RCL). The site is partly within the Wānaka Airport Outer Control Boundary (OCB).



Aerial photo showing the proposed Corbridge RVZ site

397. The submission sought the whole of the 322ha property be zoned as RVZ. As discussed earlier in our report, the submission also requested RVZ be located within areas of RCL, rather than being confined to ONL as the Plan Change was notified. A commentary on landscape character and visual amenity issues associated with the Corbridge RVZ, prepared by Mr Ben Espie the submitter's consultant landscape architect, was attached to the submission.
398. The submission notes that while the submitter owned the land during Stage 1 of the PDP, a zoning alternative to Rural was not sought at that time, because the Council had documented its intent to address rural visitor demand and zone allocation during later stages of the PDP process. The submission goes on to state that, since then, a combination of visitor demand, regional growth, and short-falls in visitor accommodation and industry related services point toward the submitter's site as a strategic location to effectively and efficiently provide for ongoing rural visitor demand.
399. The submission sought inclusion of a Corbridge Structure Plan which would identify the locations for visitor accommodation, recreational activities, workers' accommodation, open space and shelterbelts across the site. Amendments to the Structure Plan were put forward by the submitter through the course of the hearing. The following is the final Structure Plan provided³³⁷.

³³⁷ Attached to the Submissions of Counsel in response to Questions, provided by Bridget Irving, dated 13 August 2020



400. Specific amendments to the notified RVZ provisions were sought in the submission, as follows:
- Amendments to the RVZ purpose, objectives and policies to accommodate the proposed RVZ within an RCL;
 - New objective and policies to avoid conflict between activities proposed for the site and Wānaka Airport;

- Rules to require development to be in accordance with the Structure Plan, and otherwise a non-complying activity;
 - Policy amendments and new rules to enable residential activity in accordance with the Structure Plan;
 - Extending the provision for onsite staff accommodation to include worker's accommodation associated with construction of facilities in the zone;
 - A requirement for informal airports to be a non-complying activity;
 - New rules increasing the maximum building heights in the Visitor Accommodation (12m) and Hotel (16m) areas of the Structure Plan and increasing the maximum building coverage (1000m²) in the Hotel area.
401. Throughout the course of the hearing, refinements were proposed by the submitter to the RVZ provisions it sought for the proposed site. This culminated in a revised set of proposed rules provided on 13 August 2020³³⁸, specifically for activities in the proposed Corbridge RVZ. We have taken this to be the final position of the submitter³³⁹. We note here that, in answer to our question³⁴⁰, Ms Grace's Reply³⁴¹ expressed her opinion that several of the rules and standards contained in the submitter's final provisions were not included in the original submission and go beyond the scope of the submission.
402. Further submissions in support of the Corbridge RVZ proposal were received from Golf Tourism New Zealand, Lake Wānaka Tourism and THC Group³⁴². Reasons given included:
- More golf and accommodation of a high quality will benefit not only the Wānaka region, but premium inbound tourism throughout New Zealand;
 - High-end visitor accommodation, recreation activities, worker accommodation and connection to the active travel network should deliver positive outcomes for the region;
 - Addressing the challenges of housing affordability (particularly worker accommodation);
 - Complementary to the nearby airport aviation visitor offering.
- These further submitters did not appear at the hearing.
403. A Further Submission in opposition was received from Queenstown Airport Corporation (QAC)³⁴³ for the reason that the rezoning could have long term, adverse planning implications for QAC that have not been appropriately evaluated in terms of S32 of the RMA. Ms Wolt³⁴⁴ provided written legal submissions to support QAC's further submission³⁴⁵. She advised she did not seek to appear to present her submissions in person and, accordingly, we treated her submissions as 'tabled'.
404. Ms Grace evaluated the Corbridge submission in her EIC³⁴⁶. She recommended the request be rejected, as she considered the site did not have all the key characteristics for RVZ areas and the residential development sought would be in conflict with the RVZ policies. In her opinion, the social and economic benefits of the submitter's proposal would be more appropriately achieved through a different type of zone, such as resort zone.

³³⁸ Attached as Appendix 3 to the Submissions of Counsel in response to Questions, provided by Bridget Irving, dated 13 August 2020

³³⁹ We refer to these provisions as the final Corbridge RVZ provisions

³⁴⁰ Minute 35

³⁴¹ E Grace, Reply, Appendix D

³⁴² Further Submissions #31063, #31065 and #31069 respectively

³⁴³ Further Submission #31054

³⁴⁴ Legal Submissions for QAC, Rebecca Wolt, dated 6 August 2020

³⁴⁵ Further Submission #31054

³⁴⁶ E Grace, EIC, Section 10

405. Ms Grace provided further evaluations in Section 4 of her second Rebuttal evidence and Section 9 of her Reply. In her opinion, the nature, scale and intensity of the development (which she considers is more urban in nature than rural), as well as the proposed management of landscape values, put it at odds with the RVZ. She noted that having a bespoke set of zone provisions, that operate independently from the rest of the RVZ rules and standards, did not fit comfortably with the chapter. She maintained her opinion that the Corbridge proposal was not a good fit for the RVZ and should be rejected.
406. Landscape evidence was provided for the Council by Mr Matthew Jones in his second EiC³⁴⁷, second Rebuttal³⁴⁸ evidence and Reply³⁴⁹ statement. Evidence relating to infrastructure-related effects was provided by Mr Richard Powell³⁵⁰ in his second Rebuttal³⁵¹ evidence and his Reply³⁵² statement. Dr Stephen Chiles³⁵³ provided Rebuttal³⁵⁴ evidence relating to noise implications as a result of proximity to Wānaka Airport.
407. Legal submissions³⁵⁵ and an extensive body of evidence were provided to the hearing on behalf of the submitter. The evidence addressed: the owners' vision for the property; an overall description of the proposal; golf course location and design; golf tourism benefits; workers' accommodation design; infrastructure provision; noise implications from/for the airport; landscape evaluation; economics; and planning. We refer to this evidence below as relevant to our consideration of the submission.

15.2 Issues in Contention

408. When it comes to the evidential and legal matters in contention between the Council and the submitter, we found few matters of agreement. We now outline the issues in contention that are of most relevance to our consideration of this submission.
409. We note, as an initial matter, the submitter's evidence³⁵⁶ and legal submissions referring to the resource consents obtained for the site under its Rural zoning. We were told that the site has resource consents for:
- RM100152 - An irrigation reservoir in the central depression within the site. This consent has been exercised and the reservoir established. This is proposed to be the central focus for the golf course and visitor accommodation;
 - RM120257 – Subdivision consent for 35 residential allotments (and balance farming lot) with building platforms on each of the 35 residential lots. In addition, the consent allows the establishment of communal work and social buildings, four guest accommodation units, boat shed and jetties at the location of the lake (the “community hub”), utility buildings and associated earthworks. This consent was issued in 2013 with a 10 year lapse period;
 - RM150918 – Use of the existing wool shed for up to 65 events per calendar year (weddings, receptions, corporate events, etc). This consent has been exercised.

³⁴⁷ M Jones, second EiC, Section 11
³⁴⁸ M Jones, second Rebuttal, Section 4
³⁴⁹ M Jones, Reply, Section 7
³⁵⁰ The Council's Development Infrastructure Engineer
³⁵¹ R Powell, second Rebuttal, Section 4
³⁵² R Powell, Reply, Section 2
³⁵³ Consultant acoustics engineer for the Council
³⁵⁴ S Chiles, Rebuttal, Section 4
³⁵⁵ Legal Submissions from B Irving
³⁵⁶ D Curley, EiC, para [25]-[35]

410. In her opening legal submissions for Corbridge³⁵⁷, Ms Irving submitted that scope for permitting residential activity within 35 visitor accommodation units is drawn from the fact that under the PDP Rural Zone Rule 21.4.5, a residential unit can be established as a permitted activity on any building platform identified via a resource consent (with RM120572 having consented 35 residential building platforms). Scope for the workers' accommodation village is drawn from the notified RVZ provisions which provide, as permitted activities, for onsite staff accommodation ancillary to commercial recreational activities and as part of visitor accommodation.
411. Ms Irving also submitted that the "existing environment", that provides the point of comparison when assessing the effects of the proposed RVZ, includes the implementation of the granted resource consents. However, she accepted that Corbridge was not intending to develop the rural-residential lots in accordance with its consent if the rezoning to RVZ is accepted.
412. Ms Scott³⁵⁸ responded to Ms Irving's argument regarding reliance on RM120572 for 35 residential units by noting Mr Watkins'³⁵⁹ evidence (and Ms Irving's acknowledgement) that the subdivision consent will be exercised if the RVZ zoning is not successful, rather than that the subdivision consent will be implemented, or is likely to be implemented, notwithstanding the rezoning. Ms Scott also referred to Mr Curley's³⁶⁰ evidence that there is a "better alternative" than development of the nature approved by RM120572. Ms Scott went on to set out what she considered to be the correct approach for us to take when considering the relevance of resource consents – that we have discretion to take it into account, or not, and whether a particular consent will, or is likely to be, implemented is relevant to the exercise of their discretion. She noted the position of Corbridge that the subdivision consent will not be implemented if the rezoning is successful and submitted that we should not consider the subdivision consent as part of the 'existing environment'.
413. In terms of RM120572 creating scope for 35 residential units within the Corbridge RVZ, Ms Scott concluded that the extent of the relief available for the Corbridge site is provision for one residential unit within each of the approved building platforms, and not for 35 permitted dwellings anywhere within another area of the site.
414. In relation to Ms Irving's argument regarding the scope for the workers' accommodation village, Ms Scott accepted that the notified provisions for the RVZ create scope for accommodation for staff directly engaged by the land owners or person operating the visitor-related activity on the site, but that this does not reasonably extend to contactors who are working on the construction of the site, or to people working nearby (which appeared to be the intention).

Landscape Effects

415. Mr Espie³⁶¹ provided landscape evidence on behalf of Corbridge. He provided an EiC, which he updated in his Summary Statement at the hearing. Mr Espie updated the Corbridge Structure Plan, as well as providing landscape sensitivity mapping, in response to matters raised by Mr Jones. By the time of Mr Jones' Reply statement, there was agreement between

³⁵⁷ Opening Submissions from Counsel, from B Irving, dated, 30 July 2020, para [10]-[11]
³⁵⁸ Second Reply Legal Submission for the Council, S Scott, dated 10 September 2020, Section 2
³⁵⁹ Mr Jason Watkins, management consultant, for Corbridge
³⁶⁰ Mr Dan Curley, land development planner, for Corbridge
³⁶¹ Mr Ben Espie, consultant landscape architect

Mr Espie and Mr Jones on some matters, although substantial differences of opinion remained.

416. Mr Jones³⁶² accepted the areas of landscape sensitivity shown in Mr Espie's final Landscape Sensitivity Plan³⁶³ largely reflected the areas Mr Jones had assessed as being of high and moderate-high landscape sensitivity. Mr Jones agreed³⁶⁴ the Structure Plan had located future development into the parts of the site that are, for the most part, visually contained and discrete. He agreed³⁶⁵ with Mr Espie in terms of his assessment of visual amenity from the northern, eastern and western edges of the site. However, Mr Jones retained significant concerns regarding the landscape effects of the development that would be enabled through the Corbridge RVZ and continued to oppose the rezoning for reasons we will outline further below.
417. Mr Espie had addressed some of Mr Jones' concerns through revised landscape sensitivity mapping, including the addition of an area of moderate-high landscape sensitivity in his updated plans. In his evidence summary³⁶⁶, he referred to the maximum building coverage and density standards proposed by Corbridge for each activity area³⁶⁷ and the discretionary activity consent requirements for buildings in the moderate-high landscape sensitivity areas. Based on the Structure Plan, sensitivity mapping, building standards and consent requirements, Mr Espie concluded the proposed RVZ would not significantly endanger the rural character of the landscape within which the site sits. He considered the site is more able to absorb a node of visitor activity than most settings within the rural landscapes of the District because:
- it is not within an ONL;
 - it is a large and topographically varied site;
 - it is in a location where some non-rural activity will be less incongruous than in most rural locations; and
 - development will be confined to areas where it will have the least effect on both landscape character and visual amenity.
418. When specifically asked by the Hearing Panel about maintenance of rural character on the site itself, Mr Espie stated that the developed parts of the site would not maintain their current rural character and would have a rural visitor or resort character within a rural setting.
419. In relation to visual amenity effects, it was Mr Espie's opinion that these will be very well mitigated through the Structure Plan and consenting requirements, such that development will be inconspicuous and not out-of-place or offensive in its context.
420. Despite Mr Espie's revised mapping and the planning controls he relied upon, Mr Jones³⁶⁸ remained opposed to the rezoning, based on his opinion that the scale and intensity of the development anticipated through the Structure Plan will not maintain the landscape character or maintain or enhance visual amenity values of the RCL, for the reasons set out in his Rebuttal evidence³⁶⁹, in particular:

³⁶² M Jones, Reply, para [7.2]-[7.3]

³⁶³ Attached to the Submissions of Counsel in response to Questions, provided by Bridget Irving, dated 13 August 2020

³⁶⁴ M Jones, second Rebuttal, para [4.23]

³⁶⁵ M Jones, second Rebuttal, para [4.26]

³⁶⁶ Evidence Summary of Benjamin Espie, dated 6 August 2020

³⁶⁷ As shown on the proposed Structure Plan

³⁶⁸ M Jones, Reply, para [7.3] & [7.5]

³⁶⁹ M Jones, second Rebuttal, para [4.18]-[4.29]

- The scale and density of built development anticipated in Areas AA1, AA2 and AA3³⁷⁰, which are visible from SH6, is inappropriate in this setting, would degrade the character of the RCL and would not maintain landscape character or visual amenity values of the RCL.
- Although the central portion of the site has less visibility, there will still be inherent effects on landscape character, such that the area will be perceived as a modified golf course landscape with associated buildings.
- Traffic movement, activity generated, intensity of use and night lighting will also impinge on the character of the area.
- The maximum building development enabled in each of the defined Activity Areas on the proposed Structure Plan has not been sufficiently limited, such that the scale and intensity of development would be inappropriate and incompatible with the landscape character of the site and the surrounding area.

421. Ms Grace commented in her Reply³⁷¹ regarding the tension between the Structure Plan and associated rules and standards for buildings anticipated in Areas AA1, AA2 and AA3, and the overlying mapping of moderate-high landscape sensitivity within which buildings are a discretionary activity. She agreed this was a tension, suggesting the activities anticipated through the Structure Plan might not be appropriate in that location. This suggested to her that the Structure Plan had not been driven by the identification of areas more, or less, appropriate for development, which is the basis for the notified RVZ provisions using landscape sensitivity mapping. As Ms Grace has stated elsewhere, if a Structure Plan is to be used as an alternative to landscape sensitivity mapping, the appropriate areas for development should be identified in the Structure Plan, rather than being left to consideration through a subsequent discretionary activity consent process. In this regard, Ms Grace concurred with Mr Jones' landscape point of view. Ms Grace³⁷² retained her opinion that the Corbridge rezoning proposal was not a good fit for the RVZ and should be rejected.

Location, Nature, Scale and Intensity of the Proposed Corbridge RVZ

422. There was agreement between witnesses for the Council and submitter that it is consistent with the strategic direction in Chapters 3 and 6 for a RVZ to be located within an RCL and not be confined to ONLs nor to areas that are "remote". It is the nature, scale and intensity of the activities and buildings that would be enabled by the Corbridge RVZ that caused the Council witnesses to continue to oppose this rezoning.

423. In Ms Grace's opinion³⁷³, the nature and scale of the development put it at odds with the RVZ. She considered Chapter 46 seeks to enable visitor industry activities that provide access to the District's landscapes, in pockets and at a limited scale and intensity. She considered³⁷⁴ the rezoning would result in development that is a larger scale and more urban level of development than is foreseen for the RVZ and inconsistent with its Purpose statement of activities occurring at a "limited scale and intensity". She suggested the scale of infrastructure servicing and the potential for connection to Council reticulated services to be required, points to a larger scale of development than intended for the RVZ.

³⁷⁰ We note the following built form is anticipated in the Corbridge RVZ provisions - in AA1 150 buildings @ 400m² max. ground floor area per building; AA2 100 buildings @ 300m² max. ground floor area per building; and AA3 50% max. building coverage within the Area and 1000m² max. ground floor area per building

³⁷¹ E Grace, Reply, par [9.3]-[9.4]

³⁷² E Grace, Reply, par [9.1]

³⁷³ E Grace, second Rebuttal, para [4.7]

³⁷⁴ E Grace, second Rebuttal, para [4.3]

424. As outlined earlier in this report, Ms Grace³⁷⁵ considered the provision for residential development in the Corbridge RVZ is not necessary or appropriate and in conflict with the policies of the RVZ.
425. With respect to the use of a Structure Plan and a bespoke set of policies and rules to manage the location, nature, scale and intensity of development in the Corbridge RVZ, Ms Grace³⁷⁶ considered this runs into difficulties with the provisions of Chapter 46. As outlined above, both Mr Jones and Ms Grace considered the scale and intensity of the development anticipated through the proposed Structure Plan and bespoke provisions would not maintain the landscape character or maintain or enhance visual amenity values of the RCL. In their opinions, this did not meet the test of Chapter 3 for development in RCLs and should not be included in the PDP. Ms Grace's considered the proposed Structure Plan approach and bespoke set of zone provisions, that operate independently from the rest of the RVZ provisions, did not sit comfortably within the RVZ framework. She suggested that what Corbridge was seeking would perhaps be better described as some type of special zone.
426. Neither Mr Curley nor Mr Edgar (in their EIC) directly addressed whether the nature, scale and intensity of the development enabled by the Corbridge RVZ would be consistent with the RVZ objectives and policies. Rather they both recommended changes to the notified RVZ provisions and bespoke Corbridge provisions that would provide for the scale and intensity of development sought by Corbridge. Mr Edgar noted³⁷⁷ that the existing RVZs are relatively small in scale and include limited land area that could accommodate development. Whereas RVZs in RCLs could potentially accommodate more development, with greater extent, requiring more detailed and directive provisions. We have previously referred to Mr Edgar's response to our question as to whether or not the scale and intensity of development provided for by the Corbridge RVZ was "limited". He did not consider whether a site's size is big or small to be relevant, provided there are "limits" identified to the ultimate size of the zone and to the amount of development provided for through the bespoke provisions.
427. As to whether the nature of Corbridge is that of a "resort"³⁷⁸, Ms Irving³⁷⁹ submitted that this is not determinative of the appropriateness of the RVZ in relation to the site. It was her submission that a "resort" is simply a form of delivery for commercial recreation and tourism related activities. She submitted there is a considerable overlap between what activities appear to be contemplated by the definition of "resort" and those activities sought to be enabled through the RVZ, and it is likely that many, if not all, the RVZs could equally be described as "resorts", especially as the definition of "resort" says nothing about scale.

Urban Development

428. A related matter in contention is whether the development enabled by the proposed Corbridge RVZ would constitute "urban development", and therefore needs to be considered in terms of the direction in Chapter 4 of the PDP.
429. It was Ms Grace's evidence³⁸⁰ that the scale and intensity of the Corbridge proposal is more urban in nature than rural, evidenced by a potential requirement to connect to Council's

³⁷⁵ E Grace, EIC, para [10.9] & [10.12]

³⁷⁶ E Grace, second rebuttal, para [4.5]-[4.6] and Reply, para [9.5]

³⁷⁷ S Edgar, EIC, para [83]-[84] & [105]

³⁷⁸ *"Resort" means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing temporary visitor accommodation and forming part of an overall development focused on onsite visitor activities*

³⁷⁹ Opening Submissions from Counsel, from B Irving, dated, 30 July 2020, para [25]-[43]

³⁸⁰ E Grace, second Rebuttal, para [4.7]

services and the significant residential component. In her opinion, this was a larger scale and more urban level of development than is anticipated through the notified RVZ Purpose.

430. With regard to the residential component, Ms Grace³⁸¹ considered that it is not necessary or appropriate to provide for housing at this site in order to “*not exacerbate the shortage of housing supply in Wanaka*” (as requested through new policy). In her opinion, provision of housing supply is provided for in other chapters of the PDP, in particularly the urban chapters, which are supported by Chapter 4 Urban Development. She also considered³⁸² the workers’ accommodation area of the Structure Plan represented urban-type residential development, inconsistent with the strategic objectives and policies relating to urban development. These seek to contain urban development within urban growth boundaries and existing settlements and avoid urban development outside these areas³⁸³.
431. When we asked Ms Grace about whether she considered the Corbridge RVZ provided for “*urban development*” as defined in Chapter 2³⁸⁴, she stated that the scale, intensity and dominance of built structures provided for in the areas of workers’ accommodation and high density visitor accommodation were more towards the urban end of character – not rural in character – somewhere in the middle between rural and urban.
432. Neither Mr Curley nor Mr Edgar directly addressed the matter of whether the development enabled by the Corbridge RVZ would constitute “urban development”. Mr Espie stated that the landscape character of the area between the airport and Albert Town / Wānaka would remain dominated by rural character, albeit that an intense node of visitor activity would sit comfortably within it. As set out above, for the site itself, Mr Espie considered the developed parts would not maintain their current rural character and would have a rural visitor or resort character within a rural setting. Mr Jones did not consider rural character would be maintained. When asked about the character of Corbridge, once fully developed, compared with the example of Millbrook, he stated that it would be comparable to Millbrook in the past when Millbrook was smaller scale.
433. This was also addressed in Corbridge’s legal submissions³⁸⁵. Drawing on the evidence from Mr Espie and Mr Jones, Ms Irving submitted that the type of development proposed by Corbridge is of a rural character. In terms of when the scale, intensity, visual character, dominance of built structures or reliance on reticulated services / vehicle generation would “tip” Corbridge over into being urban, she submitted this needed to be considered in terms of the overall scale of the site itself and its ability to absorb the proposed development and avoid built form becoming the dominant feature. It was her submission that the evidence of Mr Espie and Mr Jones do not support a conclusion that this would be “urban development”. Ms Irving³⁸⁶ also noted the interplay between the definitions of “resort”, and “urban development’ concluding that the only clear point is that if a development is a “resort”, it is not “urban development”.

³⁸¹ E Grace, EiC, para [10.9]

³⁸² E Grace, Reply, para [9.2]

³⁸³ E Grace, Rebuttal, para 4.7]

³⁸⁴ “*Urban Development*” means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development, nor does the provision of regionally significant infrastructure within rural areas (as amended by Environment Court Consent Order dated 20 August 2020).

³⁸⁵ Opening Submissions from Counsel, from B Irving, dated, 30 July 2020, para [32]-[38]

³⁸⁶ Opening Submissions from Counsel, from B Irving, dated, 30 July 2020, para [39]-[41]

Infrastructure Provision

434. Mr Botting³⁸⁷ provided evidence³⁸⁸ regarding the infrastructure servicing of the development enabled by the proposed Corbridge RVZ. In answer to our questions, Mr Botting accepted he had not done any modelling of infrastructure requirements or any initial design for private infrastructure that may be required. He was not able to tell us how many units would need to be serviced at maximum capacity of the proposed RVZ, although when we pressed Mr Curley and Mr Edgar³⁸⁹ on this, they estimated up to 3000 people could be accommodated on the site at one time in terms of the final Corbridge RVZ provisions.
435. For wastewater, Mr Botting stated that future development could include connection to the existing Council gravity main located near the south-east corner of the site (which connects to the Council's wastewater treatment and disposal facility near the airport). As an alternative, he considered a centralised, privately-managed, wastewater treatment facility could be located within the site, with treated water being used within the site or discharged. In his opinion, the detailed modelling and design required could be done at a later date, as the site development proceeded.
436. A similar approach was taken to potable water supply, with Mr Botting identifying options of connecting to a Council supply (such as the existing Corbridge Water Scheme or, in the future, to an upgraded Wānaka water supply serving Luggate and the Airport) or supplying the site from existing permitted bores within the site. He considered on-site fire-fighting capacity could be provided with tanks located around the site that can achieve the necessary pressure and volume.
437. Mr Botting considered stormwater disposal would be possible within the site, either to ground or via wetland treatment to the central lake. He saw no impediments to designing a low impact stormwater treatment and disposal solution for development across the site.
438. Mr Botting's confidence that options were available to service the development enabled by the Corbridge RVZ, was supported in legal submissions³⁹⁰ on behalf of Corbridge, which concluded that the lack of a connection to Council infrastructure is not determinative as to whether or not the rezoning should be accepted.
439. Mr Powell initially expressed his opinion³⁹¹ that a development of this scale would require connection to Council services and that an on-site private water supply or wastewater scheme would not be appropriate. However, in his Reply³⁹² statement, Mr Powell accepted that wastewater could be treated and disposed of within the site via a centralised private scheme, and potable water provided from a private network using existing bores on the site. However, Mr Powell continued to state³⁹³ this not Council's preferred option. The preference is for a development of this scale to connect to Council's infrastructure, which does not have sufficient capacity at the moment and the upgrades required are not included in the Council's planned works, nor has funding been allocated within the Long Term Plan³⁹⁴.

³⁸⁷ Mr Michael Botting, consultant surveyor for Corbridge

³⁸⁸ M Botting, EIC

³⁸⁹ Mr Dan Curley, land development planner; and Mr Scott Edgar, consultant planner, appearing for Corbridge
³⁹⁰ Submissions of Legal Council in response to Questions, Bridget Irving, 13 August 2020

³⁹¹ R Powell, second Rebuttal, para [4.3]

³⁹² R Powell, Reply, para [2.4] & [2.9]

³⁹³ R Powell, Reply, para {2.5}-[2.6] & {2.10}-[2.11]

³⁹⁴ R Powell, second Rebuttal, para [4.4]-[4.6] and Reply, para [2.6] & [2.8]

440. Mr Powell's concerns³⁹⁵ regarding private provision of infrastructure stemmed from a lack of certainty that wastewater treatment and disposal can be provided in the absence of a consents from Otago Regional Council; the upcoming revision of the drinking water standards for local authorities which could force Councils to take over non-complying private water schemes; and the proximity of the site to existing Council infrastructure which could result in an expectation that the Council would take over the private infrastructure in due course. This latter concern was echoed in the Council's legal submissions³⁹⁶, which stated that it was the location of this site in the vicinity of Council infrastructure that distinguished it from the notified RVZ which are found in remote locations where no Council networks exist.

Wānaka Airport

441. Dr Chiles noted Mr Smith³⁹⁷ had stated³⁹⁸ the proposed Structure Plan would avoid any Activities Sensitive to Aircraft Noise (ASAN) being located within the OCB of Wānaka Airport. Dr Chiles agreed that ASAN should not be allowed in the OCB and noted that the activity status in the Rural Zone under the ODP was prohibited (as it is in the PDP). It was Dr Chiles' opinion that prohibited status should be retained. We note that the final Corbridge RVZ provisions do show ASAN within the OCB for Wānaka Airport as being prohibited activities. Accordingly, this is not an issue remaining in contention between the Council and the submitter.

442. In her written legal submissions supporting QAC's further submission³⁹⁹, Ms Wolt⁴⁰⁰ submitted that QAC opposed any zoning of the land that would enable ASAN to establish. QAC not only opposed the zoning of the land within the OCB, but also the zoning of the land in its entirety to the extent that it provided for ASAN development proximate to the Wānaka Airport and under its main aircraft flight path. Ms Wolt submitted QAC was taking a long-term view of planning and growth at and around the Airport, particularly where it concerns ASAN development now or in the future. In terms of QAC's concerns extending beyond the OCB, Ms Wolt submitted that noise, and potential for reverse-sensitivity effects, do not 'stop' at the OCB. She stated that QAC agreed with Ms Grace that the current Rural zoning of the Corbridge land provided greater protection for Wānaka Airport from reverse sensitivity effects.

Traffic

443. Little evidence was provided on the traffic and transportation effects of the proposed Corbridge RVZ. Mr Botting⁴⁰¹ explained the access from SH6 via the existing formed entrance. This entrance has been designed to meet highway side road intersection standards, although road marking and lighting would be required to complete formation in the future if rezoning proceeds. Neither the Council nor NZTA have raised concerns regarding the intersection arrangements. Although we enquired of the Corbridge witnesses, it appears no assessment had been undertaken of the traffic and transportation implications for SH6 and SH84 of locating residential activity and substantial visitor accommodation and recreational activity at this site.

15.3 Hearing Panel's Consideration and Recommendations

444. As regards the existing environment, we agree with Ms Scott's submission that we have a discretion whether or not to treat unimplemented resource consents as part of the 'existing

³⁹⁵ R Powell, Reply, para [2.5] & [2.10]-[2.11]

³⁹⁶ Second Reply Legal Submissions for the Council, 10 September 2020, para [2.14]-[2.16]

³⁹⁷ Mr Michael Smith, consultant acoustic engineer for Corbridge

³⁹⁸ M Smith, EiC, para [15]

³⁹⁹ Further Submission 31054

⁴⁰⁰ Legal Submissions for QAC, Rebecca Wolt, dated 6 August 2020

⁴⁰¹ M Botting, EiC, para [7]-[8]

environment'. That is made clear by the High Court's decision in *Shotover Park Limited v QLDC*⁴⁰².

445. We also struggled with Ms Irving's legal argument that the existing resource consent authorising 35 residential units on the site might form part of the existing environment when it was clear that if its request to rezone was granted, the submitter had no intention of implementing that resource consent. The resource consent restricts the location of the consented residential units in a way that does not correspond with the Structure Plan that was provided to us. Accordingly, we do not consider it appropriate to commence our consideration of what is proposed by assuming that 35 residential units are already authorised and assessing the effects of the balance of what the submitter proposes.
446. We think that Ms Irving was on rather stronger ground, however, submitting that the unimplemented resource consent is an alternative use of the land for the purposes of evaluation under Section 32 of the Act.
447. As to Ms Irving's submission that accommodation for construction workers is permitted by the existing Chapter 46 rules, we think this is something of a stretch. The definition of visitor accommodation refers to the use of land or buildings to provide visitor accommodation for paying guests, and includes onsite staff accommodation. It seems to us that land or buildings are only used to provide visitor accommodation once the accommodation actually exists, that is to say after construction has concluded. Similarly, commercial recreation activities will only occur in terms of Rule 46.4.3 after the proposed golf course, and any other recreational facilities on the site, are constructed. It also depends on the personnel fitting the description of "staff". Employees of a construction contractor would not appear to qualify.
448. In any event, it was clear to us that the submitter was not restricting itself either to staff working on construction of the proposed facility, or working at the facility after it opened (who would fall within the relevant permitted activity rules) but rather to 'workers' employed anywhere in the vicinity of the site. We do not think such workers could be said to be "on-site staff" for the purposes of the relevant rules.
449. In addition, with respect to onsite accommodation for construction staff, we have previously stated that we agree with Ms Grace that Chapter 35 provides a consenting pathway for construction staff accommodation, which is a more effective and efficient means of managing the specific effects of temporary activities.
450. As well as addressing the scope to enable residential activity in the Corbridge RVZ, Ms Grace's Reply⁴⁰³ set out her opinion that several of the other rules and standards contained in the submitter's final provisions were not included in the original submission and go beyond the scope of the submission. These related to the scale of permitted commercial recreational activity, licensed premises as controlled activities, removal of standards for glare and setback of buildings from waterbodies, and the maximum size of residential buildings in Area AA3. If we had concluded that there was a case for the relief sought, we would have needed to address how much of that relief was within scope, as we agree with Ms Grace there were definitely issues as to whether these provisions fell within the scope afforded by Corbridge's submission.

⁴⁰² [2013] NZHC 1712

⁴⁰³ E Grace, Reply, Appendix D

451. Turning to our recommended Chapter 46 objectives and policies regarding the location, scale and intensity of RVZ and the visitor activities and buildings, we have previously recommended that Objectives 46.2.1 & 46.2.2 be amended to enable RVZ to be located within RCL, removing that initial hurdle to consideration of the Corbridge site.
452. Our recommended Objective 46.2.1 requires visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where maintenance of landscape character, and maintenance or enhancement of visual amenity values, are achieved.
453. In terms of scale, the proposed Corbridge RVZ site at 322ha is not small, and neither is the scale of the visitor accommodation and commercial recreational activities proposed for the zone.
454. The recreational activities proposed include 18 and 9 hole golf courses, driving range, chipping and putting greens, and clubhouse⁴⁰⁴. The final Corbridge RVZ sought to remove the notified control on group size to manage the scale of commercial recreational activities.
455. A 5 star hotel is provided for, which is intended to include substantial conference facilities⁴⁰⁵, as well as additional hotel(s) in the future⁴⁰⁶. Additional provision for licensed premises was sought over and above that associated with visitor accommodation in the Notified Plan Change.
456. The final Corbridge RVZ provisions would allow for 250 fairway and low-density visitor accommodation units, as well as hundreds of high-density visitor accommodation units, as demonstrated in the concept plans attached to Mr Watkins' EiC. In addition, a workers' accommodation village of 100 residential units is provided for. As estimated by Mr Curley, the zone could accommodate up to 3000 people at any one time (equivalent to a small town).
457. We consider this to be a large-scale development, with areas of high intensity visitor accommodation and commercial recreational activity. The submitter itself did not attempt to claim that this would be a small development. We do not consider the scale and intensity of development enabled by the Corbridge RVZ would achieve Objective 46.2.1.
458. Our recommended Objective 46.2.2 requires buildings and development, that have a visitor industry related use, are provided for at a small scale and low density, in areas of lower landscape sensitivity. Based on the numbers of units, maximum floor areas and % building coverage standards in each Area of the final Corbridge RVZ, the overall scale of built development would be tens of thousands, if not hundreds of thousands, of square meters of building ground floor area. Significant additional building height is sought in the Higher Density Visitor Accommodation Area and Hotel / Golf Club Facilities Area, compared with the Notified Plan Change – 12m rather than the notified 6m.
459. Although the site is large and, as a percentage of site area, the total building coverage might be 5% or less, the scale and density of buildings provided for is still large, particularly in a rural area. This is not building development at a small scale and in some parts of the site, such as the Higher Density Visitor Accommodation Area and Hotel / Golf Club Facilities Area, the

⁴⁰⁴ Jason Watkins, EiC, para [12]

⁴⁰⁵ J Watkins, EiC, para [21] & [25]

⁴⁰⁶ J Watkins, EiC, para [26]

density of built development will not be low. We do not consider the scale and density of building development enabled by the Corbridge RVZ would achieve Objective 46.2.2.

460. We agree with Ms Grace that the nature and scale of the development provided for through the proposed Structure Plan and bespoke provisions put the Proposed Corbridge RVZ at odds with the RVZ objectives. We also agree that this scale leads to other aspects, such as the scale of the infrastructure servicing and potential for connection to Council reticulated services, which points to a larger scale of development than intended for the RVZ.
461. In terms of the nature of the activities sought for the Corbridge RVZ, as previously stated, we have concluded that providing for general residential development in the RVZ would be inconsistent with the purpose of the RVZ and contrary to the strategic objectives and policies in Chapters 3 & 6. Whilst ancillary on-site staff accommodation associated with small scale commercial recreational activities and visitor accommodation is provided for in the Notified Plan Change, we agree with Ms Grace that the provision Corbridge seeks for general residential development is in conflict with our recommended Policy 46.2.1.4 and contrary to Chapters 3 and 6.
462. There appeared to be agreement between the Council and Corbridge witnesses that what Corbridge actually wanted to develop was a “resort”. We accept the submissions of Ms Irving that there is a considerable overlap between what activities appear to be contemplated by the definition of “resort” and those activities sought to be enabled through the RVZ. We agree it is likely that many RVZs could equally be described as “resorts”. Similarly, we agree that a “resort” can be provided for within an RVZ, but (in accordance with our recommendations) only if its scale is small and intensity and built density low, and no general residential activity is provided for. Corbridge, however, have consistently held to their request to provide for residential activity beyond staff accommodation and a large scale of development. Although what Corbridge sought might well be termed a “resort”, in this case we do not consider it is consistent with the provisions of the RVZ. We agree with Ms Grace that what Corbridge proposed is not a good fit with the RVZ requirements.
463. When it comes to “urban development”, whilst we consider a development that provides for up to 3000 people on the site suggests this would be an urban development, a “resort” is deemed by way of its definition not be urban for the purposes of the strategic chapters. We need not, therefore consider that issue further.
464. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require landscape character to be maintained and visual amenity values maintained or enhanced. We agree with Mr Jones⁴⁰⁷ that that the scale and intensity of development anticipated through the Structure Plan, and the bespoke Corbridge RVZ provisions, will not maintain the landscape character or maintain or enhance visual amenity values of the RCL
465. Clearly the character of the landscape within the site will be changed and its rural character degraded, as stated by Mr Jones. Mr Espie, on behalf of the submitter, accepted the developed parts of the site would not maintain their rural character and would have a rural visitor or resort character, albeit within a rural setting. We do not accept the approach taken by Mr Espie that it is the rural character of the landscape within which the site sits (not of the RVZ itself) that is to be maintained.

⁴⁰⁷ We have set out his reasons earlier

466. We consider that revised SO 3.2.5.2 is clear that within RCLs landscape character is to be maintained and visual amenity values maintained or enhanced, with SP 3.3.1A stating the same requirements for commercial recreation and tourism activities in rural areas. Clause 3.1B.1 directs that these SO and SP provide direction for the development of the Plan's more detailed provisions, including through Plan Changes. We have recommended that these landscape requirements for RCLs are clearly articulated in the objectives and policies for the RVZ. Mr Espie did not appear to us to directly address these requirements for an RCL in his evidence. We agree with Mr Jones that the proposed Corbridge RVZ would not achieve the strategic direction of Chapters 3 and 6, nor be consistent with the objectives and policies of Chapter 46 relating to landscape values.
467. We noted earlier that Mr Powell, on behalf of the Council, moderated his position on infrastructure provision in his Reply. He accepted that wastewater treatment and disposal and potable water supply could be privately provided on-site, although this not Council's preferred option. Its preference remains for development of this scale to connect to Council's infrastructure, which currently does not have sufficient capacity and the upgrades required are not included in the Council's planned works nor long-term funding allocations.
468. In Report 20.1, we addressed the matter of infrastructure provision in relation to legal submissions made on behalf of Corbridge. We concluded that an RVZ proposal could be advanced on the basis that wastewater (for instance) would be addressed on-site by the landowner. The issue then would be whether the proponent has provided sufficient evidence to confirm this is a credible option, given the nature and scale of the development rezoning would enable, and the site. It is on this latter point that we have significant concerns regarding the adequacy of private servicing arrangements for the proposed Corbridge RVZ.
469. We consider that Mr Botting's evidence regarding the private provision of infrastructure was insufficient. It lacked sufficient detail and certainty to give us confidence that credible options were available, given the scale of the development that would be provided for. Mr Botting accepted he had not done any modelling or initial design for the private infrastructure that may be required. He was not able to tell us how many units or people would need to be serviced at maximum capacity, despite other witnesses estimating up to 3000 people. He was of a mind that detailed modelling and design could be left to a later date, when the development was more advanced. For a development potentially the size of a small town, We do not consider such an approach is adequate and is not consistent with good plan development practice. It has not given us confidence that credible private infrastructure solutions are likely to be available.
470. The Hearing Panel raised concerns at the hearing regarding the traffic/transport implications of 3000 people in living, working, visiting and recreating that location. There was no evidence provided to us regarding such matters as impacts on SH6 and SH84 from the numbers of vehicles using those roads, the implications for traffic safety and efficiency, alternative transport options and their availability, and long-term impacts on the roading network. For a development of such a significant scale, we were concerned at the lack of this information.
471. As regards QAC'S objections to the request to rezone, we find that Corbridge has designed its proposal to work around the existing PDP provisions protecting the ongoing operation of Wanaka Airport. It has agreed with Dr Chiles that ASANs should not be allowed within the OCD and prohibited activity status will ensure that to be the case.

472. The broader objections contained in the written submissions of Ms Wolt suffer from the lack of any evidential foundation to which we could have regard. In our view, if QAC expected us to provide a greater level of protection for Wanaka Airport from that currently provided by the District Plan then it was incumbent upon it to provide clear evidence as to the necessity for that additional protection. It did not do so, and while Ms Wolt made an admirable effort to construct a case in the absence of any evidence, we find that we can put little weight on her submissions of a potentially significant adverse effect on the Airport's future operations.
473. Other than the issues raised by QAC, all of the other matters we have discussed suggest that Corbridge did not make out its case to rezone its site as RVZ. We considered whether we might focus on the substance of Corbridge's case which, as above, essentially seeks recognition of what it proposes as a Millbrook-type resort. A stand alone 'Resort' zone would, we think, be in scope and would overcome the inconsistencies we have identified with the objectives and policies of Chapter 46 focussing on the scale of intensity of the proposed development. However, such a resort zone still needs to be consistent with the strategic objectives and policies. Accordingly, we find that the case for a resort zone falls down on much the same basis as that for an RVZ – it fails on landscape grounds. Similarly, our concerns about the lack of an adequate evidential basis to demonstrate that private provision of infrastructure on this scale is feasible, and potential traffic and transport implications all turn against that possibility. Accordingly, we do not take that option further.
474. The alternative use of the land put to us by Ms Irving was the landowner's unimplemented residential development. The landowner has resource consent for residential development on the land issued under the ODP's Rural Zone, which it can exercise if it chooses to do so. If it does not, we consider the PDP best provides for the maintenance of the RCLs landscape character and visual amenity values under a Rural zoning.
475. Accordingly, for the reasons set out above, we recommend rejecting Submission #31021 from Corbridge Estate Limited Partnership to rezone the proposed Corbridge site as RVZ.

16. MATAKAURI – MATAKAURI LODGE LIMITED – SUBMISSION #31033

16.1 Overview

476. Matakauri Lodge Limited (Matakauri)⁴⁰⁸ lodged a submission seeking RVZ zoning over approximately 3.6ha of land located on Farrycroft Row (a private right-of-way access) which intersects with the Glenorchy-Queenstown Road approximately 8km from central Queenstown. Located on the site is Matakauri Lodge, a luxury visitor accommodation facility first developed in the late 1990's and expanded by way of a series of resource consents since that time. Its current resource consents enable the site to accommodate 32 overnight paying guests in 26 guest rooms. Consents also enable limited public use of the dining room and health spa, as well as four functions per year. The existing buildings on the site have a building footprint of 1634m²⁴⁰⁹.
477. The site slopes down towards Lake Wakatipu below Farrycroft Row. Between the site and the lake is a strip of Recreation Reserve along the shoreline of Lake Wakatipu, which includes a public track. To the north-east of the site is another area of Recreation Reserve, containing a public car park accessed off the Glenorchy-Queenstown Road. Both areas are administered by the Department of Conservation. The 7-Mile track passes through the reserve areas. This is popular with walkers and mountain bikers, and a network of mountain bike tracks has been

⁴⁰⁸ Submitter #31033

⁴⁰⁹ S Freeman, EIC, para [36]-[40]

developed within the reserve. To the north and west of the site are numerous rural lifestyle properties, seven of which have legal access over Farrycroft Row. Two of these properties currently contain houses which gain their access via Farrycroft Row⁴¹⁰. The nearest house is the Scaife / Byrch⁴¹¹ residence immediately to the south-west of the site boundary⁴¹².

478. Under the PDP, the land is zoned Rural Lifestyle Zone (RLZ). The surrounding land is categorised as an ONL, as is Lake Wakatipu itself.



Aerial photo showing the proposed Matakauri RVZ site

479. Matakauri lodged a submission on Stage 1 of the PDP supporting the notified Visitor Accommodation Sub-Zone (VASZ) over its site. The submitter has an outstanding Stage 1 appeal relating to the Council's decision to remove the VASZ⁴¹³. Three parties have joined this appeal, including M Scaife and C Byrch. We were informed that mediation for this appeal has been postponed pending the outcome of Stage 3B⁴¹⁴.
480. The Matakauri submission on Chapter 46 requested the whole of its site be rezoned as RVZ. The submission generally supports the Notified Plan Change and seeks that its provisions be confirmed. No specific amendments were sought to the notified provisions. No landscape sensitivity mapping was included with the submission. A plan showing "high landscape

⁴¹⁰ S Freeman, EIC, para [35]

⁴¹¹ M Scaife and C Byrch, Further Submitters #31062 and #31070

⁴¹² R Lucas, EIC, para [10] & [12]

⁴¹³ The Council accepted the recommendations of the Hearing Panel in Report 4B regarding VASZ in Chapter 22: Rural Residential and Rural Lifestyle Zones

⁴¹⁴ S Freeman, EIC, para [21]

sensitivity areas” and “Appropriate land for development” was attached to the evidence of Ms Lucas, consultant landscape architect for Matakauri ⁴¹⁵.



481. Further submissions were lodged by Mr Marc Scaife⁴¹⁶ and Ms Christine Byrch⁴¹⁷. Ms Byrch also lodged an original submission relating to the RVZ which we have addressed earlier in this report. In relation to the Matakauri submission, Mr Scaife and Ms Byrch both fully opposed the rezoning to RVZ. Ms Byrch summarised their opposition, stating: *“The Matakauri Lodge site is presently zoned Rural Lifestyle, it is within a residential area. To rezone Matakauri would be an absolute anomaly and would allow further development out of scale with all properties in the surrounding zone.”*

482. Ms Grace addressed the Matakauri submission in her EIC⁴¹⁸, with landscape evidence on behalf of the Council from Mr Jones⁴¹⁹. Mr Jones undertook a high level landscape analysis of the site and concluded that there could be capacity for it to accommodate the type of development anticipated in the RVZ, subject to some additional controls, but the required landscape analysis and assessment had not be undertaken by the submitter. Ms Grace also considered the site has the key characteristics for RVZ areas, and in principle, she considered the RVZ is more appropriate zone than RLZ to manage the activities on the site. However, as there was insufficient information available at that time, both Ms Grace and Mr Jones opposed the rezoning on landscape grounds.

483. Evidence for Matakauri was provided by Mr Freeman⁴²⁰, Ms Lucas and Mr Bartlett⁴²¹.

⁴¹⁵ R Lucas, EIC, Attachment 4 Opportunities for Development, dated 24 April 2020

⁴¹⁶ Further Submission #31062

⁴¹⁷ Further Submission #31070

⁴¹⁸ E Grace, EIC, para [13.3]-[13.10]

⁴¹⁹ M Jones, second EIC, Section 15

⁴²⁰ Consultant planner for Matakauri

⁴²¹ Consultant traffic and transportation engineer for Matakauri

484. Ms Lucas⁴²² provided a landscape analysis of the site and surrounding environment, assessed the site's landscape sensitivity, and undertook a landscape assessment. On the basis of Ms Lucas's evidence, Mr Jones⁴²³ advised he no longer opposed the rezoning to RVZ, subject to an additional control on building coverage. Ms Grace⁴²⁴ accepted Mr Jones' evidence in relation to the appropriateness of the rezoning in terms of landscape matters. However, the Council also provided rebuttal evidence on traffic-related matters from Mr Smith⁴²⁵.
485. Mr Smith⁴²⁶ expressed concerns about the safety of the access and the practicalities of the necessary upgrades. On the basis of this evidence, Ms Grace⁴²⁷ considered the RVZ zoning is not appropriate for the site. By the time of the Council's Reply statements, mechanisms to resolve the traffic-related issues had been generally agreed between Ms Grace and Mr Freeman.
486. Subject to their acceptance of recommended amendments to the RVZ provisions, Ms Grace⁴²⁸ and Mr Jones⁴²⁹ supported rezoning the Matakauri site to RVZ.
487. Ms Byrch and Ms Scaife attended the hearing, presented us with written and verbal evidence, and answered our questions. They are the closest immediate neighbours to the Matakauri site, with the nearest residential unit on their property being 10.5m from the site boundary with Matakauri⁴³⁰. They both strongly opposed the rezoning of the Matakauri site as RVZ. We address the reasons for their opposition below.

16.2 Issues in Contention

488. By the completion of the hearing process, there was little remaining in contention between the Council's and submitter's witnesses. General agreement had been reached between Mr Jones and Ms Lucas on the landscape sensitivity mapping and the assessment of potential landscape effects, although there remained disagreement regarding the amount of additional building coverage that could be accommodated on the site as a permitted activity⁴³¹. On the basis of Mr Smith and Mr Rossiter's⁴³² concerns regarding safety of vehicle access to the site, and the feasibility of necessary upgrades, Ms Grace and Mr Freeman reached agreement regarding mechanisms to ensure these matters would be addressed for any new development at the site. Ms Grace included provision for a Matakauri RVZ in her recommended changes to the Notified Plan Change attached to her Reply⁴³³.
489. Outstanding issues remained between Ms Byrch and Mr Scaife, the immediate neighbours, and the submitter and the position finally reached by the Council. We provide here a summary of the areas of contention.

⁴²² R Lucas, EIC

⁴²³ M Jones, Rebuttal, Section 5

⁴²⁴ E Grace, Rebuttal, para [6.2]-[6.4]

⁴²⁵ Mr Michael Smith, consultant transportation engineer for the Council.

⁴²⁶ M Smith, Rebuttal, Section 8

⁴²⁷ E Grace, Rebuttal, para [6.8]

⁴²⁸ E Grace, Reply, Section 13

⁴²⁹ M Jones, Reply, Section 9

⁴³⁰ C Byrch, verbal evidence at the hearing

⁴³¹ Mr Jones and Ms Grace recommended a maximum total ground floor area of 2000m² for the site, whereas Ms Lucas and Mr Freeman recommended 2500m²

⁴³² Mr Smith was unable to attend the hearing. Mr Smith's evidence was adopted by Mr Christopher Rossiter, consultant transportation engineer, who attended the hearing, answered our questions and provided a Reply Statement

⁴³³ E Grace, Reply, Appendix A

Hearing Panel's Report 4B – Stage 1 PDP

490. Both Mr Scaife and Ms Byrch referred us to the considerations and recommendation of the Hearing Panel who considered submissions regarding the application of a VASZ over the Matakauri site within the RLZ⁴³⁴ as part of Stage 1 of the PDP. The Hearing Panel recommended rejecting provision for VASZ within the RLZ generally⁴³⁵.
491. Mr Scaife noted that Matakauri requested a building coverage of 2500m² in the VASZ and one of the reasons for the Hearing Panel's recommendation to reject the VASZ was the difficulty of managing the effects of the additional building coverage, on landscape quality, character and visual amenity values by way of a controlled activity. Mr Scaife and Ms Byrch each quoted from the Hearing Panel's report which stated⁴³⁶: "*In our view only by having the ability to refuse consent will the Council be able to achieve the policies of the PDP when considering applications for visitor accommodation in the VASZ.*"

Inconsistencies between Provisions within a RVZ compared with surrounding RLZ

492. Mr Scaife expressed concern at the inconsistencies that would arise between the provisions enabling activities and building in the proposed RVZ compared with what would be allowed in the surrounding RLZ. Mr Scaife considered all buildings in the RLZ should be able to benefit from the permissive planning provisions afforded to visitor buildings in the RVZ. Otherwise, Matakauri alone would be able to breach the rules that protect the environment in the RLZ, whilst the surrounding properties do not. Mr Scaife drew to our attention the Hearing Panel's Report 4B, which stated⁴³⁷: "*No evidence has been provided to justify the differentiation between allowable coverage in the VASZ versus that allowable elsewhere in the Rural Lifestyle Zone*".

Emphasis on Landscape Characteristics for choice of RVZ Location rather than Effects on Surrounding Environment

493. Ms Byrch pointed out that identification of an RVZ depends very much on landscape assessment and, in this case, looks only at the Matakauri site rather than considering the impacts of commercial activities permitted by the RVZ on its neighbours and the surrounding zone. She considered effects such as traffic, helicopter nuisance, patrons of restaurants, bars and commercial recreation, deliveries, etc., on neighbours and others in the surrounding RLZ, and the loss of amenity this will cause, should be taken into account. Ms Byrch referred to the visibility of the Matakauri Lodge development from the lake, residences above the site, the Glenorchy-Queenstown Road, and the 7 Mile carpark and walking track.
494. Mr Scaife pointed out that, unlike other RVZ, Matakauri is not an isolated rural site. It is in a rural living zone with about 100 residential properties within a 1.5km radius. It is adjacent to a popular reserve, carpark and picnic area with hundreds of visitors each day in summer, and adjacent to Lake Wakatipu. Like Ms Byrch, Ms Scaife listed RVZ activities that can potentially have adverse effects on residential neighbours and which in his view should be taken into account when selecting appropriate RVZ locations. In his opinion, as RVZ are assumed to occur in remote locations with few if any adverse effects on neighbours, Chapter 46 does not have a framework for assessing such effects, making the Matakauri location in the midst of an RLZ unsuitable for a RVZ.

⁴³⁴ Report 4B regarding VASZ in Chapter 22: Rural Residential and Rural Lifestyle Zones

⁴³⁵ Hearing Panel's Report 4B, para [57]

⁴³⁶ Hearing Panel's Report 4B, para [44]

⁴³⁷ Hearing Panel's Report 4B, para [51]

Landscape Effects

495. Ms Byrch and Mr Scaife both challenged the findings, objectivity and consistency of the landscape architects providing evidence regarding the Matakauri RVZ⁴³⁸. Given this, it was Mr Scaife's opinion that applications for additional building coverage should be the subject of proper assessment and not subject to the limited matters of control available through controlled activity status. Rather, they should be able to be declined or properly controlled through discretionary activity status.

16.3 Hearing Panel's Consideration and Recommendations

496. We turn first to our recommended Chapter 46 objectives and policies regarding the location, scale and intensity of RVZ and their visitor activities and buildings. Our recommended Objective 46.2.1 requires visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where (in ONLs) the protection of the landscape values of the ONL is achieved. Our recommended Objective 46.2.2 requires building development for visitor industry related use to be at a small scale and low density., and to be located in areas of lower landscape sensitivity.
497. In terms of scale, we accept the proposed Matakauri RVZ site, at 3.6ha, is small. We are satisfied the current intensity of visitor activity on this site is low, with overnight accommodation for 32 guests and some limited public use for dining, spa and occasional functions. The existing scale of built development (1634m²) is less than 5% of the total site area. We consider this to be a sufficiently low density of built development across the overall site.
498. Ms Lucas has mapped the areas of high landscape sensitivity, as well as appropriate areas for development, which she has assessed as being of low to moderate landscape sensitivity⁴³⁹. Mr Jones⁴⁴⁰ generally concurs with her and considers the anticipated building development areas are appropriately located.
499. With respect to the scale, intensity of activity, and density of buildings, we are satisfied that the existing development on the site is consistent with the outcomes sought through the objectives.
500. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require protection of the landscape values of ONL and ONF. By the end of the hearing process, there was strong agreement in the evidence from Mr Jones and Ms Lucas regarding the effects of the RVZ on landscape values.
501. Ms Lucas⁴⁴¹ identified the important landscape attributes of the site and its setting as a sense of remoteness, native vegetation cover, visual cohesion, legibility of the formative processes and naturalness. It was her opinion that the attributes and values could be protected under the RVZ, including with some limited further development on the site. Mr Jones⁴⁴² generally agreed, although he was more conservative regarding the amount of further development that would ensure the values of the ONL are protected. We are satisfied, on the basis of this evidence, that the proposed RVZ, with the existing level of development, would protect the landscape values of the ONL. We return to the scale of additional development below.

⁴³⁸ And those who have given evidence for previous resource consents at Matakauri

⁴³⁹ R Lucas, EIC, para [58]

⁴⁴⁰ M Jones, Rebuttal, para [5.3]-[5.4]

⁴⁴¹ R Lucas, Summary of Evidence, para [7]

⁴⁴² M Jones, Reply, para [9.4], and Rebuttal, para [5.7]

502. Our recommended Policy 46.2.2.3 directs buildings in ONL to be sited so they are reasonably difficult to see from beyond the boundary of the zone. This is consistent with the strategic policy direction in Policy 6.3.3.1.b.
503. In her evidence, Ms Lucas evaluated the visibility of the existing and possible future development from beyond the site. She stated⁴⁴³ she is very familiar with the site having visited it and its surroundings on several occasions and having assessed the site for previous consent applications and Council evidence. From her evaluation⁴⁴⁴, only glimpses of the site are possible from the Glenorchy-Queenstown Road as the buildings are screened by vegetation; buildings are partially visible from the 7 Mile carpark over a distance of about 300m and a little more visible from the beginning of the 7 Mile Reserve track as it descends to lake level. The existing and possible future buildings will be visible from Lake Wakatipu⁴⁴⁵. The sailing route of the TSS Earnslaw is a considerable distance from the site, although private boats do come closer. She considers the existing development on the site, when viewed from a distance, blends into the landscape setting. We note Mr Jones⁴⁴⁶ stated that he generally agreed with Ms Lucas's visual assessment.
504. We recorded above that Ms Byrch and Mr Scaife stated that development on the site would be visible from various public and private locations beyond the site. We questioned Ms Lucas further about whether the visibility she had identified was consistent with development being reasonably difficult to see from beyond the boundary of the zone. In terms of the existing development, she was clear that views from public places are partial, fleeting, for short distances or require effort to view. From the houses above the site, she agreed that some lights may be seen at night and some roofs, if they are looked for. From the lake, she considers the existing development is now surrounded and well-screened by vegetation. Whilst any new buildings will be able to be seen from the lake, they will be within the existing development, set further back than the existing buildings and/or screened from the lake by existing vegetation.
505. On the basis of Ms Lucas's evidence, we are satisfied that new development could be located, designed and screened so as to be reasonably difficult to see, provided the RVZ provisions require any new buildings to be located in the areas she has identified for additional development,
506. We acknowledge that Ms Byrch and Mr Scaife are local residents, will know this area well, and have raised genuine criticisms of Ms Lucas's assessments, both of visibility and effects on landscape values. However, having questioned Ms Lucas on these matters, we accept her expert assessment⁴⁴⁷ of the potential effects of the proposed RVZ on landscape values of the ONL and visual amenity from beyond the boundaries of the site.
507. We agree with Ms Grace⁴⁴⁸ and Mr Freeman that the RVZ is a more appropriate zone to provide for, and manage, the existing activities on the Matakauri site, that were authorised by resource consents under the ODP than the RLZ. We accept the evidence of Mr Freeman⁴⁴⁹ that the existing activities do not sit comfortably with the policies of the RLZ under the PDP,

443 R Lucas, EiC, para [50]-[51]

444 R Lucas, EiC, para [49]

445 R Lucas, EiC, para [52]

446 M Jones, Rebuttal, para [5.2]-[5.3]

447 Supported by Mr Jones

448 E Grace, EiC, par 13.9]

449 S Freeman, EiC, para [22]-[23]

as they seek to discourage visitor accommodation of the type and scale provided at Matakauri. We agree with Mr Freeman⁴⁵⁰ that the RVZ would more appropriately recognise established visitor accommodation activities already authorised on the site and provide the opportunity to enable appropriate alterations and extensions.

508. We do, however, consider there is a need for caution as to how much additional built development can be accommodated on the Matakauri site as a controlled activity, whilst ensuring that the objectives and policies of Chapter 46 are implemented. Given the site is within an ONL (for which the landscape values must be protected), is visible from Lake Wakatipu (which itself is an ONL), adjoins well-used public reserves, and is set within a rural living zone, we consider that controlled activity status is insufficient. As expressed by the Hearing Panel on Stage 1⁴⁵¹, only by having the ability to refuse consent will the Council be able to ensure the objectives and policies of the Chapters 3 and 6 and of the RVZ are achieved⁴⁵². Accordingly, we recommend the maximum total building coverage on the site be limited to the existing buildings, with any greater coverage requiring consent as a restricted discretionary activity (in general accordance with Ms Grace's recommended Rule 46.5.2).
509. In terms of effects on traffic safety on the access and at the intersection with the Glenorchy-Queenstown Road, we accept the evidence of Mr Freeman⁴⁵³ and Ms Grace⁴⁵⁴ regarding the availability of methods within the PDP to enable traffic and access effects to be addressed, through restricted discretionary applications under the Transport Chapter. We acknowledge this consenting mechanism is available in the PDP and is useful for managing vehicular accesses and vehicle crossings that do not comply with the Transport Chapter requirements. However, we consider a more proactive approach to managing the potential effects of new development would be to manage the nature and scale of new development that is appropriate within the site, including the traffic effects of that development. We consider this be appropriately achieved through restricted discretionary activity status (with appropriate matters of discretion) for additional building coverage within the site, consistent with our recommendation above.
510. As a result of our recommendation above that the maximum total building coverage on the site be limited to the existing buildings, we do not need to address the outstanding disagreement between Ms Lucas and Mr Jones regarding the scale of additional building coverage.
511. As to the additional matters raised by Mr Scaife and Ms Byrch, we have recommended restricted discretionary activity status for additional buildings within a RVZ on the Matakauri site, rather than discretionary status considered appropriate by the Hearing Panel in Report 4B. Restricted discretionary status does give the ability to decline an application, as that Panel considered essential. From the evidence before us, we consider we have sufficient understanding of the potential effects on the environment from additional building coverage, to support the list of matters of discretion recommended by Ms Grace. Apart from one matter we discuss further below, we are satisfied this approach will enable appropriate consideration of consent applications.

⁴⁵⁰ S Freeman, EIC, para [120]

⁴⁵¹ Hearing Panel's Report 4B, para [44]

⁴⁵² Report 20.1, Section 3.3, sets out our position on the efficacy of controlled activity status

⁴⁵³ Memorandum of Scott Freeman, provided by Mr Holmes, Counsel for Matakauri, 31 July 2020

⁴⁵⁴ E Grace, Reply, para [13.1]-[13.7]

512. Mr Scaife expressed concern that any or all sites within the RLZ could seek to be rezoned as RVZ, if the Matakauri site is rezoned. We do not hold this concern. The Matakauri site is already well developed with visitor accommodation consistent with the purpose and provisions of the RVZ, and we heard expert evidence regarding its appropriateness in terms of the strategic objectives and policies and those of Chapter 46. That is not to say that other sites might not also meet these requirements, but that is for them to put the case for that at some time in the future.
513. As we addressed earlier in this report, Mr Scaife and Ms Byrch alerted us to a concern with the lack of focus in the RVZ on effects from RVZ development on surrounding neighbours. We agree with their observation. In the case of the proposed Matakauri RVZ, we consider the effects on the amenity values of surrounding neighbours are currently well mitigated and can be managed in the future by way of restricted discretionary activity status for additional buildings on the site. However, we agree the potential for adverse effects on the surrounding environment needs to be able to be considered for future RVZ rezoning and for consent applications within existing and future RVZ. We have earlier recommended amendments to the objectives, policies and rules to address this concern.
514. Subject to the amendments we have recommended above, we agree with Ms Grace's conclusion⁴⁵⁵ that rezoning this site to RVZ would be an appropriate way to achieve the objectives of Chapter 46. The rezoning would provide for access to the ONLs of Lake Wakatipu and its surrounds. With our recommended amendments, we consider the zone provisions would protect the landscape values of the ONL, apply appropriate controls to limit the scale and intensity of activities and buildings on the site, and manage effects beyond the zone.
515. We have evaluated the rezoning of this site to RVZ, with its associated site-specific development controls, alongside the principles and tests we have set out previously, and in terms of our duties pursuant to section 32AA of the Act. Having weighed the costs and benefits to the landowner, to neighbours, to the wider public, and in relation to effects on landscape values of the ONLs, we are satisfied that applying the RVZ to this site would be the most appropriate way to achieve the objectives of Chapters 3, 6 and 46, and to implement the policies of the RVZ. We recommend the rezoning to RVZ sought by the submitters be included on the Planning Maps and the provisions of the RVZ be amended, as shown in Appendix 1. We, therefore, recommend that the submission from Matakauri Lodge Limited be accepted in part.

17. BARNHILL –BARNHILL CORPORATE TRUSTEE LIMITED, DE, ME BUNN & LA GREEN - SUBMISSION #31035

17.1 Overview

516. The proposed Barnhill RVZ, subject of a submission from Barnhill Corporate Trustee Limited, DE, ME Bunn & LA Green (Barnhill)⁴⁵⁶, is located on the south-western side of Morven Ferry Road, Arrow Junction, approximately 750m north of the Kawarau River. The site adjoins part of the Queenstown Trail network.
517. The Bunn family have farmed the property since the 1950s⁴⁵⁷. We understand it is one of the few remaining larger-scale farms in the Wakatipu Basin. The submitter's business model for farm economic diversity centres around attracting local, national and international visitors to

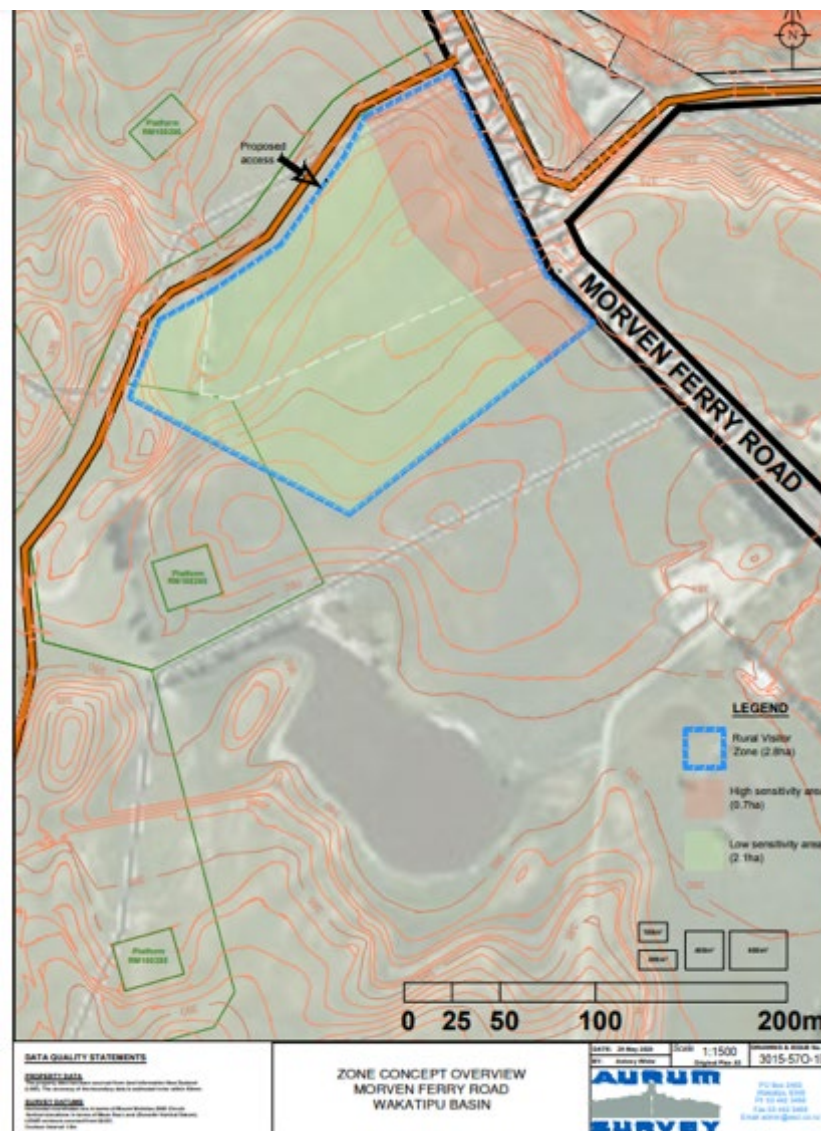
⁴⁵⁵ E Grace, Reply, para [13.9]-[13.10]

⁴⁵⁶ Submission 31035

⁴⁵⁷ Legal submissions from V Robb, para [6]

stay and enjoy the peaceful and varied landscape settings the farm has over a relatively small area⁴⁵⁸. Their vision for the site is to create a hub of rural visitor activity at the intersection of the Arrow River, Gibbston Wine and Twin Rivers Trails, with visitor accommodation, café, and associated retail activity⁴⁵⁹.

518. The submission sought RVZ over two areas of the property with a total area of 20.2ha. By the time of lodging evidence for the hearing, the submitter had reduced the area sought to be rezoned to 2.8ha on the corner of Morven Ferry Road and the Queenstown Trail, including 7000m² identified as high landscape sensitivity along the Morven Ferry Road frontage⁴⁶⁰. Under the PDP, the land was zoned Rural in Stage 1 and changed to Wakatipu Basin Rural Amenity Zone (WBRAZ) in Stage 2. The site is within the Morven Eastern 'Foothills' Landscape Character Unit (LCU 18) in the PDP. The site is close to the ONF of the Arrow River and the ONL of the Kawarau River / Morven Hill.



Aerial photo showing the proposed Barnhill RVZ site

458 D MacColl, EIC, para [7]
 459 Legal submissions from V Robb, para [6]
 460 S Freeman, EIC, para [12]

519. The submitter previously made submissions on Stage 1 and 2 of the PDP, seeking similar zoning outcomes over the larger area sought in its Stage 3B submission⁴⁶¹. The submission was heard in the Wakatipu Basin part of the Stage 2 hearings. The relief was not granted, with a WBRAZ zoning being retained in the Council’s decision. This is now subject to appeal before the Environment Court⁴⁶².
520. The submission included a range of amendments sought to the Notified Plan Change, including provision for RVZ outside ONLs; provision for farm buildings (permitted), commercial activities (restricted discretionary), and residential activities (discretionary); more enabling height and building size standards; and more enabling earthworks provisions for the site. The submitter’s revised proposal (at the hearing), in addition to reducing the land area sought to be rezoned RVZ, only sought amendments to notified Policy 46.2.1.a. and Standard 46.5.2 regarding the total maximum ground floor area for buildings – 1500m² was sought as a controlled activity rather than the notified 500m².
521. Ms Grace evaluated the submission from Barnhill in her EiC⁴⁶³ recommending, based on the information available to her at the time, that the requested rezoning to RVZ be rejected, predominantly on landscape grounds.
522. The Council’s landscape evidence on the Barnhill submission was provided by Ms Helen Mellsop in her EiC⁴⁶⁴ and Rebuttal evidence⁴⁶⁵. Based on the reduced area sought to be rezoned, Ms Mellsop reiterated her opinion that there is potential for a small area of RVZ to be absorbed close to the Twin Rivers Trail, however, she considered development would need to be small scale and appropriately located, designed and landscaped in order to avoid adverse effects on both visual amenity and views of the surrounding ONF/ONLs. She did not consider the submitter’s proposed relief would sufficiently achieve this. It was Ms Mellsop’s maintained opinion that there was insufficient expert analysis of the landscape sensitivity of the site and the landscape effects of the proposal.
523. Ms Grace provided further evaluations in Section 6 of her second Rebuttal evidence, and Section 14 of her Reply statement. Based on Ms Mellsop’s evidence, Ms Grace continued to recommend that the requested Barnhill RVZ rezoning and building size provisions be rejected, due to landscape matters.
524. Evidence for Barnhill was provided by Ms Debbie MacColl and Ms Susan Cleaver, members of the Bunn family who live and/or work on the family farm, and who are directors of Barnhill Corporate Trustee Limited. Landscape evidence was provided by Mr Ben Espie and planning evidence by Mr Scott Freeman. We refer to the evidence in more detail below.

17.2 Issues in Contention

525. We refer first to the nature of the evidence presented to us, particularly the landscape-related evidence. At the hearing we noted the difficulty we were facing with very limited expert evidence before us that directly addressed the submitter’s Stage 3B proposal for RVZ.

⁴⁶¹ E Grace, EiC, para [13.14]

⁴⁶² Legal submissions from V Robb, para [4]

⁴⁶³ E Grace, EiC, para [13.11]-[13.9] – *noting the irregularity in the paragraph numbers*

⁴⁶⁴ H Mellsop, EiC, Section 8

⁴⁶⁵ H Mellsop, Rebuttal, Sections 3 & 4

526. Ms MacColl⁴⁶⁶ and Ms Cleaver⁴⁶⁷ provided us with a large number of photographs which, along with our site visit, enabled us to gain a good understanding of the site and surrounding area. Some of these photographs appeared to be related to their Stage 1 submission⁴⁶⁸, and others prepared by Ms Cleaver⁴⁶⁹ showed the location of the reduced Barnhill RVZ from a range of viewpoints, as well as showing potential locations and scale of buildings within that area. In her evidence, Ms Cleaver explained how the photographs were taken and digital images prepared. Ms MacColl provided her reasoned opinions regarding the landscape sensitivity of the site, and the effects of development with the Barnhill RVZ on views of the site.
527. Mr Espie's EIC regarding the Stage 3B proposal was very limited, relying predominantly on his evidence for the Stage 1 and 2 submissions (his Stage 2 evidence was attached), as well as his examination of the evidence of Ms MacColl and Ms Cleaver. At the hearing, we asked Ms Espie as to why he had relied so substantially on his evidence for previous hearings, when the current proposal before us was for a different size and scale of rezoning, and within a different planning framework for the RVZ. We acknowledge that Ms MacColl properly stepped in to explain the position. In summary, as a result of Covid-19 impacts on their financial position, they asked Mr Espie to limit his involvement and to rely on his previous evidence and that of her and Ms Cleaver⁴⁷⁰. We accept this has been a difficult time for everyone and understand the situation. We thank Ms MacColl for being so frank with us.
528. By the time this submission came before us, the matters in contention related to the adequacy of the landscape sensitivity mapping and assessment of landscape effects, and the controlled activity status for a total building coverage of 1500m² within the proposed Barnhill RVZ.

Landscape Assessment and Effects

529. Ms Mellsoop undertook a high-level review of the proposed 20ha rezoning in her EIC⁴⁷¹, briefly describing the landscape character, opportunities and constraints of the site, and the landscape character of the surrounding area (within LCU 18 and with adjoining ONF/ONLs). She agreed with the low capability of LCU 18 to absorb additional development, as stated in the PDP following the Stage 2 decisions. She also evaluated the effects on landscape character and visual amenity values of the changes to the notified RVZ provisions sought in the submission. As stated earlier, Ms Mellsoop considered there may be potential for a limited amount of small scale, well designed and located, visitor accommodation or commercial development at this site, but that a more detailed landscape analysis would be required.
530. Following the reduced scale and nature of the submitter's requested rezoning, Ms Mellsoop⁴⁷² reconsidered the submission based on the evidence of Mr Espie, Ms MacColl and Ms Cleaver. She noted the latter two statements are lay evidence rather than expert landscape evidence, and that Ms Cleaver's photographs should be viewed with the understanding that buildings could be located anywhere within the proposed zone. She noted also that Mr Espie's evidence did not specifically assess the rezoning sought. Nor did it analyse the landscape sensitivity of the site in the context of the PDP Stage 3B RVZ, or provide support for identification of the area of high landscape sensitivity along Morven Ferry Road and low sensitivity for the balance of the site.

⁴⁶⁶ D MacColl, EIC, Appendix 3

⁴⁶⁷ S Cleaver, EIC, Appendix 3

⁴⁶⁸ Vivan+Espie Appendix 3

⁴⁶⁹ Ms Cleaver is a professional photographer, who has training and expertise in digital photography and digital image manipulation

⁴⁷⁰ We understand the same request was made of Mr Freeman

⁴⁷¹ H Mellsoop, EIC, Section 8

⁴⁷² H Mellsoop, Rebuttal, Sections 3 & 4

531. In answer to our questions at the hearing, Ms Mellsoy retained her concern that substantial change could occur on the site, with high potential for cumulative adverse effects. She considered there would potential for buildings to be seen in the foreground of views to the ONL, and for the scale of buildings to adversely affect visual amenity values, which would not maintain landscape character and visual amenity values.
532. Mr Espie responded to some of the concerns of Ms Mellsoy in his evidence summary⁴⁷³ and in answer to our questions at the hearing. He stated he had examined the mapping of the high landscape sensitivity area in Ms Cleaver's evidence. He supported its location based on the relative uniformity of the land across the site, with the proud landform sloping towards the road and the visually prominent land being included in the mapped area. For the balance of the area, he considered it has moderate-low capacity to absorb additional development (rather than low). He considered the development sought through the submission could be comfortably absorbed into the landscape without inappropriate adverse effects on landscape character or visual amenity. However, he acknowledged in answer to our questions that he had relied on his evidence for previous PDP stages and the evidence of Ms Cleaver and Ms MacColl to support his assessment of landscape effects from this scale of development.

Controlled Activity Status for 1500m² Total Building Coverage

533. For the reasons we outlined above, Ms Mellsoy⁴⁷⁴ continued to consider a total building coverage of 500m² would be appropriate as a controlled activity. Based on this evidence, Ms Grace considered⁴⁷⁵ the submitter has not sufficiently demonstrated that controlled activity development of 1500m² scale will maintain landscape character and maintain or enhance visual amenity values. She amplified on this in her Reply⁴⁷⁶, emphasising that the standards to manage built form, particularly the ground floor area, are set at low thresholds for controlled activities, in the absence of evidence that greater allowances will adequately manage effects. Where evidence is provided that a greater allowance will meet the landscape test, she accepted it may be appropriate to have a greater allowance for a controlled activity. However, in this instance, based on the lack of specific, expert landscape evidence from the submitter and Ms Mellsoy's evidence, Ms Grace only supported a controlled activity standard of 500m².
534. Mr Freeman⁴⁷⁷ was of the opinion that a sufficiently detailed landscape assessment had been undertaken to support an area of 1500m² as a controlled activity on the Barnhill RVZ site. In his opinion, 500m² is too small and arbitrary to be an efficient and effective rule to apply to the range of different RVZ and a larger limit is appropriate at Barnhill. This position was supported in the legal submissions⁴⁷⁸ which we have considered in Report 20.1.

17.3 Hearing Panel's Consideration and Recommendations

535. We turn first to our recommended Chapter 46 objectives and policies regarding the location, scale and intensity of RVZ and their visitor activities and buildings. We have previously recommended that Objectives 46.2.1 & 46.2.2 be amended to enable RVZ to be located outside the Rural Zone and ONL. We agree with Ms Grace⁴⁷⁹ that the Barnhill site has some of the key characteristics for RVZ areas, and the site's close proximity to ONFs and ONLs, and

⁴⁷³ B Espie, Summary Evidence, 28 July 2020

⁴⁷⁴ H Mellsoy, Rebuttal, Section 3

⁴⁷⁵ E Grace, second Rebuttal, para [6.3]

⁴⁷⁶ E Grace, Reply, para [14.2]-[14.4]

⁴⁷⁷ S Freeman, EiC, para [19]

⁴⁷⁸ Legal submissions from V Robb, para [23]-[39]

⁴⁷⁹ E Grace, EiC, para [13.7]

to the Queenstown Trail, provides a means to experience these landscapes. We agree that an RVZ in this location would allow for increased access to this area of the District's landscapes.

536. Our recommended Objective 46.2.1 requires visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where maintenance of landscape character, and maintenance or enhancement of visual amenity values, are achieved. Our recommended Objective 46.2.2 requires building development for visitor industry related use to be at a small scale and low density, be located in areas of lower landscape sensitivity, and to achieve the same landscape requirements. Policy 46.2.2.3 directs buildings outside ONL to be sited where they are not highly visible from public places, and do not form the foreground of ONLs or ONFs. These provisions are consistent with the Strategic Objectives and Policies in Chapters 3 and 6, as well as the objectives and policies of Chapter 24 for the WBRAZ, which the RVZ would replace.
537. We agree with Ms Mellsop that there may be potential for a small area of RVZ to be absorbed into the landscape in this location, close to the Queenstown Trail, with a limited amount of small scale, well designed and located, visitor accommodation or commercial recreational development. We have considered the evidence of Mr Espie, in light of the criticism of its adequacy by Ms Mellsop. We accept the position reached by Ms Mellsop. We agree Mr Espie has not provided a sufficiently detailed landscape sensitivity analysis or landscape effects assessment to give us confidence the fundamental landscape policy requirements would be achieved – the maintenance of landscape character, and maintenance or enhancement of visual amenity values. Mr Espie did not appear to us to directly address these specific requirements for this specific RVZ proposal. Although we were assisted by the evidence of Ms MacColl and Ms Cleaver, particularly the photographs, we could not place substantial weight on their evidence given it was predominantly lay evidence and they are members of the submitter group.
538. Without more detailed and specific evaluation, as recommended by Ms Mellsop, we are not satisfied the landscape sensitivity mapping, and the controls over development location, scale, design and intensity, are sufficient to ensure the proposed RVZ will maintain landscape character and visual amenity values. In particular, we are not satisfied Mr Espie had sufficiently evaluated the area of high landscape sensitivity, nor the effects of potential building development on landscape character and visual amenity values, such as the potential for buildings to be highly visible from public places or to be seen in the foreground of views to the ONL. This is not intended as a criticism of Mr Espie. We understand and accept that he was in a difficult position.
539. We consider there is need for caution as to how much additional built development can be accommodated on the Barnhill site as a controlled activity, whilst ensuring that the objectives and policies of Chapter 46 are implemented. Given the lack of detailed, expert landscape assessment, the site's proximity to ONLs/ONFs, and potential for adverse landscape character and visual amenity effects within this part of the Wakatipu Basin, we consider controlled activity status is insufficient. As we set out in Report 20.1, activities should not have controlled activity status if we can reasonably foresee a scenario in which Council might need to reject the application. Accordingly, if we were to be recommending the RVZ be accepted at this site, we would not recommend exceeding a maximum total building coverage of 500m² for the zone, as recommended by Ms Grace

540. For the reasons set out above, we recommend rejecting Submission #31035 from Barnhill Corporate Trustee Limited, DE, ME Bunn & LA Green to rezone the proposed Barnhill site as RVZ.

18. GIBBSTON VALLEY STATION – GIBBSTON VALLEY STATION LIMITED – SUBMISSION #31037

18.1 Overview

541. The proposed Gibbston Valley RVZ, subject of a submission from Gibbston Valley Station Limited (Gibbston Valley Station)⁴⁸⁰, is located on southern terraces towards the western end of the Gibbston Valley, setback approximately 660m to the south of the SH6 corridor. Principal access from SH6 is via Resta Road, by a farm track, with access also available to (at least) part of the site from Coal Pit Road.

542. The submission stated that the proposed RVZ would be an opportunity to provide for the growth and diversification of the visitor industry within Gibbston Valley. The site adjoins (to the east of) the Gibbston Valley Resort Zone recently confirmed by the Environment Court. This is intended to provide for the development of a resort, principally for visitor accommodation, with an overall focus on on-site visitor activities based on the rural resources of the Gibbston Valley, winery tourism, and appreciation of the landscape. The submitter considered that the proposed RVZ will be complementary to the Resort Zone⁴⁸¹.

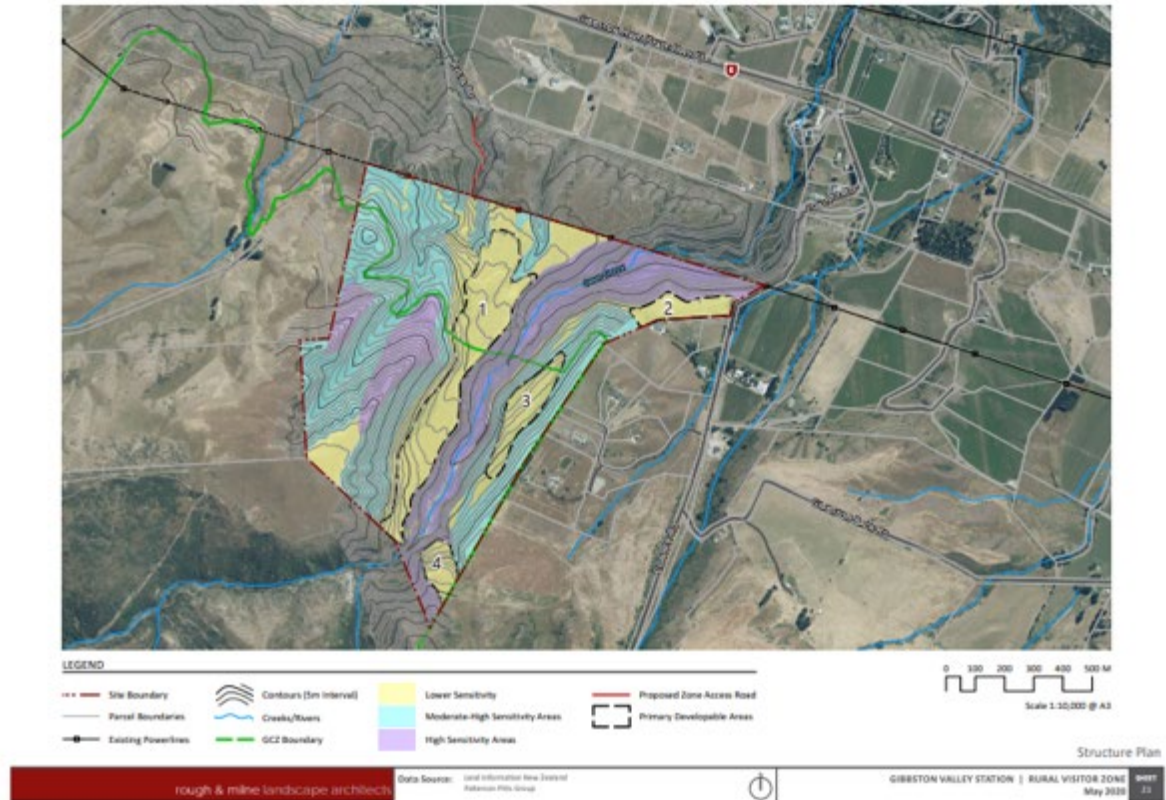
543. The submission sought RVZ over an area of 161ha. By the time of lodging evidence for the hearing, the submitter reduced the area sought to be rezoned to 109ha, bound to the north by the National Grid lines which traverse the Gibbston Valley Station property⁴⁸². Under the PDP, the southern part of the land is within the Rural Zone and the northern part within the Gibbston Character Zone (GCZ). The Rural Zone has an ONL overlay.

⁴⁸⁰ Submission #31037

⁴⁸¹ Supported in the evidence of Greg Hunt CEO and a Director of Gibbston Valley Station Limited, Summary of Evidence: Greg Hunt, 30 July 2020, para [3]

⁴⁸² T Milne, EIC, para [12]

544. The submission supported the Notified Plan Change and sought the whole of the site be zoned as RVZ, with the notified RVZ being retained as notified. No specific changes from the Notified Plan Change were sought through this submission. The submission did not include mapped areas of landscape sensitivity. This was provided in evidence for the submitter by Mr Tony Milne⁴⁸³, along with mapped Developable Areas.



Aerial photo showing the proposed Gibbston Valley RVZ site, with landscape sensitivity mapping and Developable Areas

545. Ms Grace evaluated the submission from Gibbston Valley Station in her EIC⁴⁸⁴ recommending, based on the information available to her at the time, that the requested rezoning to RVZ be rejected on landscape grounds.
546. The Council’s landscape evidence on the Gibbston Valley Station submission was provided by Mr Jones in his second EIC⁴⁸⁵ and first Rebuttal evidence⁴⁸⁶. In his EIC⁴⁸⁷, Mr Jones noted that no expert landscape assessment had been provided as part of the submission. He undertook a high-level landscape analysis of the site, concluding there could be capacity for the site to accommodate the type of development anticipated within the notified RVZ (with Ms Grace’s recommended additional standards), subject to the provision of a detailed landscape analysis and assessment.
547. Following receipt of Mr Milne’s evidence, with its analysis and assessment of the site and surrounding environment, Mr Jones advised⁴⁸⁸ that he no longer opposed the rezoning of the

483 Consultant landscape architect for the Submitter
 484 E Grace, EIC, Section 11
 485 M Jones, second EIC, Section 13
 486 M Jones, first Rebuttal, Section 4
 487 M Jones, second EIC, para [13.7] & [13.9]
 488 M Jones, first Rebuttal, para [4.8]

site to RVZ. Mr Jones concurred⁴⁸⁹ with the conclusions reached by Mr Milne. He considered Mr Milne’s assessment was appropriate and adequate and provided sound reasons and justification for the RVZ rezoning of the site in relation to landscape and visual assessment matters.

548. Ms Grace provided further evaluations in Section 5 of her second Rebuttal evidence, and Section 10 of her Reply statement. Based on Mr Jones’ evidence⁴⁹⁰, Ms Grace⁴⁹¹ no longer opposed the rezoning of this site to RVZ, although she did not agree with most of the changes to the RVZ provisions suggested in evidence by Mr Giddens⁴⁹². Her support, at the time of her Rebuttal evidence⁴⁹³, was also subject to the following requirements:

- Removal of the western part of the zone⁴⁹⁴;
- Inclusion on the Planning Maps of the high and moderate-high landscape sensitivity mapping from Mr Milne’s evidence, as well as the “height exception” areas;
- Application of one Gibbston Valley RVZ specific rule, enabling a height limit of 7m instead of the notified 6m⁴⁹⁵;
- Clarification that the 500m² total maximum ground floor area standard for buildings applies to this RVZ.

549. The RVZ provisions sought by the submitter changed throughout the course of the hearing process. In the submission, no changes were sought from the notified provisions. The submitter’s legal submissions⁴⁹⁶ generally agreed with Ms Grace’s recommendation to reduce the western extent of the proposed RVZ. The submissions also agreed with Ms Grace that the 500m² total maximum ground floor area standard should apply. The evidence of Mr Giddens⁴⁹⁷, however, recommended several additional changes to the RVZ provisions⁴⁹⁸, including:

- Inclusion of a Structure Plan (showing the landscape sensitivity mapping, the Developable Areas and the “height exception” areas),
- Various policy amendments (both specific to this site and more generally),
- Rule amendments to enable residential activity⁴⁹⁹,
- Traffic effects to be included as a matter of discretion for applications to exceed building coverage,
- Additional non-notification requirements, and
- Controlled activity subdivision.

550. Following the hearing, supplementary legal submissions⁵⁰⁰ were provided on behalf of the submitter, setting out its final position with respect to the RVZ provisions sought. The

⁴⁸⁹ M Jones, first Rebuttal, para [4.2]-[4.3]

⁴⁹⁰ In addition to the evidence from Michael Smith, consultant transportation engineer; and Robert Bond, consultant geotechnical engineer; both for the Council

⁴⁹¹ E Grace, second Rebuttal, para [5.10]

⁴⁹² Mr Brett Giddens, consultant planner for the submitter

⁴⁹³ E Grace, second Rebuttal, Section 5

⁴⁹⁴ Ms Grace recommended an alternative location for the western boundary in Figure 2 of her second Rebuttal

⁴⁹⁵ Supported in the evidence of Mr Milne and Mr Jones. Ms Grace accepted the additional height request on the basis that the maximum height in both the Rural and Gibbston Character Zones is 8m

⁴⁹⁶ Legal submissions from J Gardner-Hopkins, 27 July 2020, para [16]

⁴⁹⁷ Summary of Planning Evidence of Brett Giddens, 30 July 2020, para [5]

⁴⁹⁸ Supported in the legal submissions for the submitter from J Gardner-Hopkins, 27 July 2020

⁴⁹⁹ 180 days of residential activity in a visitor accommodation unit, also supported by the evidence of Mr Hunt, Summary of Evidence: Greg Hunt, 30 July 2020, para [7]

⁵⁰⁰ Supplementary Legal Submissions on behalf of Gibbston Valley Station Limited and Malaghans Investments Limited: T18 – Rural Visitor Zone, J Gardner-Hopkins, 5 August 2020

amendments recommended by Mr Giddens continued to be sought, apart from the non-notification requirements⁵⁰¹.

18.2 Issues in Contention

551. By completion of the hearing process, the matters remaining in contention between the Council's and submitter's witnesses had reduced substantially.
552. General agreement had been reached between Mr Jones and Mr Milne on landscape sensitivity mapping, the assessment of potential landscape effects and the location of Developable Areas. Mr Jones, Mr Milne and Ms Grace agreed regarding restricting built development to Developable Areas 1 to 4, and 1m of additional height in Developable Areas 1 and 3. The submitter's legal submissions agreed with Ms Grace regarding the western extent of the rezoning, although the plan recommended by Ms Grace in her Reply⁵⁰² varied slightly from the one she recommended in her Rebuttal.
553. Mr Powell⁵⁰³ concurred with the submitter's engineer⁵⁰⁴ that water, wastewater and stormwater services can be provided within the site. Mr Bond's concerns⁵⁰⁵ regarding natural hazard risks from the two incised stream channels through the site were addressed through the reduction to the western extent of the zone, and the high landscape sensitivity mapping of the remaining stream channel.
554. The Council's witnesses were supportive of rezoning the Gibbston Valley site to RVZ, albeit subject to various requirements for the RVZ provisions, some of which were not agreed by the submitter.
555. The remaining issues in contention related to:
- (a) Upgrading requirements for the Resta Road intersection with SH6;
 - (b) Removal of the area of lower landscape sensitivity on the top of the western ridge that was not identified as a Developable Area by Mr Milne;
 - (c) The location of the western boundary of the RVZ;
 - (d) Use of a Structure Plan, rather than including relevant mapping information on the Planning Maps;
 - (e) Provision for residential activity;
 - (f) Various detailed amendments sought to the RVZ provisions, which were not agreed by Ms Grace.

Upgrading Requirements for Resta Road Intersection with SH6

556. Evidence from Mr Carr⁵⁰⁶, consultant traffic engineer for the submitter, and Mr Smith⁵⁰⁷ examined requirements for upgrading the access road to the site and the intersections with SH6, particularly the intersection with Resta Road. They agreed that each of the local roads can be upgraded to an adequate level and the intersections could be upgraded, subject to approval of the Council and NZTA⁵⁰⁸. It was the PDP mechanism for ensuring the necessary road improvements would occur in a timely manner that was the outstanding matter.

⁵⁰¹ Attachment to Supplementary legal Submissions

⁵⁰² E Grace, Reply, para [10.8]-[10.9] and Figure 2

⁵⁰³ R Powell, first Rebuttal, Section 7

⁵⁰⁴ C Brown, consultant engineer, EiC, 29 May 2020

⁵⁰⁵ R Bond, second EiC, Section 10

⁵⁰⁶ A Carr, EiC

⁵⁰⁷ M Smith, EiC, Section 7

⁵⁰⁸ Mr Carr agreed there would be a need for roading improvements, and that these could be accommodated within the current legal widths

557. Mr Carr gave his opinion at the hearing that the resource consent triggers in the Section 42A Version of the RVZ would be appropriate for requiring necessary road and/or intersection upgrading. He referred to the 500m² ground floor area limit for total building coverage, beyond which restricted discretionary consent is required, and the controlled activity consent required for buildings less than the coverage limit. In answer to our questions, Mr Rossiter⁵⁰⁹ explained his preference for greater surety in the PDP provisions regarding intersection improvements. Given the need for NZTA approval and potentially to use land not currently owned by the submitter, NZTA or the Council, Mr Rossiter considered development within the RVZ should not occur before there is assurance the intersection improvements can, and will, occur.
558. Having considered the evidence of Mr Carr and discussed the rule triggers with Ms Grace⁵¹⁰, Mr Rossiter⁵¹¹ no longer opposed the rezoning, provided that upgrades to the Resta Road intersection can be addressed appropriately. He agreed any requirements for major upgrades could be considered at the time of consent applications for visitor accommodation and commercial recreation which exceeded the permitted and controlled activity standards, provided appropriate matters of discretion are included. However, even with the permitted level of development on the site, Mr Rossiter considered the intersection would require some upgrading to provide, at a minimum, a right turn bay from SH6 into Resta Road. This would provide a safe path for vehicles to pass any right-turning vehicles without using the SH6 shoulder. He recommended this occur prior to any development occurring at this RVZ.
559. Ms Grace⁵¹² recommended a standard to require the intersection upgrade before commercial recreation activities and commercial use of buildings (for visitor accommodation or commercial recreation) commence within this RVZ. She considered her recommended wording to be sufficiently certain as a standard for permitted activities and compliance could be easily assessed. She recommended non-complying activity status for non-compliance with the standard to strongly encourage compliance with this traffic safety measure. In addition, Ms Grace recommended wording for the relevant matters of discretion.
560. Because these recommendations from Mr Rossiter and Ms Grace came in their Reply statements, the submitter has not had opportunity to make further submissions on the recommended rules, although the matter was discussed in detail in evidence and at the hearing.
- Area of Lower Landscape Sensitivity on the top of the Western Ridge*
561. In answer to our questions at the hearing, Mr Jones reconsidered whether there were any areas mapped by Mr Milne as lower landscape sensitivity that should be excluded from the zone. In his Reply⁵¹³, Mr Jones noted the area of lower landscape sensitivity on the top of the western ridge that was not identified as a Developable Area by Mr Milne. Mr Jones considered this area should be excluded from the zone, due to its visual prominence and the potential landscape effects of providing access up and along the escarpment and ridge to this location. It was his opinion there are benefits to further refinement and identification of the development areas, as this provides an additional level of surety as to the appropriateness of

⁵⁰⁹ Mr Smith's evidence was adopted by Mr Rossiter

⁵¹⁰ E Grace, Reply, para {10.10}-[10.12]

⁵¹¹ C Rossiter, Reply, Section 7

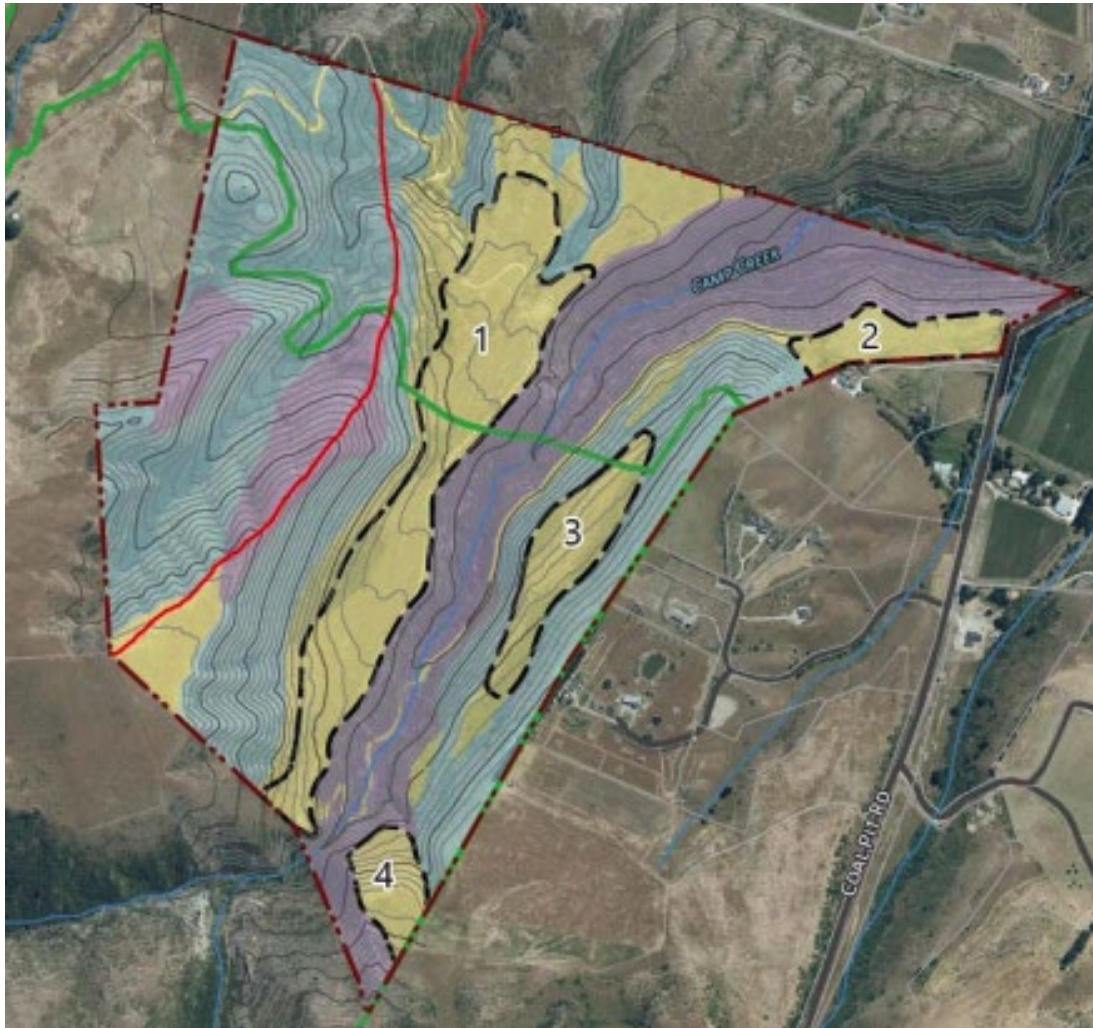
⁵¹² E Grace, Reply, [10.10]-[10.17]

⁵¹³ M Jones, Reply, Section 8

the areas identified for development. Ms Grace's recommended amendment⁵¹⁴ to the western boundary takes this into account (as we outline below).

Western Boundary of RVZ

562. The submitter's legal submissions generally agreed with Ms Grace regarding the western extent of the rezoning. The submitter agreed⁵¹⁵ it makes sense for the western boundary to follow the ridgeline and included the following plan showing an amended boundary, adopted from Ms Grace's Rebuttal evidence⁵¹⁶.



Alternative location of western boundary of proposed Gibbston RVZ, agreed in Submitter's Legal Submissions (red line)

563. Ms Grace recommended⁵¹⁷ the western portion of the requested RVZ be removed, as she considered a smaller zone, with less moderate-high and high landscape sensitivity areas, would better achieve the policy direction for the RVZ. It would also remove one of the steep incised creek channels that traverse the site. In light of Mr Jones' recommendation regarding the top of the western ridge, in her Reply statement, Ms Grace recommended further reducing the western portion to exclude this area. Her final recommendation⁵¹⁸ (shown below)

⁵¹⁴ E Grace, Reply, para [10.8]

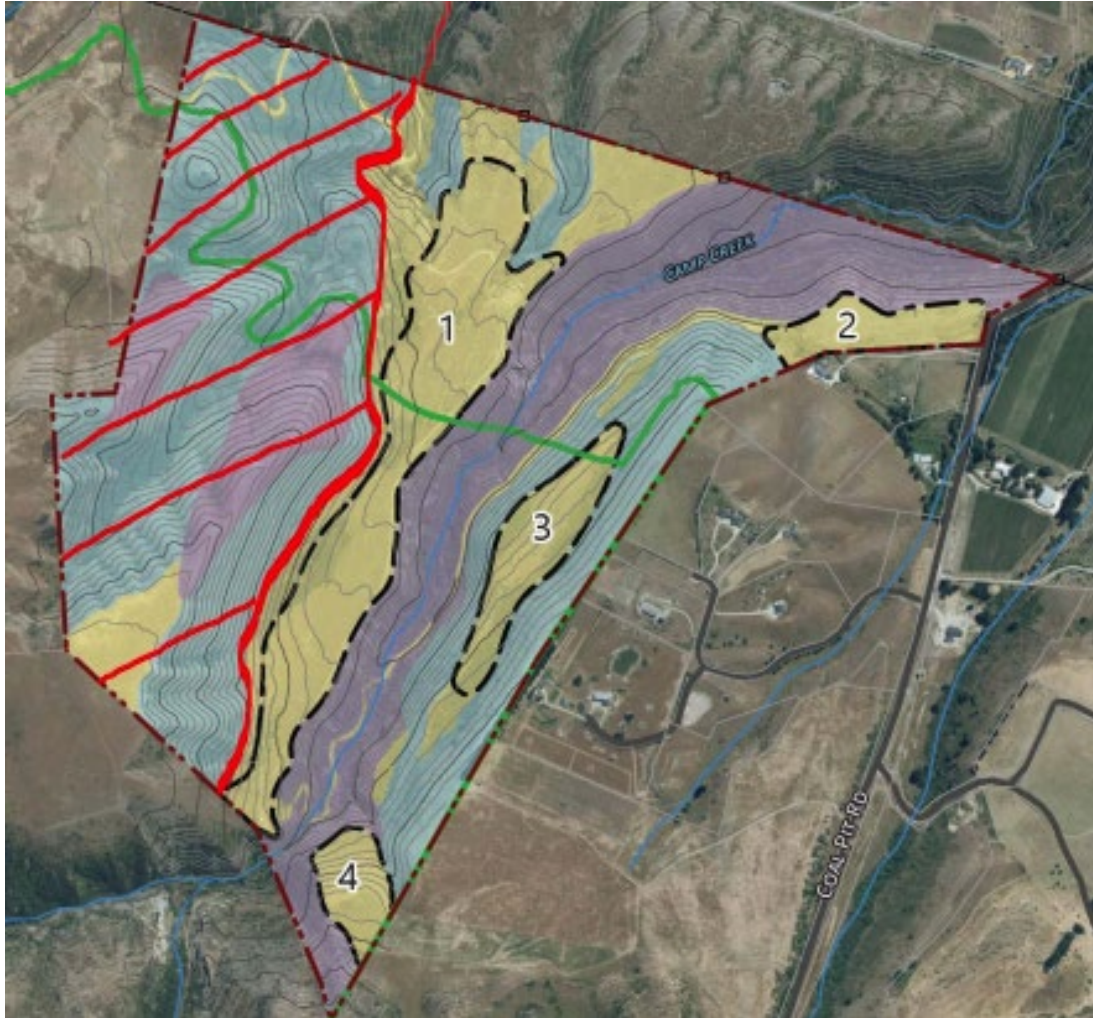
⁵¹⁵ Legal submissions from J Gardner-Hopkins, 27 July 2020, para [16] and figure above

⁵¹⁶ E Grace, second Rebuttal, para [5.5] and Figure 2

⁵¹⁷ E Grace, second Rebuttal, para [5.5] and Reply, para [10.8]-[10.9]

⁵¹⁸ E Grace, Reply, para [10.9] and Figure 2

followed the boundary between the lower and moderate-high landscape sensitivity areas as the new western boundary of the proposed RVZ. In her opinion, this increased the proportion of the zone that is lower landscape sensitivity, while retaining the zone's link with Resta Road. She considered the PDP Rural Zone and Gibbston Character Zone over the excluded zone is more appropriate to manage activities in that area than the RVZ.



Area to be excluded from the western portion of proposed Gibbston RVZ, recommended by Ms Grace (red hashing)

564. Because this recommendation from Ms Grace came in her Reply statements, the submitter has not had opportunity to make further submissions on the recommended boundary, although the basis for the amendment was discussed in evidence, legal submissions and at the hearing.

Use of a Structure Plan

565. Earlier in this report we addressed the submissions which sought the use of Structure Plans. The planning evidence for several submitters, including Gibbston Valley Station, sought some form of Structure Plan approach be included for their respective RVZ. Mr Giddens⁵¹⁹ recommended the Gibbston Valley Station Structure Plan to include the landscape sensitivity mapping, Developable Areas and bespoke height controls, as well as providing the basis for development and controlled activity subdivision when in accordance with the Structure Plan.

⁵¹⁹ Summary of Planning Evidence of Brett Giddens, 30 July 2020, para [5]

We have set out the evidence provided by Mr Giddens and Ms Grace regarding the appropriateness of such a Structure Plan approach for this proposed RVZ, and generally.

Residential Activity

566. There remained an outstanding difference between the submitter and the Council regarding provision for residential activity in the proposed Gibbston Valley RVZ. Mr Hunt⁵²⁰ and Mr Giddens⁵²¹ sought allowance for residential use of visitor accommodation units for 180 days per year, to provide greater certainty for the financial viability of the development through the sale of visitor accommodation units to investors. We have addressed this matter earlier in this report and, as we set out then, Ms Grace continued to hold her opinion that this would be contrary to the RVZ policy to avoid residential development within the zone

Detailed amendments sought to the RVZ provisions

567. In her Reply⁵²², Ms Grace stated she only supported one of the detailed changes to the RVZ provisions set out in the submitter's final legal submissions⁵²³, the addition of matters of discretion relating to traffic effects. She confirmed she did not support any of the other changes. We have already addressed these detailed amendments sought by the submitter (and not supported by Ms Grace) as they related to the use of a Structure Plan and associated provision for subdivision, and provision for residential activity.

18.3 Hearing Panel's Consideration and Recommendations

568. Turning firstly to our recommended Chapter 46 objectives and policies regarding the location, scale and intensity of RVZ and their visitor activities and buildings, we agree with Ms Grace⁵²⁴ that rezoning this site to RVZ would allow people to access and appreciate the particular landscapes of the Gibbston Valley. The site is located on an elevated terrace that allows appreciation of the wider Gibbston Valley landscape⁵²⁵. We accept Mr Dicey's evidence⁵²⁶ that in terms of the purpose of the Gibbston Character Zone, the site does not have the characteristics necessary for growing grapes and the rezoning of this site to RVZ would not result in the loss of economically productive land for viticulture.
569. Our recommended Objective 46.2.1 requires visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where protection of the landscape values of ONL and ONF is achieved.
570. In terms of scale, the proposed Gibbston Valley RVZ site is not small. The reduction in the area of the RVZ, firstly proposed by the submitter and further recommended by Ms Grace, goes some way to reduce the zone's size, but would still not be a small-scale zone⁵²⁷. However, we are satisfied on the evidence before us that the scale, nature and location of visitor activities and built development will be sufficiently controlled through the landscape sensitivity mapping undertaken by Mr Milne, his identification of discrete Developable Areas, and the proposed RVZ provisions to limit visitor activities and built development.

⁵²⁰ G Hunt, EiC, para [15]-[19] and Summary of Evidence: Greg Hunt, 30 July 2020, para [7]

⁵²¹ Summary of Planning Evidence of Brett Giddens, 30 July 2020, para [5]

⁵²² E Grace, Reply, para [10.21]

⁵²³ Consolidated version of RVZ provisions attached to Supplementary Legal Submissions on behalf of Gibbston Valley Station Limited and Malaghans Investments Limited: T18 – Rural Visitor Zone, J Gardner-Hopkins, 5 August 2020

⁵²⁴ E Grace, EiC, para [11.12]

⁵²⁵ E Grace, Reply, para [10.23]

⁵²⁶ J Dicey, EiC, para [3.1(d)]

⁵²⁷ We estimate, from Ms Grace's Reply Figure 2, that the proposed zone would remain in the order of 60-70ha in area

571. We consider the landscape analysis and assessment undertaken by Mr Milne, supported by Mr Jones, of potential effects of development on the landscape values of the ONL have been undertaken in sufficient detail to identify appropriate and specific locations for development within the areas of lower landscape sensitivity.
572. The submitter has agreed to Ms Grace's recommended RVZ provision for 500m² total building coverage for the zone, as a controlled activity, with restricted discretionary consent required for additional built form. We consider this to be a small scale and low density of built development across the overall site. The consent process for additional built form within the overall zone would provide the opportunity to ensure they remain at a small scale and low density, consistent with our recommended Objective 46.2.2 and the landscape values of the ONL within which the site sits.
573. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require the landscape values of the ONL to be protected. There was strong agreement in the evidence from Mr Milne and Mr Jones regarding the effects of the proposed RVZ on landscape values. We are satisfied on the basis of this evidence that the proposed RVZ, with its landscape sensitivity mapping and site-specific development controls, will protect the landscape values of the ONL. We agree with Ms Grace's conclusion that the site is appropriate as an RVZ and the specific provisions to manage development within it are an appropriate way to achieve the RVZ objectives.
574. Our recommended Policy 46.2.2.3 directs buildings within ONL and ONF to be sited so they are reasonably difficult to see from beyond the boundary of the zone. From the evidence of Mr Milne and from our site visit, we were generally satisfied this would be the case. However, we requested Mr Milne provide us with an additional viewpoint photograph of the site from the Crown Range Road. He provided a new photograph after the close of the hearing⁵²⁸, with an overlay of the proposed RVZ and the Developable Areas. Mr Milne acknowledged each of the Developable Areas will be fully or partially visible from this viewpoint. He confirmed his previous assessment that, given the distance, scale and context when viewed from the Crown Range Road Lookout, development enabled by the RVZ would not be out of character with the surrounding landscape, and would not be readily noticeable from that distance. Mr Jones concurred with these conclusions.
575. On the basis of this evidence, we are satisfied the proposed RVZ, with its site-specific development controls, will be reasonably difficult to see and will implement our recommended Policy 46.2.2.3, which is in turn consistent with the strategic policy direction in Policy 6.3.3.1.b (previously 6.3.12).
576. In relation to the western extent of the RVZ, we accept Mr Jones' evidence regarding the benefits of excluding the area of high landscape sensitivity on top of the western ridge, due to its visual prominence and potential landscape effects of providing access to this location. We agree removal of this area, which was not identified as a Developable Area by Mr Milne, provides an additional level of certainty as to the appropriateness of the areas identified for development. We also accept Ms Grace's recommended western boundary for the zone. We consider it appropriately reduces the overall size of the zone, without removing any Developable Area identified by Mr Milne, nor the access route from Resta Road. It removes the top of the western ridge as identified by Mr Jones, and removes areas of high and

⁵²⁸ T Milne, Addendum to Landscape and Visual Assessment Evidence, 11 August 2020, with Viewpoint 6 Crown Range Road Lookout

moderate-high landscape sensitivity which are not to be the focus for built development within the RVZ.

577. We accept the evidence of Mr Rossiter and Ms Grace regarding the need for an additional standard to manage the effects of permitted commercial activity (visitor accommodation and commercial recreational activity) on traffic safety at the Resta Road / SH6 intersection. We have considered the evidence of Mr Carr, who agreed there will be a need for road improvements including the formation of the right-turning bay from SH6 into Resta Road, as recommended by Mr Rossiter. We agree with Mr Carr that the restricted discretionary activity (and non-complying) consent requirements for the use of additional buildings (>500m² in total), or for large commercial recreational activity groups, will enable traffic generation and access matters to be addressed. We recommend appropriate wording for the matters of discretion to achieve this.
578. However, we are not satisfied controlled activity status⁵²⁹ for buildings (<500m² in floor area) will be sufficient to manage the traffic effects of vehicle intensive use of such buildings, and permitted activity status for multiple daily groups for outdoor commercial recreational activities certainly would not. Accordingly, we accept the additional “commencement” standard from Ms Grace and agree her wording would be sufficiently certain as a standard for permitted activities and for compliance to be assessed.
579. Turning now to the site-specific and detailed general amendments sought by the submitter. We consider many of the amendments sought for Gibbston Valley RVZ are well beyond the scope of what was included in its submission. Consistent with the Introduction Report 20.1, no issue is taken regarding the jurisdiction to insert site-specific plan provisions if a submission has sought that relief. However, in this case, we do not consider the submission did include much of the relief subsequently sought through evidence and legal submissions.
580. The submission strongly supported the RVZ and sought it be implemented over the Gibbston Valley site, with any consequential amendments to facilitate the site being zoned RVZ, and any refinements to the provisions of Chapter 46 to better achieve the purpose of sustainable management. The submission positively analysed the appropriateness of the proposed Gibbston Valley RVZ in terms of the notified RVZ objectives, policies and rules. No issues were raised with the Notified Plan Change provisions. In its requested relief, the submission sought to adopt Chapter 46, with appropriate amendments to address the issues raised in the submission. No site-specific amendments were sought to Notified Plan Change, other than any other additional or consequential relief to fully give effect to the matters raised in the submission.
581. We can see nothing in the submission what would make us, or any interested or affected party, aware that the submission was seeking amendments to provide for residential activity, or subdivision as a controlled activity. In terms of the tests discussed in section 3.2 of Report 20.1, the very general relief sought does not fairly and reasonably raise these matters. Accordingly, we do not consider this submission provides the scope to seek these amendments to the Notified Plan Change provisions.
582. We addressed the matter of general residential activity within the RVZ previously in this report. We concluded that providing for general residential development would be inconsistent with the purpose of the RVZ and contrary to the strategic objectives and policies

⁵²⁹ We address the limitations on the use of controlled activity status in Report 20.1

in Chapters 3 & 6. Accordingly, we have not recommended including the submitter's request for residential use of visitor accommodation units 180 days per year.

583. We have already addressed the use of Structure Plans earlier in this report. We have rejected the general use of Structure Plans within the RVZ. We agree it is a more efficient and appropriate approach to show the landscape sensitivity mapping on the Planning Maps. In terms of the subdivision implications of using a Structure Plan approach, we have already determined we have no evidence before us that supports an easier activity status for subdivision, or that has addressed the environmental effects, costs and benefits of doing so. We do not consider it appropriate to enable such a pathway for subdivision in the RVZ through a Structure Plan approach.
584. We have evaluated the rezoning of this site to RVZ, with its associated site-specific development controls, alongside the principles and tests we have set out previously, and in terms of our duties pursuant to section 32AA of the Act. Having weighed the costs and benefits to the landowner, to the wider public and in relation to the protection of landscape values of the ONL, we are satisfied that applying the RVZ to this site would be the most appropriate way to achieve the objectives of Chapters 3, 6 and 46, and to implement the policies of the RVZ. We recommend the rezoning to RVZ sought by the submitters be included on the Planning Maps and the provisions of the RVZ be amended, as shown in Appendix 1. We, therefore, recommend that the submission from Gibbston Valley Station Limited be accepted in part.

19. GLEN DENE – GLEN DENE LIMITED, GLEN DENE HOLDINGS LIMITED, RICHARD & SARAH BURDON – SUBMISSION #31043

19.1 Overview

585. Glen Dene Limited, Glen Dene Holdings Limited, Richard & Sarah Burdon⁵³⁰ (Glen Dene) sought RVZ zoning over 22.6ha they own and lease at Lake Hāwea Holiday Park (The Camp). The submission site is located on the Makarora-Lake Hāwea Road (SH6), Hāwea, lying between the road and Lake Hāwea, immediately to the north of the Hāwea Dam and the turn-off from SH6 to Lake Hāwea township.
586. The site is partly a Council Recreation Reserve (approximately 15ha) and partly two lots, to the west and north of the reserve land, owned by Glen Dene Limited (approximately 7ha). The submitter leases the Council-owned reserve land, owns the facilities and operates The Camp. The northern privately owned lot (Lot 1 DP 418972) is separated from the western lot (Lot 2 DP 418972) by a strip of land owned by the Crown and subject to an easement enabling it to be flooded as part of the operation of Lake Hāwea as a hydro-electricity storage lake by Contact Energy Ltd. This floodway land is not included within the area sought to be rezoned. We also understand that the strip of land immediately adjoining Lake Hāwea is Crown land administered by LINZ and is also not included in the rezoning submission. The site subject to this submission is shown on the figure below.

⁵³⁰ Submission #31043



Aerial photograph showing land subject to rezoning request

587. The submission site is currently in two zones. The Camp site (the reserve land) is zoned Open Space Community Purposes – Camping Ground (CPZ-CG), with a designation for Recreation Reserve (Motor Park). The two lots owned by the submitter, the floodway land, and the LINZ land alongside the lake, are zoned Rural with an ONL overlay that includes Lake Hāwea and the surrounding mountains. The submission sought a consistent zoning of RVZ over the whole of the site (22.6ha).
588. The evidence of Mr Richard Burdon⁵³¹ and Mrs Sarah Burdon⁵³² provided the background to the submission. The Camp has been operated as a camping ground for approximately 50 years. Mr Burdon is a third-generation farmer on Glen Dene and the submitter has held the lease over The Camp since 2009 (with 17 years remaining on the lease). Since taking over The Camp, Mr and Mrs Burdon have invested in the facilities, diversified their business, and continued to make improvements to the visitor accommodation and camp facilities. They wish to continue to do this, both on the leased reserve land and on the adjoining privately owned lots. They consider having a consistent and integrated planning framework for The Camp and the adjacent land would enable its development and ongoing management for visitor accommodation in a more efficient and sustainable manner⁵³³.
589. There has been a somewhat complex PDP submission history regarding The Camp and adjoining land within Glen Dene Station, which we will not fully detail here. The legal

⁵³¹ R Burdon, EIC, 29 May 2020

⁵³² S Burdon, EIC, 29 May 2020

⁵³³ Mr Duncan White, consultant planner for the submitter, EIC, para [3.2]

submissions from Mr Todd⁵³⁴ informed us that this is the third submission the submitters have made on the PDP.

590. At Stage 1, the submitters sought an RVZ zoning (rather than notified Rural Zone) over the whole 22.6ha. However, at that time, the ODP RVZ had not been reviewed by the Council and the subsequent notification to zone the Council-owned land as part of Stage 2 meant that the Hearing Panel could only consider the zone for the two privately owned lots. Zoning those lots independently of the core-camp site was not recommended by the Hearing Panel and has been appealed. That appeal is on hold pending the outcome of the Stage 3B submission.
591. At Stage 2, the reserve land was changed from Rural Zone to CPZ-CG. The submitters sought the CPZ-CG apply to the whole of the land, and not just to the reserve land. That submission was also rejected, with the Hearing Panel determining that the zoning could only apply to Council-owned land. This decision has also been appealed on the basis that the characteristics of the Glen Dene land are the same as the Council owned campground and the zoning should be consistent regardless of ownership. The Stage 2 Hearing Panel also considered the application of a Visitor Accommodation Sub-Zone over the privately owned parts of the site. This aspect of the submission was also recommended to be rejected.
592. Mr Todd and Mr Burdon told us how the staged process for the PDP had resulted in difficulties, frustration, and significant additional cost for the submitters in filing three separate submissions, engaging evidence and attending three hearings⁵³⁵. In Mr Burdon's opinion⁵³⁶, the District Plan process has been appallingly handled and is fundamentally flawed. The process has meant the issue of the zoning of the campground and adjoining lots has been spread over three hearings and many years. Irrespective of the various zonings proposed, Mr Burdon stated that a RVZ is still their preference for this site (as they requested back in Stage 1)⁵³⁷.
593. In addition to rezoning the whole site to RVZ, the submission sought that the different characteristics of parts of the land be recognised by providing alternative height controls of 8 metres on the less sensitive land closer to the base of the hill and 5.5 metres on the more sensitive land closer to the lake. The locations of these height controls were shown on a plan attached to the submission.

⁵³⁴ Opening Legal Submissions, from G Todd, on behalf of the submitters, 31 July 2020; and the evidence of Mr White, EIC, para [3.3]-[3.4]

⁵³⁵ Opening Legal Submissions, from G Todd, para [9] & [12]

⁵³⁶ R Burdon, EIC, para [12]

⁵³⁷ R Burdon, EIC, para [13]



Rural Visitor Zone and Height Plan as sought in the Submission

594. Ms Grace evaluated the Glen Dene submission in her EIC⁵³⁸, with landscape evidence for the Council being provided by Ms Bridget Gilbert⁵³⁹.

538 E Grace, EIC, Section 12

539 B Gilbert, EIC, Section 7

595. No landscape assessment was provided with the submission, although Mr Espie's⁵⁴⁰ and Ms Mellisop's⁵⁴¹ evidence for Stage 1 was reviewed by Ms Gilbert. She considered a more detailed landscape assessment was necessary, but undertook a high-level assessment herself. On the basis of the submission, Ms Gilbert did not support the rezoning. However, she considered the site has the ability to absorb a modest level of RVZ development, if additional landscape assessment was provided to support the submission, and with additional specific controls over matters such as the number, extent and location of buildings, areas to be kept free of buildings, vegetation to be retained or enhanced.
596. Having regard to Ms Gilbert's assessment, Ms Grace⁵⁴² did not support the rezoning to RVZ. Although she agreed the location of the site provided access to the ONL areas of Lake Hāwea and its surroundings, she did not consider it had many of the key characteristics for RVZ areas set out in the policies.
597. Evidence for Glen Dene was provided by Mr and Mrs Burdon, Mr Espie and Mr White. Mr Espie provided an analysis of the landscape character of the ONL of Lake Hāwea and its surrounding mountains. He assessed the effects of the proposed RVZ on landscape character, views and visual amenity values. Mr Espie supported the variable building heights requested in the submission. He also supported the additional restrictions on development recommended in the planning evidence of Mr White, in particular a maximum total building coverage for the proposed RVZ of 7% of the land area; and a 20m wide buffer area adjacent to SH6.
598. Ms Grace and Ms Gilbert provided further evaluation in their Rebuttal evidence⁵⁴³. Ms Gilbert did not support the refined provisions put forward by Mr Espie and Mr White, although she continued to make suggestions as to how an appropriate site-specific RVZ could provide for a modest level of rural visitor development. In light of Ms Gilbert's advice and the lack of landscape sensitivity mapping, Ms Grace did not change her opinion that the rezoning request should be rejected on the grounds that it would not protect the landscape values of the ONL. Ms Grace continued to hold this opinion in her Reply statement⁵⁴⁴.
599. On the basis of the hazard assessment undertaken for the PDP Stage 1, the Council⁵⁴⁵ agreed the natural hazards risk for the site is more likely than not, low. No other issues of concern were raised by the Council.

19.2 Issues in Contention

600. The matters of contention between the Council's witnesses and the submitter's revolved around effects on the landscape, particularly the ONL values of the area, and the associated site-specific RVZ provisions.

Landscape Effects

601. Ms Gilbert had considered the landscape-related information presented to the Stage 1 Hearing Panel⁵⁴⁶. She undertook a 'high-level' landscape analysis, including a brief analysis of the existing landscape character and identification of the key potential landscape opportunities and constraints associated with the site.

⁵⁴⁰ Mr Ben Espie, consultant landscape architect

⁵⁴¹ On behalf of the Council

⁵⁴² E Grace, EIC, para [12.1]-[12.4]

⁵⁴³ E Grace, first Rebuttal, Section 5; and B Gilbert, Rebuttal, Section 4

⁵⁴⁴ E Grace, Reply, para [12.1]

⁵⁴⁵ R Bond, EIC, Section 12

⁵⁴⁶ B Gilbert, EIC, para [7.5]

602. Ms Gilbert⁵⁴⁷ generally agreed with the landscape descriptions provided by Ms Mellsop and Mr Espie for the Stage 1 hearing, although she also noted the strong spatial and visual connections between the site and the southern end of Lake Hāwea. She identified the potential close-range visibility from SH6 and the site's current role in forming a green node of development in this location; as well as mid and long-range visibility in views from dwellings within Hāwea township, the adjacent lake edge, Gladstone and the eastern lake edge and ranges. Ms Gilbert⁵⁴⁸ did not agree with Mr Espie's Stage 1 advice that the site has a high capacity to absorb landscape change. In her opinion, the landscape sensitivity is towards the mid to higher end of the spectrum, due to the site's visibility from Lake Hāwea, the lake edge, walking tracks and SH6 (in part) and the potential for RVZ development to undermine the existing township edge.
603. At a 'high-level', Ms Gilbert⁵⁴⁹ assessed the site as having the ability to successfully absorb a modest level of development, subject to implementation of a range of controls. She also noted that Ms Mellsop and the Stage 1 Hearing Panel had expressed tentative support for some form of RVZ on the site to recognise and provide for appropriate campground activities. Ms Gilbert pointed to the visually discrete nature of parts of the site, the established modified context, the confined nature of the site, and the availability of areas of flat land without vegetation within the site, as weighing in favour of some level of RVZ development on the site.
604. In her opinion⁵⁵⁰, additional, more detailed, landscape analysis and assessment was required to support the submission and provide the basis for specific controls over development within the site, which protects landscape values and ensures the RVZ development would be reasonably difficult to see.
605. Mr Espie⁵⁵¹ responded to Ms Gilbert's EIC by providing a more detailed assessment of the existing landscape character of the relevant ONL and the contribution of the submission site to the ONL's landscape values. He provided an evaluation of the potential effects on landscape character, as well as potential effects on views and visual amenity. Mr Espie provided photographs of the site from the lakefront in Hāwea township.
606. Mr Espie considered⁵⁵² the specific nature of the site means it does not particularly contribute to the important landscape character qualities that make the Lake Hāwea landscape an ONL, particularly due to the presence of existing human occupation, modification and buildings, and its location immediately adjacent to the township. In his opinion, this location has potential to absorb some change, much more so than most locations within this landscape.
607. In terms of effects on landscape character⁵⁵³, Mr Espie considered the extension of visitor accommodation activities on the site, as proposed by the submission, would not significantly detract from the important landscape qualities of the Lake Hāwea ONL. The extension and intensification of existing activity would be over a logically contained area that is already modified, but would remain restricted to one small part of the Lake Hāwea perimeter adjacent to the township. He concluded the important qualities of the Lake Hāwea ONL would remain in an unsullied state.

⁵⁴⁷ B Gilbert, EIC, para [7.8]

⁵⁴⁸ B Gilbert, EIC, para [7.9]-[7.10]

⁵⁴⁹ B Gilbert, EIC, para [7.12]-[7.14]

⁵⁵⁰ B Gilbert, EIC, para [7.18]-[7.20]

⁵⁵¹ B Espie, EIC, Sections 4, 6 & 7

⁵⁵² B Espie, EIC, para [4.13]

⁵⁵³ B Espie, EIC, Section 6

608. In relation to views of the site and visual amenity⁵⁵⁴, Mr Espie acknowledged there are views available into, and of, the site from the immediate stretch of SH6, Lake Hāwea, Hāwea township, and the southern edges of the lake.
609. From SH6, he considered that an extended node of visitor accommodation development at the site would appear logical and not discordant. He accepted that high, dense, enclosing or prominent built form close to the road could block or significantly alter and degrade visual amenity for passing road users. However, he considered that the submitter's proposed 7% building coverage standard, the 20m state highway buffer, and associated landscaping requirements would ensure that, for users of SH6, visual amenity can be appropriately maintained.
610. For observers to the east of the site, Mr Espie acknowledged that development as proposed through the submission could alter the visual appearance of the site, with the site becoming more visually complex more built form being visible, and more activity likely to be apparent. However, given the visual change would occur in an existing modified area, adjacent to the township and SH6, and would consist of scattered buildings with vegetation, he considered it would not be easy to observe from the east to any significant degree. In his opinion, new development would appear logical and not visually unattractive, and not fundamentally change the current views available.
611. In relation to Ms Gilbert's comments⁵⁵⁵ regarding the need for more detailed landscape sensitivity mapping and analysis for the site, Mr Espie⁵⁵⁶ commented that for some RVZs mapping areas of high and moderate-high landscape sensitivity may have merit. However, given the controls proposed by the submitter and the control the Council has over the land it owns, he considered the only part of the site that he considered has particular sensitivity is the state highway buffer area. He agreed this area should be mapped as high landscape sensitivity and should be kept free of built development and in a generally treed state.
612. In answer to our questions, Mr Espie agreed the area of high landscape sensitivity could have been mapped in a more varied way, based on the topography (rather than an arbitrary 20m continuous width), but he considered it would not have made much difference to the screening from tree cover able to be provided.
613. Mr Espie placed substantial weight in his evaluation on the site-specific development controls proposed for this RVZ by the submitter – the 7% maximum building coverage, variable height controls, 20m state highway buffer and management of its vegetation, as well as the notified RVZ controlled activity provisions for built development.
614. Mr Espie agreed⁵⁵⁷ with Ms Gilbert that, without these controls, the site would be sensitive in relation to the degree of development that would be enabled. He agreed unrestricted, very dense built development across the entirety of the site would substantially alter the character and value of the site and potentially undermine the town edge of Hāwea. However, in Mr Espie's opinion⁵⁵⁸, the proposed controls would avoid these risks. He commented⁵⁵⁹ that a maximum of 7% building coverage would mean that built form is well spaced and covers only

⁵⁵⁴ B Espie, EIC, Section 7

⁵⁵⁵ B Gilbert, EIC, para [7.20]

⁵⁵⁶ B Espie, EIC, para [8.6]

⁵⁵⁷ B Espie, EIC, para [8.4]

⁵⁵⁸ B Espie, EIC, para [8.5]

⁵⁵⁹ B Espie, EIC, para [8.8]

a small total area. The 20m state highway buffer would exclude the steepest land from development and the landscaping provisions proposed for the buffer would allow the current planting to be enhanced over time. The Council would retain control over the location of the built form and the removal / planting of vegetation meaning that built form could be integrated into its setting. In his opinion⁵⁶⁰, the outcome from the proposed controls would be a particularly low-density park-like node of visitor accommodation, dominated by open greenspace and vegetation.

615. We asked Mr Espie how the 7% building coverage control would prevent clustering of dense areas of buildings in parts of the site (such as on the privately-owned land). In response, he referred to the overall low density of 7%, the controlled activity consent process and the fact that the private land is the least visible part of the site. In supporting the height controls proposed by the submitter, he said the 8m areas were the least visible parts of the site, able to accommodate more built form, and also coincided with privately owned land. He acknowledged the northern part of the site (Lot 1) is more visible from SH6. In terms of a buffer along the lake edge, Mr Espie referred to the 20-30m strip containing some trees, which is not part of the site and is owned by the Crown (and administered by LINZ), as well as the level of control the Council has over tree removal on the land it owns via its lease to the Burdons.
616. The degree of control the Council exercises as owner of the reserve land and under the submitter's lease arrangements was also commented on by Mr Burdon at the hearing. He said that, as lessees, they were required to work closely with the Council and obtain permission to make alterations to the site, including removing trees and erecting buildings.
617. Ms Gilbert responded to Mr Espie's EIC in her Rebuttal evidence⁵⁶¹. She took into account the additional development controls put forward by the submitter and relied upon by Mr Espie. She noted the total existing building coverage on the site is 1,094m², and that a building coverage control of 7% amounts to an overall building footprint on the site of 15,890m² which would enable approximately 31 buildings of 500m² as a controlled activity. She also noted the extensive existing vegetation on the site, that serves to successfully integrate the existing development within the site, is not protected and could be removed as of right under the PDP.
618. Ms Gilbert continued to disagree with Mr Espie's assessment of landscape effects and his opinion that the submitter's proposed RVZ is appropriate from a landscape perspective. She made the following points in support of her position⁵⁶²:
- (a) The level of built development allowed by the submitter's RVZ provisions would be about 15 times as much as the existing buildings on the site. This would result in removal of tree cover for buildings, access, parking, etc, which can be done as of right, and the controlled activity status is limited in what it can achieve in terms of landscaping associated with a new building. She considered this would no longer result in a low-key, green node of development.
 - (b) The lack of buffering along the lake edge, which would probably result in a building-dominated lake frontage.
 - (c) This outcome would detract from visual amenity values from the lake and lake edge (both part of the ONL), as well as other areas, and from the naturalness of the site and the lake (both ONL).

⁵⁶⁰ B Espie, EIC, para [8.11]

⁵⁶¹ B Gilbert, Rebuttal, Section 4

⁵⁶² B Gilbert, Rebuttal, para [4.8]-[4.18] & [4.23]

- (d) Very limited guidance in the proposed provisions on the landscape outcomes to be achieved.
- (e) The integrity of a defensible western urban edge to Hāwea township would be undermined with development creep northwards that would detract from landscape values.
- (f) The proposed 20m state highway buffer has little regard for the underlying landform, existing vegetation or views into the site from SH6, and would be inadequate to protect visual amenity values for road users.
- (g) Development on the northern isolated Lot 1 would result in inappropriate sprawl of development northwards.
- (h) The site has a landscape sensitivity towards the mid to higher level and, more specifically, the western and eastern sides of the site and the isolated northern Lot 1 have high landscape sensitivity to the type of change contemplated by the proposed RVZ.

619. Ms Gilbert concluded⁵⁶³ the proposed Glen Dene RVZ would generate adverse landscape and visual effects and detract from the landscape values of the ONL within which the site is located. It would fail to satisfy the fundamental landscape policy requirement for ONLs that development protects landscape values and is reasonably difficult to see. Ms Gilbert⁵⁶⁴ was mindful of the evidence of Mr and Mrs Burdon, who expressed a desire to retain the parkland-dominated character for the area, but she considered this outcome was not supported by their proposed RVZ provisions.

620. Ms Gilbert included recommendations⁵⁶⁵ as to how the site could successfully absorb a modest amount of development, whilst minimising more complex consenting requirement (as sought by Mr and Mrs Burdon). In her opinion, this would involve generous landscape buffers / BRAs along the highway and lakefront edges of the site with mature vegetation; confinement of development to the vicinity of the existing campground area, with appropriate building coverage and retention of the parkland character; exclusion of the northern Lot 1; and a 5m maximum height control.

621. In answer to the Panel's questions, Ms Gilbert maintained her view that the landscape sensitivity analysis and landscape evaluation undertaken by Mr Espie was insufficient and not to the expected standard for a rezoning to RVZ within an ONL. Given the sensitivity of the site within an ONL, and the large scale of development proposed for the RVZ, she considered it required more careful and fully informed landscape evaluation to support zone provisions that would give assurance the ONL values can be protected.

19.3 Hearing Panel's Consideration and Recommendations

622. Firstly, we acknowledge the difficulties, time delays and costs the submitter has experienced as a result of the staged process for the review of the PDP. We understand how this has been frustrating and unreasonably costly for them. Until this Stage 3B hearing, the way staging has been undertaken has precluded an integrated assessment of the appropriate zoning for the site as a whole.

623. We have heard the evidence from Mr and Mrs Burdon and Mr Espie about the level of management control the Council exercises as owner of the reserve land and under the submitter's lease arrangements.

⁵⁶³ B Gilbert, Rebuttal, para [4.19]

⁵⁶⁴ B Gilbert, Rebuttal, para [4.20]

⁵⁶⁵ B Gilbert, Rebuttal, para [4.24]-[4.27]

624. We have considered the Stage 2 Hearing Panel’s Report 19.6 on Chapter 38 Open Space and Recreation Zones⁵⁶⁶, which considered the rationale for applying a specialised zoning to land which is already managed by the Council under the Reserves Act. They agreed an important part of managing Council-owned land is the provision of complementary management through the PDP and the Reserves Act. They accepted the use of specialised zoning, depending on the character of each reserve, is the most efficient approach and can be targeted to the purpose of the reserve and the level of public use. It complements Reserve Management Plans, through policies and rules which set out the nature and scale of buildings, building coverage, and the nature of uses expected within a reserve.
625. In Stage 2, the Hearing Panel was examining the application of a specialised Open Space and Recreation Zone to a Council-owned reserve and how the PDP and Reserves Act processes were designed to complement each other. This is the case with the CPZ-CG applied to the reserve part of the Glen Dene site. As we understand Report 19.6, the CPZ-CG would have been specifically designed to work alongside the Reserves Act controls available to the Council. This would not be the case with the RVZ, if applied to the Council-owned land. The RVZ is designed to provide a complete suite of policies and rules which together achieve the objectives for the zone, as well as the strategic objectives and policies in Chapters 3 and 6. If applied to the submitter’s site, it would be applied in an integrated way across both the reserve land and the privately owned lots. We do not consider it is consistent with the framework for the RVZ or the most efficient approach to limit the level of management under the RVZ on the basis that this would be achieved (for part of the site) through the Reserves Act controls.
626. In relation to the ability for the Council to manage visitor activities, and associated changes to the site, under the Hāwea camping ground lease (rather than through the provisions of the RVZ), we accept the Council’s legal submissions⁵⁶⁷ on this matter. The camping ground lease sits outside and is independent of the PDP, and the terms and conditions of the lease have the potential to change at any time. We agree the provisions of the RVZ need to stand on their own, separate from consideration of the lease provisions. In addition, the lease only applies to the Council-owned part of the submission site, and not to the privately owned lots. Accordingly, we have placed little weight on the ability for the Council to manage the effects of development through the lease arrangements.
627. Similarly, we have not had regard to the provisions of the designation over the site when considering the appropriateness of RVZ provisions. The provisions of a designation apply independently of the zone provisions. A designation can be uplifted by the Council at any time. Designation 175 relies on conditions that are expressed generally for all motor parks and golf clubs⁵⁶⁸, which bear no relationship to the specific requirements of any particular designation site, and which provide little guidance as to landscape outcomes to be achieved.
628. Based on the evidence before us, we agree with Ms Gilbert and Mr Espie that there is potential for the site to successfully absorb some additional visitor industry development while protecting landscape values, subject to the implementation of specific, detailed controls. We also agree with Ms Grace that the location of the site provides access for people to appreciate the ONL areas of Lake Hāwea and its surroundings. It is an established node of visitor accommodation and a base for commercial recreational activities. We accept the position of

⁵⁶⁶ Report 19.6, Stage 2 PDP, para [24] & [29]-[30]

⁵⁶⁷ Second Reply Legal Submissions from S Scott, dated 10 September 2020, Section 5

⁵⁶⁸ Chapter 37 Designations, Conditions F

the submitter that it is artificial to separate the management of the site into two zones, based on the ownership and legal status of the land. We accept that having a consistent and integrated planning framework for The Camp and the adjacent land would enable them to develop and manage the land more efficiently.

629. While we agree there is scope for some additional visitor-related development, the submitter needed to provide sufficient information and evaluation to enable us to decide upon the appropriate zone extent, the landscape sensitivity mapping, and appropriate controls over development location, scale and intensity.
630. Regarding the scale of proposed RVZ sites, we have previously recommended that Objective 46.2.1 be amended to require visitor accommodation and commercial recreational activities to occur at a small scale and low intensity in rural locations where protection of the landscape values of ONL is achieved. Our recommended Objective 46.2.2 also requires that buildings and development within a RVZ are provided for at a small scale and low density, and in areas of lower landscape sensitivity.
631. At a total area of 22.6ha, we do not consider the proposed RVZ would be a small size. However, the emphasis in the objectives is on the scale and intensity / density of the activities and built development within each RVZ. Although, over the whole of the 22.6ha site, a building coverage of 7% may appear, at first glance, to be low density, we do not agree that this simple building control would ensure development is small scale or low density in any particular area of the site. We agree with Ms Gilbert that an overall building footprint of 15,890m² (or approximately 31 buildings of 500m²), as a controlled activity, is a very large scale of development, particularly within a rural area and an ONL.
632. As we have discussed in Report 20.1, we also consider that controlled activity status would be inadequate to manage the effects of such a scale and potential density of development through the imposition of conditions of consent alone. We do not consider the scale and density of development enabled by the proposed Glen Dene RVZ would achieve Objectives 46.2.1 and 46.2.2. As we have no assessment of effects on this aspect, we have no basis to determine what alternative scale and density of development would be appropriate.
633. The Strategic Objectives and Policies in Chapters 3 and 6, as well as our recommended Objectives 46.2.1 and 46.2.2 require the landscape values of ONL to be protected. We have considered the evidence of Mr Espie in light of the criticism of its adequacy by Ms Gilbert. We accept the position reached by Ms Gilbert. We agree the landscape sensitivity analysis and landscape effects evaluation undertaken by Mr Espie was insufficient to give us confidence this fundamental landscape policy requirement would be achieved - that the landscape values of the ONL would be protected. This is particularly so given the sensitivity of the site within an ONL, and the large scale of development proposed for the RVZ. Without a more careful and fully informed evaluation, as recommended by Ms Gilbert, we are not satisfied the extent of the site, the landscape sensitivity mapping, and the controls over development location, scale and density are sufficient to ensure the proposed RVZ will protect the landscape values of the ONL.
634. In particular, we were not satisfied that Mr Espie had sufficiently evaluated the effects on visual amenity values from the lake and lake edge and for users of SH6; on the naturalness of the site and the lake; on the integrity of the western urban edge to Hāwea township; and of the scale of development sought to be provided for on the site.

635. Our recommended Policy 46.2.2.3 directs buildings in ONL to be sited where they are reasonably difficult to see from beyond the boundary of the Zone. This follows from Policy 6.3.3.1 (previously 6.3.12) which directs any buildings, structures and changes to landform in ONL to be reasonably difficult to see from beyond the boundary of the site. We agree with Ms Gilbert that the provisions proposed for the Glen Dene RVZ would be insufficient to ensure that development on the site would be reasonably difficult to see from Lake Hāwea, parts of the lake edge and Hāwea township, SH6 and walking tracks in the area.
636. We accept Ms Gilbert’s recommendations that any RVZ over this site, which protects the landscape values of the ONL and ensures buildings are reasonably difficult to see, would require (at a minimum): more generous landscape buffers along the highway and lakefront edges of the site; exclusion of the northern Lot 1 which Mr Espie accepted is more visible from SH6; a more appropriate building coverage; and measures to retain the parkland character.
637. Accordingly, for the reasons set out above, we recommend rejecting Submission #31043 from Glen Dene Limited, Glen Dene Holdings Limited, Richard & Sarah Burdon to rezone the proposed Glen Dene site as RVZ.
638. As we stated above, we accept the position of the submitter that having one consistent zone across all parts of the site would enable them to develop and manage the land more efficiently and in an integrated manner. We agree that having an RVZ across both the reserve and privately owned land could achieve this aim. However, based on the evidence before us and the particular proposal put forward by the submitters for a Glen Dene Camp RVZ, we were not able to recommend this be accepted. Until such time as an appropriate integrated zoning is developed for the overall Glen Dene site, we consider it is appropriate for the land to retain its PDP mix of Rural and CPZ-CG Zones.
- 20. JOHN & JILL BLENNERHASSETT – SUBMISSION #31053**
639. John & Jill Blennerhassett⁵⁶⁹ sought RVZ zoning over their 34.4ha property at 280 Wānaka-Mt Aspiring Road, Wānaka, commonly referred to as “Barn Pinch Farm” and “The Olive Grove” (which is a venue for weddings and events). The site is on the outskirts of Wānaka, and lies between Wānaka-Mt Aspiring Road, Ruby Island Road and Lake Wānaka. The submission supported the RVZ provisions, although sought greater provision for residential activity. The site is zoned Rural in the PDP and has an ONL overlay over part the site. The adjoining Lake Wānaka is an ONL. No assessments of effects of the proposed rezoning were provided with the submission.

⁵⁶⁹ Submission #31053



Aerial photograph showing land subject to rezoning request

640. The submission from J & J Blennerhassett was opposed in a further submission⁵⁷⁰ from a group of neighbouring property owners on Wānaka-Mt Aspiring Road, referred to as the Waterfall Creek Residents (WCR). WCR sought the RVZ of the Blennerhassett site be disallowed in its entirety. The submission stated:
- (a) the site was not consistent with the attributes intended for RVZ;
 - (b) the site had little ability to absorb any adverse effects associated with visitor accommodation, including cumulative effects;
 - (c) RVZ would allow substantially more built form, flight activity, and adverse effects from noise, vehicles and traffic generation, than anticipated currently;
 - (d) Controlled activity status for buildings was inadequate to control adverse effects;
 - (e) RVZ at the site would result in intensification of development around the shore of Lake Wānaka;
 - (f) Additional provision for residential activity within the RVZ would be contrary to the purpose of the RVZ.
641. Mr Bond⁵⁷¹ assessed the natural hazard risks at the site on behalf of the Council. He considered the risk level due to debris flow is high and recommended further investigation before rezoning occurred. In the absence of a landscape assessment from the submitter, Mr Jones⁵⁷² undertook a high-level landscape review of the site. He considered the site had limited capacity to absorb the type of development anticipated by the RVZ, due to its visibility from a main road and views of the site available from beyond the site. Ms Grace also noted that no landscape sensitivity mapping was undertaken for the site, and the area of the proposed RVZ is relatively large. Mr Jones opposed the rezoning of the site to RVZ.
642. On the basis of the information available, Ms Grace⁵⁷³ recommended the submission be rejected.
643. Ms Hardman⁵⁷⁴ presented planning evidence in support of the further submitter (WCR). She reiterated the concerns expressed in the further submission and by the Council witnesses. Ms Hardman concluded that rezoning the site to RVZ would not align with the purpose, objectives

⁵⁷⁰ Further Submission #31073

⁵⁷¹ R Bond, second EIC, Section 8

⁵⁷² M Jones, second EIC, Section 12

⁵⁷³ E Grace, EIC, Section 10

⁵⁷⁴ Ms Ella Hardman, consultant planner for Waterfall Creek Residents, EIC

or policies of the RVZ. She considered the Rural Zone is more appropriate as it allows applications for residential and visitor accommodation activities to be fully considered on a case-by-case basis as discretionary activities.

644. As discussed in Report 20.1, where a submission seeks a material change to the notified provisions and that submission is not supported by any evidence, we are generally not in a position to accept that submission. In this case, we have no supporting evidence for a RVZ on the Blennerhassett site and we have expert evidence in opposition from the Council and the Waterfall Creek Residents. Accordingly, we accept the recommendations from Ms Grace and Ms Hardman for the reasons they have given and those contained in the evidence of Mr Jones and Mr Bond. We recommend rejecting Submission #31053 from John & Jill Blennerhassett.

21. **CARDRONA CATTLE COMPANY LIMITED – SUBMISSION #31039**

645. Cardrona Cattle Company Limited (CCCL)⁵⁷⁵ sought RVZ zoning over approximately 41ha of their property at Victoria Flats on the Gibbston Valley Highway (SH6), at the eastern end of the Gibbston Valley as an alternative to the General Industrial Zone (GIZ) zoning addressed in Report 20.3, the subject of CCCL's separate submission #3349. The site is located to the south of the Kawarau River and access is via Victoria Flats Road from SH6. The submission supported the RVZ provisions. The site is partly zoned Rural and partly Gibbston Character Zone in the PDP and has an ONL overlay over the Rural Zone part the site. No assessments of effects of the proposed rezoning were provided with the submission.



Plan showing land subject to rezoning request

646. Mr Bond⁵⁷⁶ assessed the natural hazard risks at the site on behalf of the Council. He assessed that parts of the site may be affected by landslides, with a risk level of low. He identified part of the site where he would not oppose rezoning to RVZ. He recommended detailed geotechnical assessment at the resource consent stage.
647. Mr Dicey⁵⁷⁷ provided technical evidence for the Council on the viticultural impact of the proposed rezoning. He concluded that the site is capable of growing grapes and that viticulture on the site is economically viable. He considered that rezoning the site to RVZ

⁵⁷⁵ Submission #31039

⁵⁷⁶ R Bond, second EIC, Section 9

⁵⁷⁷ J Dicey, EIC, Sections 5 & 6

would result in the loss of productive viticultural land due to the construction of buildings and associated infrastructure.

648. In the absence of an expert landscape assessment with the submission, Mr Jones⁵⁷⁸ undertook a high-level landscape review of the site. He also undertook an assessment of the site for rezoning to GIZ over a larger area of the CCCL property. He considered the site could have capacity to accommodate the type of development anticipated by the RVZ, subject to the provision of a detailed landscape analysis and assessment. This is due to the site's containment, visually and physically, by the localised topography; only passing views available from SH6 to the east; favourable topography for sensitively designed and located development; and the modified character of the site.
649. Mr Jones noted that no landscape sensitivity mapping or landscape analysis and assessment had been undertaken for the site, and this would be required to determine whether the request for RVZ rezoning would be appropriate and what development controls required. Without the necessary landscape analysis and assessment, and the outcome of the analysis, Mr Jones opposed the rezoning of the site to RVZ.
650. On the basis of Mr Jones' evidence and Mr Dicey's advice regarding the loss of productive land for viticulture (contrary to the policies of the Gibbston Character Zone), Ms Grace⁵⁷⁹ recommended the submission be rejected. Ms Grace also noted that, if the CCCL site is rezoned, it should only be the part of the site Mr Bond identified as being of low natural hazard risk.
651. No legal submissions or planning evidence were provided to support CCCL's submission seeking RVZ. Neither did we receive any evidence which addressed the natural hazard and viticultural matters raised by Mr Bond and Mr Dicey in their evidence for the Council. While CCCL appeared in the final week of hearings, the focus of the legal submissions and evidence was very much on the GIZ component of its relief. While Mr Milne's landscape evidence focussed on the GIZ rezoning, he did provide a limited analysis of CCCL's RVZ submission⁵⁸⁰.
652. Mr Milne prepared a structure plan for a RVZ based on the landscape sensitivity analysis and visual influence studies he had undertaken for the larger GIZ rezoning. He considered approximately half the area identified for RVZ development to have low landscape sensitivity, not be highly visible, and have high capacity to absorb development. The other half he considered to have moderate landscape sensitivity, be more visible from SH6, and have the capacity to absorb a small amount of development. Mr Milne concluded that a low density of built form in these areas would not detract from the values of the ONL nor visual amenity from SH6 and would appear much like a small scale rural settlement or farm buildings with the rural landscape.
653. Mr Jones addressed Mr Milne's evidence in his Rebuttal⁵⁸¹ evidence. Mr Jones partially supported Mr Milne's assessment and considered areas of the site to be largely appropriate for RVZ from a landscape perspective. However, he considered the two areas Mr Milne identified for development closest to the Kawarau River and SH6 as having moderate-high landscape sensitivity, largely due to their visual prominence.

⁵⁷⁸ M Jones, second EIC, Section 14

⁵⁷⁹ E Grace, EIC, Section 11

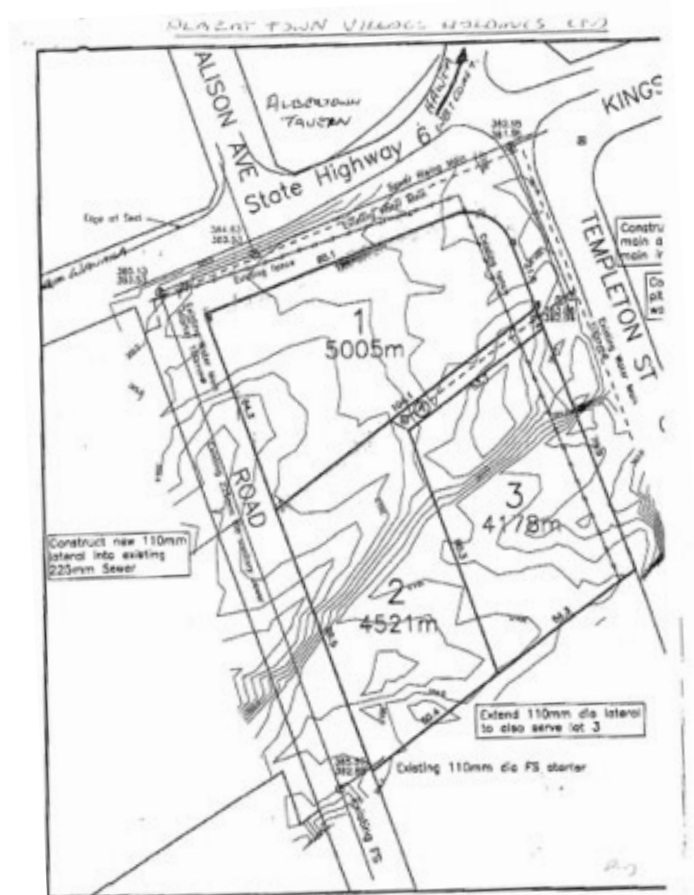
⁵⁸⁰ Milne, EIC for Submission 3349, para [47]-[48] and Sheet 23, RVZ Structure Plan, of his Graphic Attachment

⁵⁸¹ M Jones, second Rebuttal, para [5.2]-[5.4]

654. We have received some limited landscape evidence on behalf of CCCL supporting the proposed RVZ at Victoria Flats. However, the landscape evidence for CCCL was not supported by planning evidence, so we were not provided with any planning evaluation of the appropriateness of the site in relation to the PDP and Chapter 46 provisions. Nor did we receive evidence regarding site-specific provisions for a RVZ at this site that would address the landscape findings of Mr Milne. We do not find this limited evidence sufficient to support the request to include this site within the RVZ.
655. Accordingly, we adopt the recommendation from Ms Grace for the reasons she has given and those contained in the evidence of Mr Bond and Mr Dicey. We recommend rejecting Submission #31039 from Cardrona Cattle Company Limited.

22. ALBERT TOWN VILLAGE HOLDINGS LIMITED – SUBMISSION #31045

656. Albert Town Village Holdings Limited⁵⁸² sought RVZ zoning over its 5000m² property⁵⁸³ on the corner of the Wānaka – Lake Hāwea Road (SH6) and Tennyson Street in Albert Town. The site is directly opposite the commercially zoned Albert Town Tavern and associated retail area. The submission stated that the owner intends to develop visitor accommodation on the site. The site is zoned RRZ in the PDP. No assessment of the effects of the rezoning was provided with the submission.



Plan showing land subject to rezoning request (Lot 1 5005m²)

⁵⁸² Submitter #31045

⁵⁸³ We note the submission stated (incorrectly) that the property is 500m² in area, which was the area evaluated by Ms Grace in her EIC. However, the survey plan and Council rates invoice provided at the hearing showed the area to be 5000m²

657. Ms Grace addressed this submission briefly in her EiC⁵⁸⁴. In her opinion, the RVZ is not an appropriate zone for a small urban-scale site on the edge of an urban settlement. She did not consider the site provided access to the District’s landscape and did not meet the purpose or intent of the RVZ. She recommended the submission be rejected.
658. Mr Ibbotson⁵⁸⁵ attended hearing on behalf of the submitter, provided us with written evidence and answered our questions. He considered the location of the site made it more appropriate for commercial development (such as motels) than rural-residential. He pointed out there is no more commercially zoned land available in Albert Town, now that the remaining vacant land is being developed for apartments. He considered the site to be in a prime location for visitor accommodation with high exposure to SH6, opposite the Albert Town commercial centre and a ski lodge. The site has an entrance off Templeton Street so is not reliant on SH6. There is an existing pedestrian crossing, with a refuge, on SH6 in close proximity to the site to enable walking access to the commercial centre.
659. Although Mr Ibbotson did not appear as an expert planning witness, we have given consideration to his evidence and his answers to our questions. It seemed to us that Mr Ibbotson was seeking our approval to a motel or similar visitor accommodation on this Albert Town site, rather than the full suite of visitor industry activities that could establish in the RVZ. His arguments focussed on support for motel accommodation within the RRZ, providing examples of this type of activity in the RRZ, the RRZ rules that would apply, and consideration of effects on this site at the edge of this RRZ. We were not persuaded by Mr Ibbotson’s presentation that the RVZ itself would be appropriate on the site. He did not provide evidence as to the site’s consistency with the purpose, objectives and policies for the RVZ.
660. Accordingly, we agree with the evidence of Ms Grace, that the RVZ is not an appropriate zone for this small site on the edge of an urban settlement and rezoning the site to RVZ would not be consistent with the purpose or objectives of the RVZ. We recommend rejecting Submission #31045 from Albert Town Village Holdings Limited.

23. BEN HOHNECK - SUBMISSION #31012

661. Ben Hohneck⁵⁸⁶ sought RVZ zoning over his 13.5ha property at 1447 Skippers Road. The site is located on the eastern side of the Shotover River, within the Skippers Canyon. There are established tourism activities on the site, including a museum and former bungy jumping location, and it provides a “hub” for other tourism activities within the canyon, predominantly on the Shotover River, including jetboating. The submission supported the RVZ provisions, although sought an exemption for the control over group size for outdoor commercial recreational activities. The site is zoned Rural in the PDP and is within an ONL and the Skippers Heritage Overlay Area. No assessments of effects of the proposed rezoning were provided with the submission. The submitter did not provide evidence, nor attend the hearing.

⁵⁸⁴ E Grace, EiC, para [13.2]

⁵⁸⁵ R Ibbotson, Business Consultant

⁵⁸⁶ Submission #31012



Aerial Photograph showing land subject to rezoning request

662. The submission from Mr Hohneck was supported in a further submission from Malaghans Investments Limited⁵⁸⁷. Although Malaghans attended the hearing and presented evidence and legal submissions in relation to its site (and the adjoining site of Mr Mills) within Skippers Canyon, no evidence was presented in support of this further submission.
663. In the absence of a landscape assessment from the submitter, Mr Jones⁵⁸⁸ undertook a high-level landscape review of the site. He considered the site is likely to have the ability to absorb the type of development anticipated by the RVZ as the site is visually discrete in relation to visibility from locations within the surrounding context, it has a modified character and favourable topography for development (opportunities for which are limited in the area). Mr Jones noted that no landscape sensitivity mapping had been undertaken for the site, and this would be critical for determining whether the request for RVZ rezoning would be appropriate and what development controls required. Without the necessary landscape analysis and assessment, and the outcome of the analysis, Mr Jones opposed the rezoning of the site to RVZ.
664. On the basis of the information available, Ms Grace⁵⁸⁹ recommended the submission be rejected.
665. As discussed in Report 20.1, as the change to the notified provisions is not supported by any evidence in this case, we have no basis for recommending its acceptance. Accordingly, we adopt the recommendation from Ms Grace for the reasons she has given and those contained in the evidence of Mr Jones. We recommend rejecting Submission 31012 from Ben Hohneck.

24. BRETT MILLS (MOONLIGHT) – SUBMISSION #31016

666. Brett Mills⁵⁹⁰ sought RVZ zoning over his 6.8ha property located on the western side of the Shotover River, off the legal road called Moonlight Track. The site is accessed via a 20-minute

⁵⁸⁷ Further Submission #31052
⁵⁸⁸ M Jones, second EIC, Section 6
⁵⁸⁹ E Grace, EIC, Section 9
⁵⁹⁰ Submission #31016

walk from the Moonlight Track car park and is just to the north of the Shotover Canyon Swing. The submission supported the RVZ provisions. The submission stated the submitter envisages undertaking glamping and camping activities, getting people out into this part of the ONL, as well as undertaking adventure activities with small scale groups. The site is zoned Rural in the PDP and is within an ONL and the Skippers Heritage Overlay Area. No assessments of effects of the proposed rezoning were provided with the submission. The submitter did not provide evidence, nor attend the hearing.



Aerial Photograph showing land subject to rezoning request

667. Mr Bond⁵⁹¹ assessed the natural hazard risks at the site on behalf of the Council. He assessed that parts of the site may be affected by landslides, with a risk level of low. He identified part of the site where he would not oppose rezoning to RVZ. He recommended detailed geotechnical assessment at the resource consent stage.
668. In the absence of a landscape assessment from the submitter, Mr Jones⁵⁹² undertook a high-level landscape review of the site. He considered the site could have the ability to absorb the type of development anticipated by the RVZ, as the site is visually discrete as a result of the topography of the site and surrounding area. Mr Jones noted that no landscape sensitivity mapping had been undertaken for the site, and this would be critical for determining whether the request for RVZ rezoning would be appropriate and what development controls required. Without the necessary landscape analysis and assessment, and the outcome of the analysis, Mr Jones opposed the rezoning of the site to RVZ.
669. On the basis of the information available, Ms Grace⁵⁹³ recommended the submission be rejected. Ms Grace also noted that, if the Moonlight site is rezoned, it should only be the part of the site Mr Bond identified as being of low natural hazard risk.
670. As we discussed in Report 20.1, as the change to the notified provisions is not supported by any evidence in this case, we have no basis for recommending its acceptance. Accordingly, we adopt the recommendation from Ms Grace for the reasons she has given and those contained in the evidence of Mr Jones and Mr Bond. We recommend rejecting Submission 31016 from Brett Mills (Moonlight).

⁵⁹¹ R Bond, second EIC, Section 6

⁵⁹² M Jones, second EIC, Section 8

⁵⁹³ E Grace, EIC, Section 9

**25. WINDERMERE - QUEENSTOWN AIRPORT CORPORATION – SUBMISSION #31010
- SOUTHERN DISTRICT HEALTH BOARD –SUBMISSION #31009.5**

671. Queenstown Airport Corporation (QAC) owns 43ha of land on the Wānaka-Luggate Road (SH6), immediately to the north-west of Wānaka Airport. Under the ODP, the site is currently split zoned – partly Rural Zone and partly Rural Visitor Zone (Windermere RVZ). As part of Stage 3B of the PDP, the Rural Visitor Zone portion of the site is proposed to be rezoned to Rural Zone.
672. The QAC submission⁵⁹⁴ stated the proposed rezoning to Rural of its ODP Rural Visitor Zone landholding does not recognise that:
- (a) there is an existing shortfall of available land on the southern side of the runway for general aviation purposes (and all associated and ancillary activities);
 - (b) following Regional Spatial Planning, Wānaka Airport may need to be expanded into the future to accommodate scheduled domestic aircraft (and all associated and ancillary activities); and
 - (c) the airport obtained the landholding on the basis of the existing Rural Visitor Zoning and its associated development rights. The costs of the downzoning, including on the airport’s development potential and use of this land have not been adequately evaluated under section 32 of the RMA.
673. The submission from QAC sought the area of ODP Rural Visitor Zoned land be rezoned Airport Zone; or, as a lesser preferred option, the ODP Rural Visitor Zone land be retained.



Plan showing land subject to rezoning request

674. Th submission from the Southern District Health Board (SDHB)⁵⁹⁵ supported the rezoning of the undeveloped ‘Windermere’ RVZ in the ODP to Rural Zone. The submission stated that this will ensure there is restriction placed on developments in a noise sensitive area due to the effects of noise on individual and community health, and people’s ability to enjoy the natural environment. We did not receive evidence or legal submissions from this submitter.
675. The appropriate zoning for the ODP Windermere RVZ was considered in the Section 32 evaluation for the Notified Plan Change. Four zoning options were assessed⁵⁹⁶: the status quo;

⁵⁹⁴ Submission #31010

⁵⁹⁵ Submission# 31009.5, with Further Submission in opposition from QAC, FS#31054

⁵⁹⁶ Table 4, Assessment of options to address issues relevant to the Windermere RVSZ, Section 32 Evaluation , Rural Visitor Zone

refine the extent of the ODP RVZ and its provisions; Rural Zone; or Airport Zone. The preferred option was found to be applying the Rural Zone, with an RCL. This was considered to be consistent with the treatment of land within the Wānaka OCB in the PDP and avoids the establishment of incompatible activities within close proximity to Wānaka Airport. The evaluation also noted this would avoid pre-empting the Wānaka Airport master-planning process.

676. Ms Grace considered this submission in her EIC⁵⁹⁷. She recommended the requested rezoning to Airport Zone be rejected, due to the current uncertainty as to the future use and development of this area for airport purposes and because the submitter had provided no evidence to support this zoning as being appropriate in terms of the strategic objectives and policies of the PDP. Ms Grace also recommended rejecting the request to retain the ODP RVZ over the Windermere land. She considered a rural visitor zoning would not be appropriate due to the proximity of Wānaka Airport, the location of the OCB over a substantial proportion of the land, and the incompatibility of activities anticipated in an RVZ with these airport-related constraints. Ms Grace also noted the absence of any evidence from the submitter to support a rural visitor zoning.
677. Ms Wolt⁵⁹⁸ provided written legal submissions to support QAC's further submission⁵⁹⁹ opposing the rezoning of the proposed Corbridge RVZ. However, these legal submissions did not touch on the QAC submission regarding the Windermere RVZ, nor its further submission opposing SDHB. Neither did QAC provide any evidence to support these submissions.
678. As we discussed in Report 20.1, as the change to the notified provisions is not supported by any evidence in this case, we have no basis for recommending its acceptance. Accordingly, we adopt the recommendation from Ms Grace for the reasons she has given, and recommend rejecting Submission #31010 from Queenstown Airport Corporation. As a consequence Submission #31009.5 from the Southern District Health Board is recommended to be accepted.

26. OVERALL RECOMMENDATION

679. Having considered the evidence before us, with the amendments we have recommended we consider the notified Plan Change for Chapter 46, including amendments to the Planning Maps, and associated Variations to Chapters 25, 27, 31, 35 and 36 are the most efficient and effective way to achieve the objectives of the PDP including the higher order strategic objectives and policies. Our reasons for the amendments we have recommended are set out above.
680. We recommend the Council:
- (a) adopt Chapter 46 and the associated Variations to other PDP Chapters, with the wording as set out in Appendix 1; and
 - (b) amend the Planning Maps as captured in the revisions to the electronic maps supplied separately to Council.
681. We also attach as Appendix 2, a summary table setting out our recommendation in relation to each submission on the Plan Change and associated Variations. We have not listed further

⁵⁹⁷ E Grace, EIC, Section 15

⁵⁹⁸ Legal Submissions for QAC, Rebecca Wolt, dated 6 August 2020

⁵⁹⁹ Further Submission #31054

submissions as the result in respect of any further submission necessarily follows the recommendation on the primary submission, whether that be supported or opposed.



Trevor Robinson
Chair
Stream 18 Hearing Panel

Dated: 12 January 2021

Attachments

Appendix 1- Recommended Chapter 46 and related Variations

Appendix 2- Table of Submitter Recommendations

Appendix 1- Recommended Chapter 46 and related Variations

46 Rural Visitor Zone

The provisions shaded in Grey (relating to Walter Peak) are not the subject of the Hearing Panel's recommendation and will be the subject of a subsequent report from the Panel.

46.1 Purpose

The Rural Visitor Zone provides for visitor industry activities that enable people to access and appreciate the District's landscapes, at a small scale and low intensity, and in a manner that recognises the particular values of those landscapes. By providing for visitor industry activities within the rural environment, including in remote locations, the Zone recognises the contribution visitor industry places, services and facilities make to the economic and recreational values of the District.

The effects of land use and development on landscape are managed by the limited extent and small scale of the Zoned areas, and directing sensitive and sympathetic development to areas of lower landscape sensitivity identified within each Zone, where the landscape can accommodate change and the adverse effects on landscape values will be cumulatively minor. No Zone comprises areas of only high or moderate-high landscape sensitivity. The Zone is not located on Outstanding Natural Features. Effects on landscape are further managed through limiting the nature, scale and intensity of development and ensuring buildings are not visually dominant and are integrated into the landscape.

The principal activities in the Zone are visitor accommodation and related ancillary commercial activities, commercial recreational activities and recreational activities. Residential activity is not anticipated in the Zone, with exceptions provided for onsite staff accommodation ancillary to commercial recreational activities and visitor accommodation, and for residential activity on building platforms at Arcadia that were consented under a prior rural visitor zoning.

46.2 Objectives and Policies

46.2.1 Objective – Visitor accommodation, commercial recreational activities and ancillary commercial activities occur at a small scale and low intensity in rural locations where:

- a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes is achieved;**
- b. in areas not within Outstanding Natural Features or Outstanding Natural Landscapes, the maintenance of landscape character, and the maintenance or enhancement of visual amenity values, is achieved;**
- c. adverse effects, including cumulative effects in conjunction with other activities, buildings and development, which do not protect the values specified in a. or maintain or enhance the values specified in b. are avoided;**
- d. amenity values of the surrounding environment are maintained;**
- e. they do not compromise the operation of existing activities or those enabled by the zones in the surrounding environment as a result of reverse sensitivity effects;**
- f. activities anticipated within each Zoned area can be adequately serviced with wastewater treatment and disposal, potable and firefighting water supply, and safe vehicle access or alternative water-based transport; and**

- g. **significant or intolerable risks from natural hazards to people and the community are avoided.**

Policies

- 46.2.1.1 Enable visitor accommodation and commercial recreational activities within the Zone, including ancillary onsite staff accommodation, where the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes are protected, and for other rural areas, the landscape character of the landscape the Zone sits within is maintained and the visual amenity values are maintained or enhanced.
- 46.2.1.2 Ensure the location, nature, scale and intensity of visitor accommodation, commercial recreational activities, and associated aspects such as traffic generation, access and parking, informal airports, noise and lighting, maintain amenity values beyond the Zone and do not compromise the operation of existing activities or those enabled by the zones in the surrounding environment as a result of reverse sensitivity effects.
- 46.2.1.3 Ensure the nature and scale of the combined activities in the Maungawera Rural Visitor Zone maintain amenity values beyond the Zone by specifically managing group size of commercial recreational activities and the capacity of visitor accommodation.
- 46.2.1.4 Avoid residential activity within the Zone, except for enabling:
 - a. onsite staff accommodation ancillary to visitor accommodation and commercial recreational activities, where this accommodation is consistent with the small scale and low intensity of the development within the Zone; and
 - b. residential activity on identified building platforms in the Arcadia Rural Visitor Zone (as approved by resource consent under a previous rural visitor zoning prior to 31 October 2019).
- 46.2.1.5 For commercial recreational activities and informal airports that exceed the standards limiting their scale and intensity, ensure the activity will protect the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes, and for other rural areas, ensure the landscape character of the landscape the Zone sits within is maintained and the visual amenity values are maintained or enhanced.
- 46.2.2 **Objective – Buildings and development that have a visitor industry related use are provided for at a small scale and low density within the Rural Visitor Zone in areas of lower landscape sensitivity where:**
 - a. **the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;**
 - b. **in rural areas not within Outstanding Natural Features or Outstanding Natural Landscapes, the landscape character is maintained and the visual amenity values maintained or enhanced;**
 - c. **adverse effects, including cumulative effects in conjunction with other activities, buildings and development, which do not protect the values specified in a. or maintain or enhance the values specified in b. are avoided; and**
 - d. **amenity values of the surrounding environment are maintained.**

Policies

- 46.2.2.1 Strictly manage the location of buildings and development within the Zone by:
- a. providing for and consolidating buildings within the Zone in areas that are not identified on the District Plan web mapping application as a High Landscape Sensitivity Area or Moderate-High Landscape Sensitivity Area;
 - b. restricting buildings within areas identified on the District Plan web mapping application as Moderate-High Landscape Sensitivity unless they are located and designed, and adverse effects are mitigated, to ensure landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected, and for other rural areas, the landscape character of the landscape the Zone sits within is maintained and the visual amenity values are maintained or enhanced;
 - c. avoiding buildings within areas identified on the District Plan web mapping application as High Landscape Sensitivity Areas; and
 - d. requiring consistency with other restrictions identified on the District Plan web mapping application.
- 46.2.2.2 Manage the effects of buildings and development on landscape values, landscape character and visual amenity values by:
- a. controlling the colour, scale, design, and height of buildings and associated infrastructure, vegetation and landscape elements; and
 - b. in the immediate vicinity of the Homestead Area at Walter Peak, and the historic homestead at Arcadia, provide for a range of external building colours that are not as recessive as required generally for rural environments, but are sympathetic to existing development.
- 46.2.2.3 Provide for buildings that exceed the standards limiting their bulk and scale, only when adverse effects, including cumulative effects, are minimised, including through:
- a. In Outstanding Natural Landscapes, siting buildings so they are reasonably difficult to see from beyond the boundary of the Zone;
 - b. Outside Outstanding Natural Landscapes and Outstanding Natural Features, siting buildings so they are not highly visible from public places, and do not form the foreground of Outstanding Natural Landscapes or Outstanding Natural Features;
 - c. The design and location of buildings and opportunities for mitigating bulk, form and density;
 - d. Management of the associated aspects of the building(s) such as earthworks, car parking, fencing, and landscaping.
- 46.2.2.4 Within those areas identified on the District Plan web mapping application as High Landscape Sensitivity or Moderate-High Landscape Sensitivity, maintain open landscape character where it is open at present.
- 46.2.2.5 Enhance nature conservation values as part of the use and development of the Zone.

46.2.2.6 Manage the location and direction of lights to ensure they do not cause glare or reduce the quality of views of the night sky beyond the boundaries of the Zone, or reduce the sense of remoteness where this is an important part of the landscape character of the Zone.

46.2.2.7 Within the Walter Peak Water Transport Infrastructure overlay, provide for a jetty or wharf, weather protection features and ancillary infrastructure at Beach Bay while:

- a. maintaining as far as practicable natural character and landscape values of Beach Bay while recognising the functional need for water transport infrastructure to locate on the margin of and on Lake Wakatipu;
- b. minimising the loss of public access to the lake margin; and
- c. encouraging enhancement of nature conservation and natural character values.

46.2.2.8 Ensure development can be adequately serviced through:

- a. the method, capacity and design of wastewater treatment and disposal;
- b. adequate and potable provision of water;
- c. adequate firefighting water and regard taken in the design of development to fire risk from vegetation, both existing and proposed vegetation; and
- d. provision of safe vehicle access or alternative water-based transport and associated infrastructure.

46.3 Other Provisions and Rules

46.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation and Biodiversity
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	39 Wāhi Tūpuna	District Plan web mapping application

46.3.2 Interpreting and Applying the Rules

46.3.2.1 A permitted activity must comply with all the rules (in this case Chapter 46 and any relevant district wide rules).

- 46.3.2.2 Where an activity does not comply with a standard listed in the standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 46.3.2.3 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.
- 46.3.2.4 The surface of lakes and rivers are zoned Rural, except for the area identified on the District Plan web mapping application as Walter Peak Water Transport Infrastructure overlay for the purposes of Rule 46.4.9.
- 46.3.2.5 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

46.3.3 Advice Notes - General

- 46.3.3.1 On-site wastewater treatment is also subject to the Otago Regional Plan: Water. In particular, Rule 12.A.1.4 of the Otago Regional Plan: Water.
- 46.3.3.2 Particular attention is drawn to the definition of Visitor Accommodation which includes related ancillary services and facilities and onsite staff accommodation.

46.4 Rules – Activities

	Table 46.4 – Activities	Activity Status
46.4.1	Farming	P
46.4.2	Visitor accommodation	P
46.4.3	Commercial recreational activities and ancillary onsite staff accommodation	P
46.4.4	Recreation and recreational activity	P
46.4.5	Informal airports	P
46.4.6	One residential unit within a building platform identified on Lots 1 to 11 LT 530138 in the Arcadia Rural Visitor Zone.	P
46.4.7	Construction of buildings 46.4.7.1: The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.8 to 46.4.12). 46.4.7.2: In the Gibbston Valley Rural Visitor Zone, the construction, relocation or exterior alteration of buildings within the Developable Areas identified on the District Plan web mapping application.	C

	<p>Control is reserved to:</p> <ol style="list-style-type: none"> The compatibility of the building density, scale, design and location with landscape, cultural and heritage, and visual amenity values; Landform modification, landscaping and planting; Lighting; Servicing including water supply, fire-fighting, stormwater and wastewater; Natural Hazards; and Design and layout of site access, on-site parking, manoeuvring and traffic generation. 	
46.4.8	<p>Farm building</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> The relationship of the proposed farm building to farming activity; Landform modification, landscaping and planting; Lighting; Servicing including water supply, fire-fighting, stormwater and wastewater; and Natural Hazards. 	RD
46.4.9	<p>At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan web mapping application , a jetty or wharf, weather protection features and ancillary infrastructure</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Effects on natural character; Effects on landscape values and amenity values; Lighting; Effects on public access to and along the lake margin; and External appearance, colour and materials. 	RD
46.4.10	<p>At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan web mapping application , any building other than those identified in Rule 46.4.8</p>	D
46.4.11	<p>Construction of buildings</p> <p>46.4.11.1: The construction, relocation or exterior alteration of buildings within an area identified on the District Plan web mapping application as a Moderate-High Landscape Sensitivity Area.</p> <p>46.4.11.2: In the Gibbston Valley Rural Visitor Zone, in addition to 46.4.11.1, the construction, relocation or exterior alteration of buildings not within the Developable Areas identified on the District Plan web mapping application, and not within the area covered by Rule 46.4.12.</p>	D
46.4.12	<p>The construction, relocation or exterior alteration of buildings within an area identified on the District Plan web mapping application as a High Landscape Sensitivity Area</p>	NC

46.4.13	Industrial activity	NC
46.4.14	Residential activity except as provided for in Rules 46.4.2, 46.4.3 and 46.4.6	NC
46.4.15	Commercial activities, retail or service activities except as provided for in Rules 46.4.2 and 46.4.3	NC
46.4.16	Mining	NC
46.4.17	Any other activity not listed in Table 46.4	NC

46.5 Rules - Standards

	Table 46.5 – Standards	Non-compliance status
46.5.1	<p>Building Height</p> <p>46.5.1.1: The maximum height of buildings shall be 6m.</p> <p>46.5.1.2: Within the Water Transport Infrastructure overlay identified on the District Plan web mapping application the maximum height of buildings shall be 4m.</p> <p>46.5.1.3: Within Developable Areas 1 and 3 identified on the District Plan web mapping application in the Gibbston Valley Rural Visitor Zone the maximum height of buildings shall be 7m.</p>	<p>NC</p> <p>NC</p> <p>NC</p>
46.5.2	<p>Building Size</p> <p>The maximum ground floor area of any building shall be 500m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Landscape; Visual amenity values; Nature, scale and external appearance; Density and scale of development; Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; and

	Table 46.5 – Standards	Non-compliance status
		f. Design and layout of site access, on-site parking, manoeuvring and traffic generation.
46.5.3	<p>Total Maximum Ground Floor Area in the Zone:</p> <p>46.5.3.1 In the Gibbston Valley Rural Visitor Zone the combined total maximum ground floor area of all buildings within the Zone shall be 500m².</p> <p>46.5.3.2 In the Matakauri Rural Visitor Zone the combined total maximum ground floor area of all buildings within the Zone shall be 1650m².</p> <p>46.5.3.3 In the Maungawera Rural Visitor Zone, the combined total maximum ground floor area of all buildings shall be:</p> <ol style="list-style-type: none"> 500m² in Area A 1,800m² in Area B 1,400m² in Area C 500m² in Area D 500m² in Area E 300m² in Area F 1000m² in Area G <p>as identified on the District Plan web mapping application.</p>	<p>Rules 46.5.3.1 and 46.5.3.2: RD</p> <p>Rule 46.5.3.3: NC</p> <p>For Rules 46.5.3.1 and 46.5.3.2 discretion is restricted to:</p> <ol style="list-style-type: none"> Landscape; Visual amenity values; Nature, scale and external appearance; Density and scale of development; Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; Natural Hazards; and Design and layout of site access, on-site parking, manoeuvring and traffic generation.
46.5.4	<p>Glare</p> <p>46.5.4.1: All exterior lighting shall be directed downward and away from adjacent sites and public places including roads or waterbodies.</p> <p>46.5.4.2: No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site.</p> <p>46.5.4.3: Rule 46.5.4.2 shall not apply to exterior lighting within the Walter Peak Water Transport Infrastructure overlay.</p>	NC

	Table 46.5 – Standards	Non-compliance status
46.5.5	<p>Setback of buildings from waterbodies</p> <p>46.5.5.1: The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p> <p>46.5.5.2: Rule 46.5.5.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Indigenous biodiversity values; b. Visual amenity values; c. Landscape; d. Open space and the interaction of the development with the water body; e. Environmental protection measures (including landscaping and stormwater management); f. Natural hazards; and g. Effects on cultural values of manawhenua.
46.5.6	<p>Setback of Buildings</p> <p>46.5.6.1: Buildings shall be set back a minimum of 10 metres from the Zone boundary.</p> <p>46.5.6.2: Rule 46.5.6.1 shall not apply to those structures or buildings identified in Rule 46.4.8 located within the Walter Peak Water Transport Infrastructure overlay.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Nature and scale; b. Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; and c. Functional need for buildings to be located within the setback.
46.5.7	Commercial Recreational Activity	<p>Rule 46.5.7.1: RD</p> <p>Rule 46.5.7.3:</p> <p>136 – 200 persons RD</p> <p>>200 persons NC</p> <p>For Rules 46.5.7.1 and 46.5.7.3 discretion is restricted to:</p>

	Table 46.5 – Standards	Non-compliance status
	<p>46.5.7.1: Commercial recreational activity that is undertaken outdoors shall not involve more than 30 persons in any one group.</p> <p>46.5.7.2: Rule 46.5.7.1 shall not apply at Walter Peak or in the Maungawera Rural Visitor Zone.</p> <p>46.5.7.3: In the Maungawera Rural Visitor Zone, commercial recreational activity that is undertaken outdoors shall not involve more than 135 persons within the Zone at any one time.</p>	<p>a. Location, nature, scale and intensity, including cumulative adverse effects and reverse sensitivity effects;</p> <p>b. Hours of operation;</p> <p>c. The extent and location of signage;</p> <p>d. Transport and access; and</p> <p>e. Noise.</p>
46.5.8	<p>Informal Airports</p> <p>Other than in the case of informal airports for emergency landings, rescues, firefighting and activities ancillary to farming activities, Informal Airports shall not exceed 15 flights per week.</p> <p>Note: For the purposes of this Rule a flight includes two aircraft movements (i.e. an arrival and departure).</p>	D
46.5.9	<p>Building Material and Colours</p> <p>In the Arcadia Rural Visitor Zone, the Gibbston Valley Rural Visitor Zone, the Maungawera Rural Visitor Zone, and the Matakauri Rural Visitor Zone, any building and its alteration, including shipping containers that remain on site for more than six months, are subject to the following:</p> <p>All exterior surfaces* shall be coloured in the range of browns, greens or greys including:</p> <p>46.5.9.1 Pre-painted steel and all roofs shall have a light reflectance value not greater than 20%; and</p> <p>46.5.9.2 All other exterior surface** finishes, except for schist, shall have a light reflectance value of not greater than 30%.</p> <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 by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Landscape;</p> <p>b. Visual amenity values; and</p> <p>c. External appearance.</p>

	Table 46.5 – Standards	Non-compliance status
46.5.10	<p>Building separation and planting plan - Matakauri Rural Visitor Zone</p> <p>46.5.10.1 All buildings in the Matakauri Rural Visitor Zone shall be separated by a minimum of 10m from other buildings within that Zone.</p> <p>46.5.10.2 The separation space required by Rule 46.5.10.1 shall be planted and maintained with indigenous plant species in accordance with the planting plan required by Rule 46.5.10.3.</p> <p>46.5.10.3 A planting plan detailing species type, numbers, location, planting schedule and maintenance for the separation space required by Rule 46.5.10.1, for the purpose of mitigating the visual effects of the building(s) and to integrate the building(s) into the surrounding environment, shall be prepared and provided to the Council as part of the documentation supporting a resource consent application for any building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Nature and scale; Functional need for the building(s) to be located within the separation setback; Landscape and visual amenity effects; and Indigenous planting plan.
46.5.11	<p>Resta Road intersection – Gibbston Valley Rural Visitor Zone</p> <p>In the Gibbston Valley Rural Visitor Zone, commercial recreational activities and commercial use of buildings, including for visitor accommodation or commercial recreational activities, shall not commence until the intersection of Resta Road and State Highway 6 meets the requirements of Figure 46.1.</p>	<p>NC</p>
46.5.12	<p>Visitor accommodation capacity in the Maungawera Rural Visitor Zone</p> <p>In the Maungawera Rural Visitor Zone, the configuration of visitor accommodation units shall be such that the maximum number of overnight guests that can be accommodated within the Zone is 50.</p>	<p>51 – 75 guests per night: RD</p> <p>>75 guests per night: NC</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Location, nature, scale and intensity, including cumulative adverse effects and reverse sensitivity effects; Hours of operation; The extent and location of signage; Transport and access; and Noise

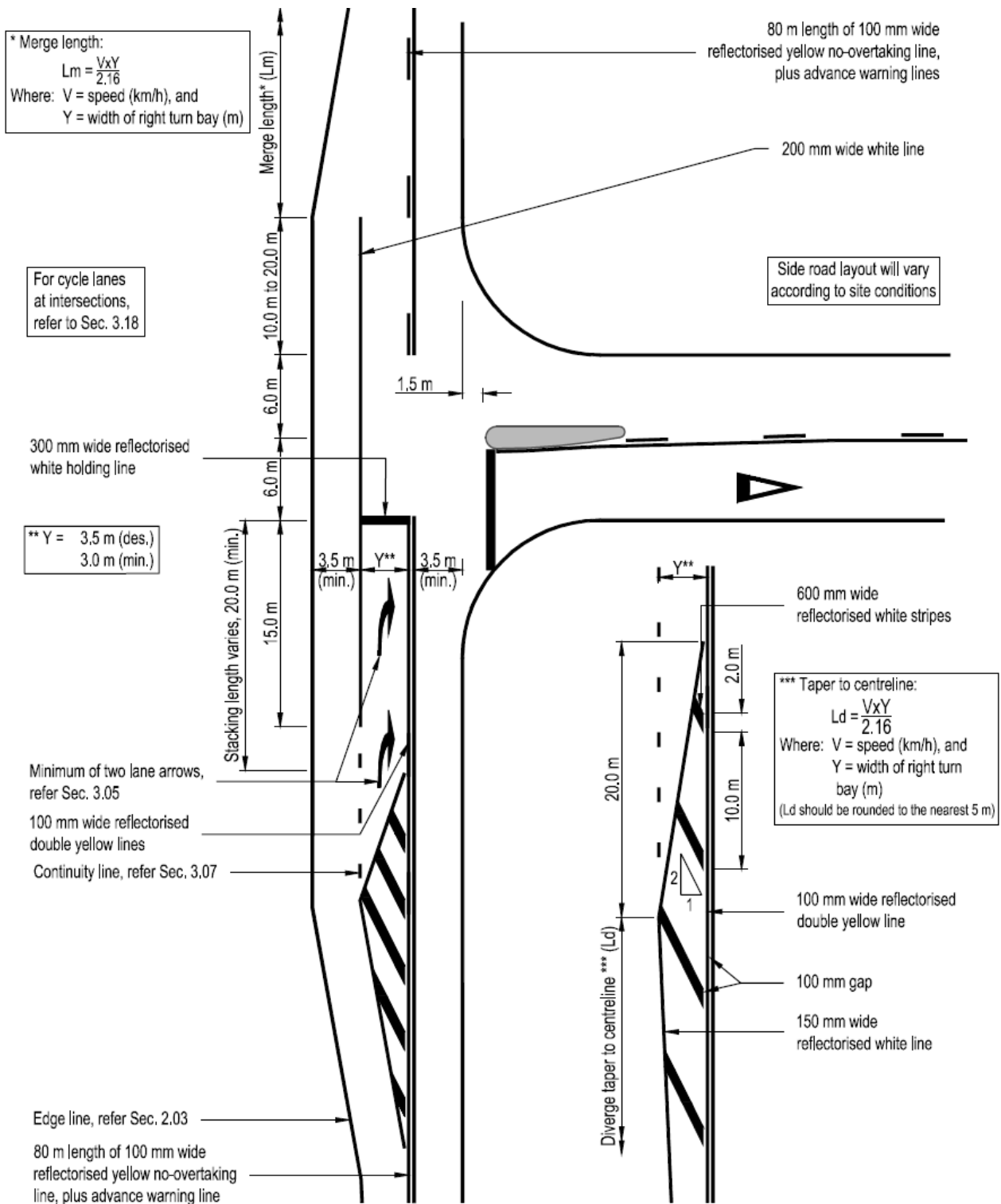
	Table 46.5 – Standards	Non-compliance status
46.5.13	Northern boundary shelterbelt - Maungawera Rural Visitor Zone In the Maungawera Rural Visitor Zone, no visitor accommodation or commercial recreational activities shall be undertaken, no informal airport shall operate, and no buildings shall be constructed, relocated or have exterior alterations, unless a shelterbelt is maintained along the northern boundary of the Zone.	NC

46.6 Non-Notification of Applications

Any application for resource consent for controlled or restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified, with the exception of the following:

- a. **Rule 46.4.9 Water Transport Infrastructure at Walter Peak.**
- b. **Rule 46.5.5 setback of buildings from waterbodies.**
- c. **Rule 46.5.6 setback of buildings from the Zone boundary.**
- d. **Rule 46.5.7 commercial recreational activities.**

Figure 46.1



MARKINGS FOR RIGHT TURN BAYS IN RURAL AREAS

FIGURE 3.25

Variations to the Proposed District Plan

Key:

Underlined text for additions and strike through text for deletions

Variation to Chapter 25 - Earthworks

Amend Chapter 25 by inserting the following into Rule 25.5.5 (Table 25.2 – Maximum Volume)

25.5.5	Queenstown Town Centre Zone Wanaka Town Centre Zone Local Shopping Centre Zone Business Mixed Use Zone Airport Zone (Queenstown) Millbrook Resort Zone <u>Rural Visitor Zone</u>	500m ³
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Variation to Chapter 27 - Subdivision and Development

Amend Chapter 27 by amending Rule 27.5.9 as follows:

27.5.11	All subdivision activities in the <u>Rural Visitor Zone (excluding the Maungawera Rural Visitor Zone)</u> , Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for.	D
27.5.x	<u>All subdivision activities in the Maungawera Rural Visitor Zone</u>	<u>NC</u>

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, average, less than the minimum specified.

Zone	Minimum Lot Area
<u>Rural Visitor Zone</u>	<u>No Minimum</u>

Variation to Chapter 31 - Signs

31.14 Rules – Activity Status of Signs in Special Zones

The rules relating to signs in this table are additional to those in Table 31.4 and are subject to the standards in Table 31.15. If there is a conflict between the rules in Table 31.4 and the rules in this table, the rules in this table apply.

Table 31.14 – Activity Status of signs in Special Zones		Jacks Point Zone outside of Village Activity Areas and residential Activity Areas	Waterfall Park Zone	Millbrook Resort Zone Rural Visitor Zone
31.14.1	Signs for commercial activities and community activities Control is reserved to the matters set out in Rule 31.17.	C	C	C
31.14.2	Identification of a signage platform for a commercial activity or community activity Control is reserved to the matters set out in Rule 31.17.	C	C	C
31.14.3	Signs for visitor accommodation Control is reserved to the matters set out in Rule 31.17.	D	D	C
31.14.4	Signs not associated with commercial activities, community activities or visitor accommodation	P	P	P
31.14.5	Any sign activity which is not listed in Table 31.4 or Rules 31.14.1 to 31.14.4 inclusive	D	D	D

Amendments to Chapter 35 - Temporary Activities and Relocated Buildings:

36.4 Rules – Activities

	Temporary Activities and Relocated Buildings	Activity Status
35.4.8	<p>Temporary Filming, including the use of the land as an informal airport as part of that filming activity, provided that:</p> <ol style="list-style-type: none"> the number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone <u>and the Arcadia Rural Visitor Zone</u>, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone; within the Rural Zone <u>and the Arcadia Rural Visitor Zone</u>, any temporary filming activity on a site, or in a location within a site, is limited to a total of 30 days, in any calendar year; in any other Zone, any temporary filming activity is limited to a total of 30 days (in any calendar year) with the maximum duration of film shooting not exceeding a total of 7 days in any calendar year; all building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated; the use of land as an informal airport as part of filming activity is restricted to the Rural Zone <u>and the Arcadia Rural Visitor Zone</u>; and <u>in the Arcadia Rural Visitor Zone temporary filming activity, including the use of the land as an informal airport as part of that filming activity, shall only occur during the hours of 0800 – 2000.</u> <p>For the purpose of this Rule: The relevant noise standards of the Zone do not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.</p>	P

Variation to Chapter 36 Noise:

36.5 Rules – Standards

Table 2: General Standards

	Standard				Non-Compliance Status
	Zones sound is received in	Assessment location	Time	Noise limits	
36.5.2	Rural Visitor Zone	Any point within any site	0800h to 2000h	50 dB $L_{Aeq}(15 \text{ min})$	NC
			2000h to 0800h	40 dB $L_{Aeq}(15 \text{ min})$	NC

Appendix 2- Table of Submitter Recommendations

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31001	Michael Clark	31001.1	That the noise standard for the Rural Visitor Zone is amended so that noise is measured at the side of a house or building, and the noise is averaged over a 15 minute period 50 dB Len.	Accept in Part	6
31008	Lloyd James Veint	31008.1	That notified Chapter 46 (Rural Visitor Zone) and associated variations and planning map changes be rejected until such time as the matters raised in the submission are addressed.	Reject	3
31008	Lloyd James Veint	31008.2	That the notified provisions of Chapter 46 (Rural Visitor Zone) as they relate to the Arcadia Rural Visitor Zone be amended to incorporate the consented Structure Plan and Design Guidelines approved by Queenstown Lakes District Council under Resource Consent RM110010 as part of a revised Arcadia Rural Visitor Zone, and/or as part of Chapter 27 (Subdivision and Development).	Reject	9 & 10
31008	Lloyd James Veint	31008.3	That objectives, policies and rules are created as necessary to enable subdivision in accordance with the consented Arcadia structure plan as a controlled activity, and subdivision not in accordance with the consented structure plan as a discretionary or non-complying activity.	Reject	9 & 10
31008	Lloyd James Veint	31008.4	That development as per the consented Structure Plan be provided for as a controlled activity, but no development over and above that.	Reject	9 & 10
31008	Lloyd James Veint	31008.5	That the Rural Visitor Zone purpose statement be amended to recognise the unique circumstances of the Arcadia RVZ where a Structure Plan and Design Guidelines have already been approved by Queenstown Lakes District Council and given effect to.	Reject	10
31008	Lloyd James Veint	31008.6	That a new objective be added to Chapter 46 (Rural Visitor Zone) to recognise the unique circumstances of the Arcadia Rural Visitor Zone where a Structure Plan has been approved and given effect to, and residential and commercial activity is also anticipated.	Reject	10
31008	Lloyd James Veint	31008.7	That three new policies be added to section 46.2 that together (1) enable development at Arcadia while requiring (2) development of the Arcadia Rural Visitor Zone to be in accordance with the approved Structure Plan, and (3) the approved design guidelines.	Reject	10
31008	Lloyd James Veint	31008.8	That Rule 46.4.6 be amended to provide for the construction, relocation or exterior alteration of buildings for the Arcadia Rural Visitor Zone that are in accordance with the consented Structure Plan as a controlled activity.	Reject	10

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31008	Lloyd James Veint	31008.9	That the 'Moderate-High Landscape Sensitivity Area' annotation be removed from the planning maps where it appears in the Arcadia Rural Visitor Zone and instead incorporate the consented Structure Plan and require development to be in accordance with the Structure Plan, or amend Rule 46.4.10 to provide for the construction, relocation or exterior alteration of buildings in the Arcadia Rural Visitor Zone 'Moderate-High Landscape Sensitivity Area' as a controlled activity.	Reject	10
31008	Lloyd James Veint	31008.10	That the 'High Landscape Sensitivity Area' annotation be removed from the planning maps where it appears in the Arcadia Rural Visitor Zone and instead incorporate the Structure Plan and require development to be in accordance with the Structure Plan, or amend Rule 46.4.11 to provide for the construction, relocation or exterior alteration of buildings in the Arcadia Rural Visitor Zone 'High Landscape Sensitivity Area' as a controlled activity.	Reject	10
31008	Lloyd James Veint	31008.11	That Rule 46.4.13 be deleted as it relates to the Arcadia Rural Visitor Zone and replace it with a new rule that provides for residential activity in accordance with the consented Structure Plan and Design Guidelines in the Arcadia Rural Visitor Zone as a permitted activity.	Accept in part	10
31008	Lloyd James Veint	31008.12	That Rule 46.4.14 be amended to provide for commercial activity as a controlled activity within the area identified for commercial activity on the Structure Plan approved under resource consent RM110010 in the Arcadia Rural Visitor Zone.	Reject	10
31008	Lloyd James Veint	31008.13	That Rule 46.6 (non-notification) be amended to add a new provision: "Development in the Arcadia Rural Visitor Zone in accordance with the consented Structure Plan and Design Guidelines (RM110010)".	Reject	10
31008	Lloyd James Veint	31008.14	That the variation to Chapter 25 Earthworks to enable up to 500m ³ of earthworks be retained.	Accept	6
31008	Lloyd James Veint	31008.15	That any other consequential changes be made to achieve the relief sought in the submission.	Accept. Accept in part, or reject, consequential on other recommendations	3, 6, 9 & 10
31009	Southern District Health Board	31009.2	That the controls on developments in the Rural Visitor Zone be retained as notified.	Accept in part	3
31009	Southern District Health Board	31009.5	That the re-zoning of the undeveloped Windermere from Rural Visitor Zone to Rural Zone be retained as notified.	Accept	25

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31009	Southern District Health Board	31009.6	That the involvement and collaboration with tangata whenua throughout the planning process is strongly supported.	Accept	3
31010	Queenstown Airport Corporation (QAC)	31010.1	That the area zoned Rural Visitor Zone (Windermere) in the Operative District Plan on Lot 1 DP 368240 (827 Wanaka-Luggate Highway) be re-zoned Airport Zone, or the operative Rural Visitor Zone be reinstated.	Reject	25
31010	Queenstown Airport Corporation (QAC)	31010.2	That any consequential changes, amendments or decisions be made that may be required to give effect to the matters raised in the submission.	Reject	25
31011	Heritage New Zealand Pouhere Taonga	31011.8	That Rule 46.4.6(a) be amended to add the words "and location" so that the matter of control reads as follows: "The compatibility of the building design and location with landscape, cultural and heritage, and visual amenity values".	Accept	6
31012	Ben Hohneck	31012.1	That the land identified in the submission, including 1447 Skippers Road, be re-zoned from Rural Zone to Rural Visitor Zone.	Reject	23
31012	Ben Hohneck	31012.2	That the Rural Visitor Zone sought in the submission be named "Skippers Rural Visitor Zone".	Reject	23
31012	Ben Hohneck	31012.3	That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zone sought in the submission.	Reject	23
31012	Ben Hohneck	31012.4	That proposed Rule 46.5.6(b) be amended to also refer to the "Skippers Rural Visitor Zone" sought by the submission.	Reject	23
31012	Ben Hohneck	31012.5	That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified.	Accept	3 & 6
31012	Ben Hohneck	31012.6	That any other consequential amendments to give effect to the intent of the submission be made.	Accept, or Reject, consequential on other recommendations	3, 6 & 23
31013	Loch Linnhe Station	31013.1	That an area of Loch Linnhe Station (Kingston Road, between Wye Creek and past Devils Staircase in the south) of approximately 12 hectares, encompassing the homestead, the identified in the submission as the Homestead site, be re-zoned from Rural to Rural Visitor Zone.	Reject	12
31013	Loch Linnhe Station	31013.2	That an area of Loch Linnhe Station (Kingston Road, between Wye Creek and past Devils Staircase in the south) of approximately 2.5 hectares, identified in the submission as the Wye Creek site, be rezoned from Rural to Rural Visitor Zone.	Reject	12
31013	Loch Linnhe Station	31013.3	That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zones sought in the submission.	Reject	12

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31013	Loch Linnhe Station	31013.4	That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified.	Accept	3
31013	Loch Linnhe Station	31013.5	That the activity status for Rule 46.4.7 be changed from restricted discretionary to controlled.	Reject	6
31013	Loch Linnhe Station	31013.6	That a further exception is provided in Rule 46.4.13 to enable the construction of a farm homestead specific to the Wye Creek Rural Visitor Zone sought by the submission.	Reject	12
31013	Loch Linnhe Station	31013.7	That a density standard be added to Chapter 46 specific to the two Rural Visitor Zones sought by the submission at Loch Linnhe Station, as follows: "Within Loch Linnhe built form shall not exceed a footprint of (a) 1800m2 at the Wye Creek Site (b) 4700m2 at the Homestead Site."	Reject	12
31013	Loch Linnhe Station	31013.8	That a visibility standard be added to Chapter 46 specific to the Wye Creek Rural Visitor Zone at Loch Linnhe Station sought by the submission, as follows: "At the Wye Creek RVZ within Loch Linnhe Station no building shall be visible from the State Highway."	Reject	12
31013	Loch Linnhe Station	31013.9	That any other consequential amendments be made to give effect to the intent of the submission.	Accept, or Reject, consequential on other recommendations	3, 6 & 12
31014	Heron Investments Limited	31014.1	That the property at 93 Camp Hill Road, Maungawera (Lots 1-2 DP 21025, Section 1 SO 20288 Block III Lower Hawea Survey District and Lot 2 DP 21025) located between Camp Hill Road and Lake Hawea-Albert Town Road/State Highway 6, being approximately 114 hectares in area, be rezoned from Rural to Rural Visitor Zone, as shown in the submission.	Accept	13
31014	Heron Investments Limited	31014.2	That the Rural Visitor Zone sought by the submission be named "Maungawera Rural Visitor Zone".	Accept	13
31014	Heron Investments Limited	31014.3	That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zone sought in the submission.	Accept	13
31014	Heron Investments Limited	31014.4	That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified.	Accept	3 & 6
31014	Heron Investments Limited	31014.5	That Chapter 46 (Rural Visitor Zone) be amended be deleting reference to Rural Visitor Zones being only within Outstanding Natural Landscapes.	Accept	5 & 6
31014	Heron Investments Limited	31014.6	That proposed Rule 46.5.6(b) be amended to also refer to the proposed Maungawera Rural Visitor Zone sought by the submission.	Accept in part	13

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31014	Heron Investments Limited	31014.7	That any other consequential amendments be made to give effect to the intent of this submission.	Accept, or Accept in part, consequential on other recommendations	3, 5, 6 & 13
31015	Brett Mills	31015.1	That the land shown in the submission, including 1364 Skippers Road (Lot 1 DP 19171 Blk XI Shotover SD) being approximately 4 hectares in area located to the right of Skippers Road approximately 9 km from the intersection with Coronet Peak Road, be re-zoned from Rural Zone to Rural Visitor Zone, or alternatively re-zone as part of the wider area including the area sought by submitter Ben Hohneck.	Reject	14
31015	Brett Mills	31015.2	That the Rural Visitor Zone sought by the submitter be named "Kimiakau Rural Visitor Zone".	Reject	14
31015	Brett Mills	31015.3	That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zone sought in the submission.	Reject	14
31015	Brett Mills	31015.4	That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified.	Accept	3
31015	Brett Mills	31015.5	That any other consequential amendments be made to give effect to the intent of the submission.	Accept, or Reject, consequential on other recommendations	3 & 14
31016	Brett Mills	31016.1	That the property identified in the submission (Sec 82 BLK XIX Shotover SD) located off the Moonlight Track on the left side of the Shotover River approximately 2.6 km from the intersection of the Moonlight Track with Mcchesney Road, be re-zoned from Rural to Rural Visitor Zone, or alternatively re-zoned as part of a wider re-zoning including the area to the south covering the Shotover Canyon Swing site.	Reject	24
31016	Brett Mills	31016.2	That the new Rural Visitor Zone requested by the submission be called "Moonlight Rural Visitor Zone".	Reject	24
31016	Brett Mills	31016.3	That the proposed Rural Visitor Zone provisions that relate to the high, medium and low landscape sensitivity areas be retained as notified.	Accept	3
31016	Brett Mills	31016.4	That low, medium and high landscape sensitivity areas be included on the planning maps for the new Rural Visitor Zone sought in the submission.	Reject	24
31016	Brett Mills	31016.5	That any other consequential amendments be made to give effect to the intent of the submission.	Accept, or Reject, consequential on other recommendations	3 & 24
31020	Aurora Energy Limited	31020.1	That the Proposed District Plan recognises the strategic and lifeline importance of all parts of the electricity network.	Reject, as it relates to Chapter 46	6

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31020	Aurora Energy Limited	31020.2	That further or other relief as is appropriate or desirable in order to take account of the concerns expressed in this submission be provided.	Reject, consequential on other recommendations, as it relates to Chapter 46	6
31020	Aurora Energy Limited	31020.3	That, in the event that the amendments set out in the submission are not implemented, the Proposed District Plan be withdrawn.	Reject, as it relates to Chapter 46	6
31020	Aurora Energy Limited	31020.4	That Rule 46.4.6 be amended as follows: Remove the word 'and' from the end of provision e. Add the word 'and' at the end of provision f. Add the following as a new matter of control as provision g. 'Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or subject site any adverse effects on that infrastructure.'	Reject	6
31020	Aurora Energy Limited	31020.5	That Rule 46.4.7 be amended as follows: Remove the word 'and' from the end of provision d. Add the word 'and' to the end of provision e. Add a new matter of control as provision f. as follows 'Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or the subject site any adverse effects on that infrastructure.'	Reject	6
31020	Aurora Energy Limited	31020.6	That Rule 46.6 be amended as follows: Add a new provision as e. as follows 'Rule 46.4.6 The construction, relocation or exterior alteration of buildings (other than identified in Rules 46.4.7 to 46.4.11).'	Reject	6
31020	Aurora Energy Limited	31020.7	That 46.6 be amended to include a new rule as follows: 46.6.X For any application for resource consent where Rules 46.4.6(g) and 46.4.7(f) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991.	Reject	6
31020	Aurora Energy Limited	31020.8	That 46.3.3 be amended to add a new provision as follows: Advice Note: 46.3.3.X New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. To assist plan users in complying with NZECP 34(2001), the major	Reject	6

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
			distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps. For the balance of Aurora's network plan users are advised to consult with Aurora's network maps at www.auroraenergy.co.nz or contact Aurora for advice.		
31021	Corbridge Estates Limited Partnership	31021.1	That Chapter 46 (Rural Visitor Zone) be rejected.	Reject	3
31021	Corbridge Estates Limited Partnership	31021.2	That the submitter's land at 707 Wanaka Luggate Highway comprising approximately 322 hectares (legally identified as Sec 65 BLK IV Lower Wanaka SD, Pt Sec 64 BLK IV Lower Wanaka SD, Sec 67 BLK IV Lower Wanaka SD, Sec 66 BLK IV Lower Wanaka SD, Sec 1 BLK II Lower Wanaka SD) located between the Clutha River and Wanaka Luggate Highway/State Highway 6 be re-zoned from Rural Zone to Rural Visitor Zone.	Reject	15
31021	Corbridge Estates Limited Partnership	31021.3	That 46.1 (Rural Visitor Zone Purpose) be amended as follows: The Rural Visitor Zone provides for visitor industry activities to occur in locations that can absorb the effects of development without compromising landscape values within the District's rural land resource. By providing for visitor industry activities, the Zone recognises the contribution that the visitor industry, associated services and facilities make to the economic and recreational values of the District. The primary method of managing land use and development will be directing sensitive and sympathetic development to where the landscape can accommodate change, and the adverse effects on landscape values from land use and development will be cumulatively minor. The design and mitigation of buildings and development are secondary factors in the role of landscape management that will contribute toward ensuring buildings are not visually dominant over rural open space and are integrated into the landscape. The principal activities in the Zone are visitor accommodation and related ancillary commercial activities, commercial recreation and recreation activities. Residential activity is not anticipated in the more sensitive Outstanding Natural Landscapes within the Zone with the exception being for onsite staff accommodation (including staff related to construction of the facilities within the zone) ancillary to commercial recreation and visitor accommodation activities.	Accept in part	5 & 6

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31021	Corbridge Estates Limited Partnership	31021.4	That Objective 46.2.1 be amended as follows: Visitor accommodation, commercial recreation and ancillary commercial activities within appropriate locations to a scale that maintain or enhances the District's landscape values.	Accept in part	6
31021	Corbridge Estates Limited Partnership	31021.5	That Policy 46.2.1.1 be amended as follows: Provide for innovative and appropriately located and designed visitor accommodation, including ancillary commercial activities and onsite staff accommodation, recreation and commercial recreation activities where landscape values will be maintained or enhanced.	Accept in part	6
31021	Corbridge Estates Limited Partnership	31021.6	That Policy 46.2.1.2 be amended as follows: Provide for tourism related activities within appropriate locations in the Zone where they enable people to access and appreciate the District's attractions, provided that landscape quality, character, visual amenity values and nature conservation values are maintained or enhanced.	Reject	6
31021	Corbridge Estates Limited Partnership	31021.7	That Policy 46.2.1.3 be retained as notified.	Accept in part	6
31021	Corbridge Estates Limited Partnership	31021.8	That Policy 46.2.1.4 be amended as follows: Recognise the remote location of some of the District's Rural Visitor Zones and the need for visitor industry activities to be self-reliant by providing for services or facilities that are directly associated with, and ancillary to visitor accommodation activities, including construction of facilities themselves and onsite staff accommodation.	Reject	6
31021	Corbridge Estates Limited Partnership	31021.9	That Policy 46.2.1.5 be retained as notified.	Accept in part	6
31021	Corbridge Estates Limited Partnership	31021.10	That Policy 46.2.1.6 be amended as follows: Ensure that any land use or development not otherwise anticipated in the Zone, protects or enhance landscape values and nature conservation values relative to the landscape classification of each Rural Visitor Zone.	Accept in part	6
31021	Corbridge Estates Limited Partnership	31021.11	That Policy 46.2.1.7 be amended as follows: Avoid residential activity within Outstanding Natural Landscapes with the exception of enabling onsite staff accommodation ancillary to commercial recreation and visitor accommodation activities and the construction of facilities.	Reject	6

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31021	Corbridge Estates Limited Partnership	31021.12	That a new objective be added as follows: 46.2.X Objective - Within the Corbridge Rural Visitor Zone, provide for rural visitor activity to be established in locations that do not conflict with Wanaka Airport Activities.	Reject	15
31021	Corbridge Estates Limited Partnership	31021.13	That a new Policy be added as follows: 46.2.X.1 Provide for rural visitor activity while: a. providing for and consolidating buildings within the Corbridge Rural Visitor Zone in locations that will not conflict with Wanaka Airport Activity, including suitably locating activities that may otherwise conflict with Wanaka Airport's Outer Control Boundary. b. encouraging activity types that will compliment activities or demands generated by Wanaka Airport activities. c. Ensuring that adequate residential activities and staff accommodation is provided so that growth associated with the development of the zone does not exacerbate the shortage of housing supply in Wanaka.	Reject	15
31021	Corbridge Estates Limited Partnership	31021.14	That Objective 46.2.2 be amended as follows: Buildings and development that have a visitor industry related use are enabled where landscape character and visual amenity values are appropriately maintained or enhanced relative to the landscape classification of each Rural Visitor Zone.	Accept in part	6
31021	Corbridge Estates Limited Partnership	31021.15	That the opening text of Policy 46.2.2.1 be amended as follows: Protect the landscape values of the Zone and the surrounding Rural Zone landscapes by: (...)	Accept in part	6
31021	Corbridge Estates Limited Partnership	31021.16	That the opening text of Policy 46.2.2.2 be amended as follows: Land use and development, in particular buildings, shall maintain or enhance the landscape character and visual amenity values of the Rural Visitor Zone and surrounding landscapes by: (...)	Accept in part	6
31021	Corbridge Estates Limited Partnership	31021.17	That a new rule be added as 46.4.X to make any activity not in accordance with the Corbridge Structure Plan a Non-Complying activity.	Reject	9 & 15
31021	Corbridge Estates Limited Partnership	31021.18	That Rule 46.4.5 be amended to make Informal Airports within the Corbridge Rural Visitor Zone a Non-Complying Activity.	Reject	15
31021	Corbridge Estates Limited Partnership	31021.19	That a new rule 46.4.X be added into Table 46.4 which makes Residential Activity not provided for by Rules 46.4.2 and 46.4.3 but located in accordance with the Corbridge Structure Plan a Restricted Discretionary	Reject	15

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
			activity, with discretion being restricted to the relationship of the proposed residential activity with surrounding rural visitor activities. And, amend rule 46.4.13 to provide an exception to the new rule proposed above.		
31021	Corbridge Estates Limited Partnership	31021.20	That a new rule be added as 46.5.1.X to 46.5.1 to provide for a maximum building height within the Hotel area of the Corbridge Structure Plan, with a non-complying activity status if breached.	Reject	15
31021	Corbridge Estates Limited Partnership	31021.21	That a new rule be added as 46.5.1.X to 46.5.1 to provide for a maximum building height within the visitor accommodation area of the Corbridge Structure Plan to be 12m, with a non-complying activity status if breached.	Reject	15
31021	Corbridge Estates Limited Partnership	31021.22	That Rule 46.5.3 be amended to provide for a maximum ground floor area within the Hotel area of the Corbridge Structure Plan to be 1000m ² , with a restricted discretionary status if breached with the same matters of discretion as currently listed by Rule 46.5.3.	Reject	15
31021	Corbridge Estates Limited Partnership	31021.23	That Rule 46.5.4 be amended as follows: Setback of buildings from natural waterbodies (...)	Reject	6
31021	Corbridge Estates Limited Partnership	31021.24	That a final Corbridge Structure Plan be inserted into Chapter 46 Rural Visitor Zone.	Reject	9 & 15
31022	Malaghans Investments Limited	31022.1	That Lot 1 DP 19171 and Lot 2 DP 19171 totaling approximately 11.9 hectares located on the right of Skippers Road approximately 9.8 km from the intersection of Skippers Road and Coronet Peak Road be included within the Rural Visitor Zone and the previous zoning and overlays be removed.	Reject	14
31022	Malaghans Investments Limited	31022.2	That Chapter 46 (Rural Visitor Zone) be adopted given that amendments sought in this submission or issues raised in this submission are made.	Accept in part	3
31022	Malaghans Investments Limited	31022.3	That a new Rule 46.5.1.3 be added to increase the permissible building height from 6 m to 8 m.	Reject	14
31022	Malaghans Investments Limited	31022.4	That any other additional or consequential relief, including but not limited to the maps, issues, objectives, policies, rules, discretion, assessment criteria and explanations that will fully give effect to the matters raised in this submission be made.	Accept in part, or Reject, consequential on other recommendations	3 & 14

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31023	Fire and Emergency New Zealand	31023.3	That rule 46.4.6 be retained as notified.	Accept in part	3
31023	Fire and Emergency New Zealand	31023.4	That a new rule be added as follows: 46.4.X Emergency Service Facilities Activity Status: Controlled Activity Control is reserved to: a. Vehicle maneuvering, parking and access, safety and efficiency; b. Location, design and external appearance of buildings; c. Locational, functional and operational requirements; d. Community safety and resilience; e. Landscaping	Reject	6
31023	Fire and Emergency New Zealand	31023.5	That Rule 46.5.1.1 be amended as follows: The maximum height of buildings shall be 6m (except for emergency services as 7m).	Reject	6
31023	Fire and Emergency New Zealand	31023.6	That rule 46.5.1.2 be amended as follows: Within the Water Transport Infrastructure Overlay identified on the District Plan maps the maximum height of buildings shall be 4m (Except for emergency services as 7m).	Reject, consequential on recommendation on #31023.5	6
31023	Fire and Emergency New Zealand	31023.7	That Rule 46.5.7 be retained as notified.	Accept in part	6
31023	Fire and Emergency New Zealand	31023.8	That any further or consequential relief that may be necessary to address the matters raised in this submission be provided.	Accept in part, or Reject, consequential on other recommendations, as it relates to Chapter 46	3 & 6
31024	Wayfare	31024.1	That the Operative District Plan provisions as they relate to Walter Peak Rural Visitor Zone (on the land Wayfare sought to be rezoned Rural Visitor Zone under its submissions on the Proposed District Plan Stage 1) be retained, or Amend the Rural Visitor Zone provisions as they relate to Walter Peak so that they have materially the same effect as the Operative District Plan provisions; or Withdraw Walter Peak from the propose Rural Visitor Zone provisions and engage with Wayfare to develop a bespoke regime for the area, potentially including a new zone (the "Walter Peak Tourism Zone"); Redraft the provisions applying to the Walter Peak Rural Visitor Zone, or redraft as a bespoke Walter Peak Tourism Zone to achieve outcomes which generally: i) Reinforce the appropriateness of setting aside the Walter Peak land for tourism development, including as part of the anticipated environmental outcomes for the District ii) Protect the existing tourism and transport facilities to and at Walter Peak, and enable their	Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel	

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
			<p>expansion and diversification iii) Enable tourism development including any ancillary activities iv) Enable residential development v) Encourage the restoration and enhancement of indigenous vegetation vi) Promote development which supports and enables the restoration and enhancement of indigenous vegetation vii) Permit of control the location and design of buildings, with discretion restricted only to buildings located along the lakefront (excluding Beach Bay) viii) Permit the use and ongoing development of trails ix) Control earthworks above permitted activity thresholds x) Permit commercial recreation xi) Permit visitor accommodation and hospitality xii) Permit residential visitor accommodation xiii) Permit industrial activity that is ancillary to permitted activities xiv) Permit staff/worker accommodation xv) Permit residential development xvi) Permit farming, maintenance, landscaping xvii) Permit works associated with natural hazard mitigation xviii) Permit or control utilities and electricity generation activities xix) Enable water transport activities and infrastructure in Beach Bay that is integrated with land use development within the Rural Visitor Zone xx) Exclude/exempt activities within the Walter Peak Rural Visitor Zone from having to conform to the standards in the District Wide Chapters. Include appropriate bespoke provisions to the Walter Peak Rural Visitor Zone where necessary. xxi) Do not include a prohibited or non-complying activities within the Walter Peak Rural Visitor Zone xxii) Include a non-notification provision so that applications for resource consent will not be publicly notified or served on affected parties.</p>		
31024	Wayfare	31024.2	<p>That the Outstanding Natural Landscape classification in Walter Peak Rural Visitor Zone be removed, or clarify that the Outstanding Natural Landscape provisions do not apply to the Rural Visitor Zone.</p>	<p>Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel</p>	
31024	Wayfare	31024.3	<p>That the provisions which apply to the Water Transport Infrastructure Overlay be retained as notified.</p>	<p>Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel</p>	

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31024	Wayfare	31024.4	That the Water Transport Infrastructure Overlay be increased so that it applies over the entire Beach Bay area.	Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel	
31024	Wayfare	31024.5	That the Rural Visitor Zone at Walter Peak be extended to include the adjoining legal roads, marginal strip and Beach Bay Reserves.	Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel	
31024	Wayfare	31024.6	That rule 46.5.6.2 relating to the number of people that can participate in commercial recreation activities, be retained as notified.	Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel	
31024	Wayfare	31024.7	That the strategic provisions be amended if deemed necessary or appropriate, to support the amendments which relate to this submission.	Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel	
31024	Wayfare	31024.8	That any similar, alternative, consequential and/or other relief as necessary to address the issues raised in this submission be made.	Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel	
31025	Ministry of Education	31025.1	That a new policy be added as follows: 46.2.1.X Enable educational facilities to establish throughout the Rural Visitor Zone, ensuring that the scale and effects of these activities do not adversely affect visitor accommodation, commercial recreation and ancillary commercial activities.	Reject	6
31025	Ministry of Education	31025.2	That a new activity be added to Table 46.4 be added as follows: 46.4.X	Reject	6

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
			Educational Facilities: Restricted Discretionary Council's discretion shall be restricted to the following matters: 1. The extent to which it is necessary to locate the activity within the Rural Visitor Zone. 2. Reverse sensitivity effects of adjacent activities. 3. The extent to which the activity may adversely impact on the transport network. 4. The extent to which the activity may adversely impact on the streetscape. 5. The extent to which the activity may adversely impact on the noise environment.		
31025	Ministry of Education	31025.3	That any consequential changes to provisions to give effect to the relief sought in the submission be provided.	Reject, consequential on other recommendations	6
31030	Christine Byrch	31030.1	That the purpose of the Rural Visitor Zone be written more clearly.	Accept	3
31030	Christine Byrch	31030.2	That 46.5.7 (Informal Airports) be amended so that the activity status for non compliance is non-complying.	Reject	6
31030	Christine Byrch	31030.3	That the Proposed District Plan stipulates restrictions on the extent of the Rural Visitor Zone.	Accept	3
31030	Christine Byrch	31030.4	That the Proposed District Plan provide clear guidelines describing what areas (if any) are suitable for the Rural Visitor Zone.	Accept	3
31033	Matakauri Lodge Limited	31033.1	That the Rural Visitor Zone be applied to the submitter's land at 569 Glenorchy-Queenstown Road (Lot 2 DP 27037 and Section 1-2 Survey Office Plan 434205). This site has an area of 3.6 hectares, is located on the southern side of Glenorchy-Queenstown Road and is approximately 8 km west of the centre of Queenstown.	Accept	16
31033	Matakauri Lodge Limited	31033.2	That 46.1 is retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.3	That Objective 46.2.1 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.4	That Policy 46.2.1.1 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.5	That Policy 46.2.1.2 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.6	That Policy 46.2.1.3 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.7	That Policy 46.2.1.4 be retained as notified.	Accept in part	3

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31033	Matakauri Lodge Limited	31033.8	That Policy 46.2.1.5 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.9	That Policy 46.2.1.6 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.10	That Policy 46.2.1.7 be retained as notified.	Accept	3
31033	Matakauri Lodge Limited	3133.11	That Objective 46.2.2 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.12	That Policy 46.2.2.1 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.13	That Policy 46.2.2.2 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.14	That Policy 46.2.2.3 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.15	That Policy 46.2.2.4 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.16	That Policy 46.2.2.5 be retained as notified.	Not the subject of the Hearing Panel's recommendations and will be the subject of a subsequent report from the Panel	
31033	Matakauri Lodge Limited	31033.17	That Rule 46.4.2 be retained as notified.	Accept	3
31033	Matakauri Lodge Limited	31033.18	That Rule 46.4.6 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.19	That Rule 46.4.12 be retained as notified.	Accept	3
31033	Matakauri Lodge Limited	31033.20	That Rule 46.5.1 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.21	That Rule 46.5.2 be retained as notified.	Accept in part	3
31033	Matakauri Lodge Limited	31033.22	That Rule 46.5.5 be retained as notified.	Accept	3
31033	Matakauri Lodge Limited	31033.23	That Rule 46.6 be retained as notified.	Accept	3

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31033	Matakauri Lodge Limited	31033.24	That further or consequential or alternative amendments necessary to give effect to the submission be provided.	Accept, or accept in part, consequential on other recommendations	3 & 16
31034	Otago Fish and Game Council	31034.1	That Policy 46.2.2.1 be retained as notified.	Accept in part	3
31034	Otago Fish and Game Council	31034.2	That Policy 46.2.2.3 be retained as notified.	Accept in part	3
31034	Otago Fish and Game Council	31034.3	That Policy 46.2.2.4 be retained as notified.	Accept in part	3
31034	Otago Fish and Game Council	31034.4	That Rule 46.4.10 be retained as notified.	Accept in part	3
31034	Otago Fish and Game Council	31034.5	That Rule 46.4.11 be retained as notified.	Accept	3
31034	Otago Fish and Game Council	31034.6	That the words "Except for the Arcadia Rural Visitor Zone" are inserted at the start of Rule 46.5.6.1.	Reject	10
31034	Otago Fish and Game Council	31034.7	That Rule 46.5.6.1 be amended as follows: the word 'and' be deleted from the end of matter of discretion (d), the word 'and' be added to the end of matter of discretion (e), a new matter of discretion be added as (f) as follows 'effects on nearby recreation use and amenity values'.	Reject	6
31034	Otago Fish and Game Council	31034.8	That an additional Rule 46.5.8 be added as follows: 'Commercial Recreation Activity in the Arcadia Rural Visitor Zone must meet the standards described in Rule 21.9.1' with a Discretionary non-compliance status.	Reject	10
31034	Otago Fish and Game Council	31034.9	That Rule 46.5.7 be amended as follows: Informal Airports: Other than in the case of informal airports for emergency landings, rescues, firefighting and activities ancillary to farming Activities, Informal Airports shall not exceed 15 flights per week except for the Arcadia Rural Visitor Zone. Within the Arcadia Rural Visitor Zone, informal airports must meet the standards in Rule 21.10.2. Note: For the purposes of this Rule a flight includes two aircraft movements (i.e. an arrival and departure). Non-compliance status: Discretionary.	Reject	10
31034	Otago Fish and Game Council	31034.10	That Rule 46.6(d) is amended to read as follows: 'Rules 46.5.6 and 46.5.8 commercial recreational activities.'	Reject	6
31034	Otago Fish and Game Council	31034.11	That Rule 46.6 is amended to add an additional provision as follows 'e. Rule 46.5.7 informal airports.'	Reject	10

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31034	Otago Fish and Game Council	31034.12	That the intent of the notified Rural Visitor Zone to provide more control over the type of development that may occur within the Zone be retained as notified.	Accept	3
31034	Otago Fish and Game Council	31034.13	That consideration be given to the impacts of development and commercial recreation activities with large groups close to the wilderness reserve near the Arcadia Rural Visitor Zone.	Reject	10
31034	Otago Fish and Game Council	31034.14	That the mapping of the Rural Visitor Zone High Landscape Sensitivity Area and Moderate-High Landscape Sensitivity Area be retained as notified.	Accept	10
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.1	That the Wakatipu Basin Rural Amenity Zone over the submitter's land on the south-western side of Morven Ferry Road, Arrow Junction, approximately 750m north of the Kawarau River, containing Lots 2 - 4 DP 397602 with a land area of approximately 67.9ha be rejected.	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.2	That the submitter's land at Morven Ferry Road, Arrow Junction, approximately 750m north of the Kawarau River, containing Lots 2 - 4 DP 397602 with a land area of approximately 67.9ha be rezoned Rural Visitor Zone with sub-zones 'Morven Ferry Rural Visitor Zone A' and 'Morven Ferry Rural Visitor Zone B' or that the submitter's land is rezoned to the Operative District Plan Rural Visitor Zone with the sub-zones 'Morven Ferry Rural Visitor Zone A' and 'Morven Ferry Rural Visitor Zone B'.	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.3	That all of the amendments sought to the Operative District Plan Rural Visitor Zone specific to the Morven Ferry Rural Visitor Zones set out in the submitter's submission on Stage 1 of the Proposed District Plan Review be implemented.	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.4	That alternative, consequential, or necessary additional relief to give effect to this submission be provided.	Accept or Reject, consequential on other recommendations	5, 6 & 17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.5	That 46.1 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin.	Accept	5 & 6
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.6	That Objective 46.2.1 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin.	Accept	6

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.7	That Policy 46.2.1.1 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin.	Accept	6
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.8	That Policy 46.2.2.1 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin.	Accept	6
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.9	That Policy 46.2.2.2 be amended to make reference to Rural Visitor Zones outside of Outstanding Natural Landscapes, such as by reference to the Morven Ferry Rural Visitor Zones within the Wakatipu Basin.	Accept	6
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.10	That Rule 46.4.7 be amended to include the following text: The rule does not apply to the Morven Ferry Rural Visitor Zones. Farm Buildings in the Morven Ferry Rural Visitor Zones are permitted.	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.11	That a new rule be inserted in Table 46.4 as 46.4.x which provides for 'Commercial activities in the Morven Ferry Rural Visitor Zones' as a restricted discretionary activity.	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.12	That a new rule be inserted in Table 46.4 as 46.4.xx that provides for 'Residential activities in the Morven Ferry Rural Visitor Zones' as a discretionary activity.	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.13	That Rule 46.4.13 be amended to read as follows: Residential activity except as provided for in Rules 46.4.2, 46.4.3 and 46.4.xx.	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.14	That Rule 46.4.14 be amended to read as follows: Commercial, retail or service activities except as provided for in Rules 46.4.2, 46.4.3 and 46.4.x.	Reject	17

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.15	That Rule 46.5.1 be amended to include an additional limb as follows: 45.5.1.3: The maximum height of buildings in the Morven Ferry Rural Visitor Zone shall be 8m, except for agricultural and viticultural buildings where the maximum height of buildings shall be 10m. Non compliance status: Non complying.	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.16	That Rule 46.5.2 be amended to read as follows: 46.5.2.1 The maximum ground floor area of any building shall be 500m ² . ; 46.5.2.2 The maximum ground floor area of any building in the Morven Ferry Rural Visitor Zone A shall be 1500m ² . ; 46.5.2.3 The maximum ground floor area of any building in the Morven Ferry Rural Visitor Zone B shall be 3000m ² .	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.17	That a new rule be inserted into Table 46.5 as 46.5.x to read as follows: Setback from Roads Buildings shall be setback a minimum of 35m from Morven Ferry Road. Non compliance: Restricted Discretionary with discretion restricted to: a. Nature and scale; b. Reverse Sensitivity effects; and c. Functional need for buildings to be located within the setback.	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.18	That Rule 25.5.5 be amended to provide an exception for the Morven Ferry Road Visitor Zones.	Reject	17
31035	Barnhill Corporate Trustee Limited and DE, ME Bunn & LA Green	31035.19	That Rule 25.5.6 be amended to include the Morven Ferry Rural Visitor Zones.	Reject	17
31037	Gibbston Valley Station Limited	31037.1	That part of the submitter's site (Gibbston Valley Station, Lot 4 DP 27586), having an approximate area of 160 hectares, located south of Gibbston Valley Road and accessed off Resta Road as shown in Annexure A to the submission be rezoned to Rural Visitor Zone.	Accept in part	18
31037	Gibbston Valley Station Limited	31037.2	That Chapter 46 (Rural Visitor Zone) be retained as notified.	Accept in part	3
31037	Gibbston Valley Station Limited	31037.3	That any other additional or consequential changes be made to the Proposed District Plan that will fully give effect to the matters raised in the submission.	Accept in part, consequential on other recommendations	3 & 18
31039	Cardona Cattle Company Limited	31039.1	That 3207 Gibbston Highway, being Lot 8 DP 402448, with an area of 113.4ha, located at Victoria Flats, Gibbston on the western side of the Kawarau River, is rezoned to Rural Visitor Zone.	Reject	21

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
31039	Cardona Cattle Company Limited	31039.2	That Chapter 46 is adopted subject to the amendments sought to include part of Lot 8 DP 402448 within the Rural Visitor Zone in submission 31039.1.	Accept in part	3 & 21
31039	Cardona Cattle Company Limited	31039.3	That any additional relief to give effect to the matters raised in the submission is given.	Reject, or Accept in part, consequential on other recommendations	3 & 21
31043	Glen Dene Limited, Glen Dene holdings ltd and Richard and Sarah Burdon	31043.1	That the property 1208 & 1905 Makarora - Lake Hawea Road (SH6), being the Lake Hawea Holiday Park located on the south-western shore of Lake Hawea, made up of Lots 1 DP 418972 (1.39ha), Lot 2 DP 418972 (5.56ha) and Sec 2 Block II Lower Hawea Survey District SO 13368 (15.68ha) be rezoned to Rural Visitor Zone.	Reject	19
31043	Glen Dene Limited, Glen Dene holdings ltd and Richard and Sarah Burdon	31043.2	That should Lake Hawea Holiday Park, 1208 & 1905 Makarora - Lake Hawea Road (SH6), being Lots 1 & 2 DP 418972 and Sec 2 Block II Lower Survey District SO 13368, be rezoned Rural Visitor Zone, that specific rules are sought for alternative height controls, with an 8 metre height control for land close to the hill and 5.5 metres for land closer to the lake as shown in the 'Proposed Height Areas' map attached to submission 31043.	Reject	19
31045	Albert Town Village Holdings Ltd	31045.1	That Lot 1 DP 388147, that has an area of 0.49 hectares, located on the corner of Albert Town - Lake Hawea Road and Templeton Street, is rezoned to allow for commercial/visitor accommodation activities.	Reject	22
31053	John & Jill Blennerhassett	31053.1	That the approximately 34.4 hectare site at 280 Wanaka-Mt Aspiring Road, West Wanaka, commonly referred to as 'Barn Pinch Farm' and 'The Olive Grove', legally described as Lot 1 DP 367753, be re-zoned Rural Visitor Zone.	Reject	20
31053	John & Jill Blennerhassett	31053.2	That Chapter 46 is adopted subject to the amendments sought in the submission.	Accept in part	3
31053	John & Jill Blennerhassett	31053.3	That the policy and rule framework of Chapter 46 be amended to provide for residential activity alongside visitor accommodation activities within the Rural Visitor Zone.	Reject	6
31053	John & Jill Blennerhassett	31053.4	That the provisions of Chapter 46 be amended so that rural land that is not within an Outstanding Natural Landscape is provided for within the Rural Visitor Zone.	Accept	5 & 6
31053	John & Jill Blennerhassett	31053.5	That any additional changes are made to give effect to the matters raised in the submission.	Accept, Accept in part, or Reject, consequential on other recommendations	3, 5, 6 & 20

No.	Submitter	Submission Point No.	Submission	Recommendation	Section of where Addressed
Stream 20					
OS31074	Lloyd James Veint	OS31074.1	That the provisions of Chapter 35 be amended to be more enabling of temporary filming activities in the Arcadia RVZ, to the same extent that temporary filming activities are enabled in the Rural Zone;	Accept in part	11
OS31074	Lloyd James Veint	OS31074.2	That Rule 35.4.7(a) be amended so that the permitted number of persons participating in temporary filming activities at any one time is increased from 50 to 200 for the Arcadia RVZ;	Accept in part	11
OS31074	Lloyd James Veint	OS31074.3	That Rule 35.4.7(b) and/or (c) be amended so that the limit on the duration of temporary filming activities in the Arcadia RVZ is as permissive as for the Rural Zone	Accept in part	11
OS31074	Lloyd James Veint	OS31074.4	That Rule 35.4.7(e) be amended to allow for the use of land as an informal airport as part of a filming activity in the Arcadia RVZ.	Accept in part	11
OS31074	Lloyd James Veint	OS31074.5	For alternative, consequential, or necessary additional relief to promote and encourage temporary filming activities in the Arcadia RVZ where effects on landscape are appropriately mitigated, or to otherwise give effect to the matters raised generally in this	Accept in part, consequential on other recommendations	11