

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

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Hearing Streams 1 A  
and 1 B – Introduction,  
Strategic Direction and  
Urban Development

---

**REPLY OF CRAIG ALAN BARR  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**LANDSCAPE CHAPTER**

**7 APRIL 2016**

---

---

 **Simpson Grierson**  
Barristers & Solicitors

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

## TABLE OF CONTENTS

1. INTRODUCTION .....	1
2. RE-WRITE OF OBJECTIVES .....	1
3. SCOPE: POLICY 6.3.1.7 NIGHT SKY .....	2
4. LANDSCAPE CHAPTER: OVERALL SUMMARY COMMENT .....	3
5. MANAGING RURAL LIVING AND DEVELOPMENT OPPORTUNITIES .....	3
6. CONCLUSION .....	7

## 1. INTRODUCTION

- 1.1 My name is Craig Barr. I prepared the section 42A report for the Landscape Chapter of the Proposed District Plan (**PDP**). My qualifications and evidence are listed in that s42A report dated 19 February 2016, although I have since become the Acting Policy Planning Manager at the Council.
- 1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended the hearing on the 7-10, 15 and 21 March 2016 and been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing each day.
- 1.3 I provided supplementary evidence on 30 March 2016 to provide feedback on specific matters requested by the Panel to do with conferencing undertaken between Mr Paetz for the Council and Queenstown Airport Corporation.
- 1.4 This reply evidence covers the following issues:
- (a) re-write of objectives;
  - (b) questions of scope associated with Policy with regard to the night-sky and landscape;
  - (c) issues relating to the Landscape Chapter.
- 1.5 Where I am recommending changes to the provisions as a consequence of the Hearing evidence, I have appended these as **Appendix 1 (Revised Chapter)**. I have attached a section 32AA evaluation in **Appendix 2**.

## 2. RE-WRITE OF OBJECTIVES

- 2.1 During the presentation of the Council's case, the Panel directed that I reconsider the drafting of the objectives in Landscape Chapter, to ensure the objectives are phrased as a goal or outcome. A working draft of the Landscape chapter was filed on 18 March 2016. I have incorporated the changes set out in that version of the chapter, into my recommended Landscape chapter in Appendix 1.

### 3. SCOPE: POLICY 6.3.1.7 NIGHT SKY

3.1 The recommended policy in the S42A report to do with lighting was:

~~6.3.1.87~~ *Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or avoids degradation of the night sky, landscape character and sense of remoteness where it is an important part of that character.*

3.2 Submitters, including QAC, have questioned whether this requested change is within scope and the Chair queried whether the intent of the recommended change was at odds with the submission made by Real Journeys Ltd (621). I confirm my view that the requested changes are more effective because the policy as notified had too narrow a focus on the impacts of lighting and glare from a 'property to property' and localised amenity perspective. The recommended revised policy focused on the wider night-sky landscape impacts associated with development. An example I gave to the Panel was where a development could achieve mitigation during the day through the use of recessive colours, but could be prominent at night, and potentially from a distance due to lighting, especially if the development is located in an elevated location.<sup>1</sup>

3.3 In terms of the question regarding scope, I consider that the recommended changes are within scope because this matter relates directly to the submission of Ros and Dennis Hughes (#340), who state in terms of infrastructure lighting in particular: "*we are concerned that the significance and status of the night skies as a natural feature of considerable import(sic) has not been adequately considered and that consequently policies about lighting are limited in scope. For example, they apply only to new development (subdivisions) and ignore the negative impacts of the vast existing lighting infrastructure*".

3.4 Submitter Grant Bisset (568) requests an objective and policies are contained within the Strategic Direction chapter to address light pollution in the night sky

---

<sup>1</sup> While not in this District, but potentially a cross boundary issue, is the 'Queensberry Hills Subdivision' accessed via Pukekowhai Drive in the Central Otago District, approximately 5km from the boundary of the Queenstown lakes and Central Otago District, south of Luggate.

from urban and rural living development. The following requested policy is particularly relevant:

*To avoid unnecessary night pollution in the night sky in the District, so as to not adversely affect the ability for astronomical, astrophysical and atmospheric research of people ability to view the night sky.*

**3.5** On this basis I consider the recommended changes presented in my s42A report to be within scope and the most appropriate approach. I therefore recommend that the policy is retained in the form set out in my s42A report. I have clarified in Appendix 1, the additional submissions that provide scope for the recommended wording.

#### **4. LANDSCAPE CHAPTER: OVERALL SUMMARY COMMENT**

**4.1** Having considered the submissions and evidence, I maintain that the PDP Landscape Chapter with the recommended modifications set out in **Appendix 1** provides the most appropriate way to manage the District's landscapes and is preferred to the alternatives requested by submitters.

**4.2** In particular, the identification of landscapes will provide significant benefits in terms of confident district plan administration, appropriate protection in the right places, and reduced transaction costs for the community.<sup>2</sup>

**4.3** I also maintain that policy framework is well aligned with the assessment matters in Part 21.7 of the PDP<sup>3</sup>. It is my opinion that the broader style of the policies is appropriate because the assessment matters identify and provide a finer grained context to ascertain the valued components of a landscape, and allow for the assessment of the ability of a proposal to locate within it in terms of capacity for development.

#### **5. MANAGING RURAL LIVING AND DEVELOPMENT OPPORTUNITIES**

**5.1** A number of submitters<sup>4</sup> and their planning advisors consider that the Landscape chapter is too stringent and does not acknowledge the opportunity

---

<sup>2</sup> Refer to the s32 report: Landscape, Rural and Gibbston Character Zone.

<sup>3</sup> The assessment matters are to be addressed in the Rural Hearing, commencing in May 2016.

<sup>4</sup> Submitters: 0430, 0407, 1153, 0443, 0452, 1157, 0456, 1154, 0307, 1152, 0408, 1061, 0343, 1158, Ayrburn Estate and Others represented by Jeff Brown. 0571 Barnhill Trustee represented by Tim Williams.

for appropriate rural living and opportunities for other activities that rely on the rural resource.

**5.2** In particular, Mr Brown for various submitters considers that the PDP should be amended to provide more guidance for users, particularly within the Rural Landscape areas. Mr Brown acknowledges the vision statement where it recognises the finite capacity for development, however considers that there needs to be recognition for rural areas that can absorb development, whether in new areas or infill within existing areas. I agree, and hold the opinion that the Landscape chapter, particularly with reference to the Rural Landscape areas, contemplates rural living and development activities. The matter at issue is the degree to which the Landscape chapter should enable development.

**5.3** In this regard I do not go so far as Mr Brown where he recommends in Part 6.4 of his evidence to add:

*The landscape character of the Wakatipu Basin has been affected by existing development, and will continue to be affected by consented development, to the extent that it displays a predominantly rural living character with some remaining pastoral areas, interspersed with undeveloped roche moutonees.*

**5.4** I consider that this statement reads as though 'the horse has bolted' in terms of subdivision and development, and the resource management response is to accept this. I consider that this statement would confuse plan users when contemplating and applying, in particular, the cumulative effects objectives and policies (6.3.2). In addition, Appendix 5 of my s42A report acknowledges and illustrates the high level of approved subdivision and development in the Wakatipu Basin.

**5.5** I refer to and rely on Dr Read at paragraph 6.11 of her evidence,<sup>5</sup> where she states that '*the ODP has not succeeded in appropriately managing adverse cumulative effects on the landscape across the District*'. This, coupled with the evidence of Mr Clinton Bird, Urban Designer<sup>6</sup> who at paragraph 4.11 of his evidence opines that the genius loci of Queenstown and Wanaka is the natural landscape and that protecting the "*genius loci of these towns requires, among*

---

<sup>5</sup> Attached as Appendix 4 to the Landscape S42A report.

<sup>6</sup> Attached as Appendix 4 to the Strategic Direction and Urban Development S42A report.

*other things, protecting their respective landscapes, natural character and visual amenity from the adverse effects of urban sprawl".*

- 5.6** The importance of the District's landscapes as an intrinsic and economic resource to the region and nation cannot be underestimated. That the District's rural areas have a finite capacity needs to be recognised and for these reasons I do not support the evidence of Mr Brown and planning witnesses for other submitters (i.e. 541 et. al. Mr Tim Williams, 608 et. al Mr Chris Fergusson, 694 et al Mr Ben Farrell) where they seek more enabling provisions for rural living and development opportunities in Rural Areas.
- 5.7** Having considered these statements, and in particular that of Mr Brown, I do accept that more recognition of the opportunity for rural living and development has merit, but this must be tempered with the realisation of the finite capacity for rural living and development and the QLDC's important functions in respect of the tests set out in sections 6 and 7 of the RMA.
- 5.8** I also acknowledge that 96.97% of the District is an ONF/ONL<sup>7</sup> and that this matter has been and will continue to be a factor associated with managing growth in the District, as indicated Parts 2.1 and 5.1 to 5.4 in Dr Philip McDermott's evidence (attached as Appendix 6 to the Strategic Direction and Urban Development s42A report).
- 5.9** On this basis I recommend the following changes to the values statement in Part 6.2 of the Landscape Chapter:

*While acknowledging these rural areas have established ~~housing-rural living and development~~, there is limited capacity for sensitive and sympathetic housing and development in appropriate locations. a A substantial amount of subdivision and development has been approved in these areas and the landscape values of these areas are vulnerable to degradation from further subdivision and development.*

- 5.10** I consider that the addition of this statement provides suitable recognition that rural living and development can be contemplated where the landscape has capacity to absorb rural living and development. This statement is applicable to the entire District, and should not be limited to only the Wakatipu Basin.

---

<sup>7</sup> As identified in Schedule 3 of the Memorandum of Counsel to the Panels request for further information, dated 18 March 2016.

The map of the consented building platforms in the Upper Clutha Basin<sup>8</sup> also illustrates that there has been a substantial amount of approved development in the Wanaka area. I reaffirm that landscape sensitivities and a management response is required across the entire District and not just the Wakatipu Basin. Further to this, I maintain my opinion that the recommended objectives and policies are suitably applicable across the District.

- 5.11** I do not agree with the opinion expressed by Mr D. Wells<sup>9</sup> that there needs to be finer grained, bespoke policies to better manage development and landscape, and that the landscape chapter would be ineffective as a 'strategic' chapter. I consider that this type of management would result in unwieldy provisions, and the more finer grained a policy, the higher potential likelihood that an area within a landscape unit would not conform to the characterisation it has been given and the potential an area would be mismanaged. Given the proposed policy framework that I have recommended, I do not see a demonstrable need for a range of bespoke policy for specified areas. The landscape assessment matters in Part 21.7 and the policies in the Landscape chapter provide a suitable framework to identify the important qualities of a particular landscape, whether it is vulnerable to change or has capacity to absorb development, and accordingly assess the impacts of a proposal.
- 5.12** I also consider that this is one of the reasons the Visual Amenity Landscapes classification management regime has not been effective in managing subdivision and development as set out in paragraph 5.6 of Dr Read's evidence.
- 5.13** I accept that the objectives and policies are not 'fine grained' in so far that they are not specific to a particular geographic location, but I consider that the recommended objectives and provisions are appropriate in that they provide a synthesis of the landscape and its elements, including character and amenity values, that can then be identified and assessed through the Rural Zone assessment matters to help inform whether a proposal accords with the policies and meets the outcome sought in the objectives.
- 5.14** A 'knock-on' effect of adding the recommended statement outlined above into Part 6.2, and in recognition of the submissions that stress the provisions are too conservative (identified above) is that I also recommend a limited degree

---

<sup>8</sup> Attached as Appendix 5 to the Landscape Chapter S42A report.

<sup>9</sup> Submitter 0696.



of further enablement in a number of policies, as identified and evaluated in **Appendix 2**.

## 6. CONCLUSION

- 6.1 Overall, I consider that the objectives and provisions are appropriately balanced and will provide for the Council to exercise its functions in terms of managing the effects of subdivision and development on the landscape. I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA.



Craig Barr  
Acting Policy Planning Manager  
7 April 2016

**Appendix 1**  
**Recommended Chapter – Landscape**

# LANDSCAPE 6

## Key:

Chapter version: Council Reply dated 7 April 2016

- Black underlined text for additions and ~~striketrough-text~~ for deletions shows recommended changes to notified chapters, in version attached to s42A report, dated 19 February 2016.

- Further changes shown in red underlined text for additions and ~~strike-through-text~~ for deletions shows recommended change to notified chapters, in version attached to the Council's reply dated 6 April 2016.

## 6 Landscape

### 6.1 Purpose

The purpose of this chapter is to recognise the landscape as a significant resource to the ~~e-D~~ District and region. This resource requires protection from inappropriate activities that could degrade its qualities, character and values.

**Comment [CB1]:** Minor typographical amendment.

Landscapes have been categorised to provide certainty of their importance to the District, to align with regional and national legislation and to provide decision makers with a basis to consider the appropriateness of activities when having regard to the RMA. ~~In~~ particular, Outstanding Natural Features and Landscapes as matters of national importance.

**Comment [CB2]:** Minor grammatical amendment.

### 6.2 Values

The District's landscapes are of significant value to the people who live in, work in or visit the District. The District relies in a large part for its social and economic wellbeing on the quality of the landscape, open spaces and environmental image.

The landscapes consist of a variety of landforms created by uplift and glaciations, which include mountains, ice-sculpted rock, scree slopes, moraine, fans, a variety of confined and braided river systems, valley floors and lake basins. These distinct landforms remain easily legible and strong features of the present landscape.

Indigenous vegetation also contributes to the quality of the District's landscapes. Whilst much of the original vegetation has been modified, the colour and texture of indigenous vegetation within these landforms contribute to the distinctive identity of the District's landscapes.

The open character of productive farmland is a key element of the landscape character which can be vulnerable to degradation from subdivision, development and non-farming activities. The prevalence of large farms and landholdings contributes to the open space and rural working character of the landscape. The predominance of open space over housing and related domestic elements is a strong determinant of the character of the District's rural landscapes.

Some rural areas, particularly those closer to Queenstown and Wanaka town centres and within parts of the Wakatipu Basin, have an established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities.

While acknowledging these rural areas have established housing-rural living and development, and there is limited capacity for sensitive and sympathetic housing and development in appropriate locations. ~~a~~ A substantial amount of subdivision and development has been approved in these areas and the landscape values of these areas are vulnerable to degradation from further subdivision and

**Comment [CB3]:** Submitter, 307, 433, 456 et. al.

# LANDSCAPE 6

development. It is realised that rural ~~lifestyle living~~ development has a finite capacity if the District's distinctive rural landscape values are to be sustained.

**Comment [CB4]:** Submitters 375, 430, 456.

The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.

Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes ~~C~~ classification (RLC) makes up the remaining Rural Zoned land and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations.

**Comment [CB5]:** Minor grammatical amendment.

**Comment [CB6]:** Submitter 456.

## 6.3 Objectives and Policies

**6.3.1 Objective - ~~The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development. Landscapes are managed and protected from the adverse effects of subdivision, use and development.~~**

**Comment [CB7]:** Redrafting. Changed to ensure the Objective is more outcomes based.

### Policies

~~6.3.1.1 Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps.~~

~~6.3.1.2 Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps and C-classify the Rural Zoned landscapes in the District as:~~

- Outstanding Natural Feature (ONF)
- Outstanding Natural Landscape (ONL)
- Rural Landscape Classification (RLC)

**Comment [CB8]:** Submitters 456, 761, 375, 430.

~~6.3.1.32 That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes meaning successful applications will be exceptional cases.~~

**Comment [CB9]:** Submitters 307, 443, 456.

~~6.3.1.43 That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate unsuitable in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.~~

**Comment [CB10]:** Submitters 307, 443, 456.

~~6.3.1.54 Discourage urban subdivision and urban development in the Rural Zones shall:~~

- ~~Avoid degradation of the Outstanding Natural Features and Landscapes;~~
- ~~Be located only in those parts of the Rural Landscape that have capacity to absorb change;~~

**Comment [CB11]:** Submitters 768, 806, 356.

~~6.3.1.65 Enable rural lifestyle living through applying Rural Lifestyle, Zone and Rural Residential and Resort Zone plan changes Encourage Rural Lifestyle and Rural Residential Zone~~

# LANDSCAPE 6

~~plan changes in preference to ad-hoc subdivision and development and ensure these occur~~ in areas where the landscape can accommodate change.

**Comment [CB12]:** Submitters 456, 696.

6.3.1.76 When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise ~~disruption~~ ~~degradation~~ ~~to~~ of the values derived from open rural landscapes.

**Comment [CB13]:** Submitters 456, 696.

**Comment [CB14]:** Grammatical amendment. Refer to para. 9.85.

6.3.1.87 Ensure that the location and direction of lights ~~does not cause glare to other properties, roads, and public places or avoids degradation of the night sky, landscape character and sense of remoteness where it is an important part of that character.~~

**Comment [CB15]:** Submitter G Bissett (340) and D & R Hughes (581)

6.3.1.98 Ensure the District's distinctive landscapes are not degraded by forestry and timber harvesting activities.

6.3.1.409 Recognise that low-intensity pastoral farming on large landholdings contributes to the District's landscape character.

6.3.1.140 Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.

6.3.1.121 Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including Tōpuni.

6.3.1.12 Regionally significant infrastructure shall be located to avoid, ~~remedy or mitigate~~ degradation of the landscape, while acknowledging location constraints, ~~technical or operational requirements.~~

**Comment [CB16]:** Submitters 805, 635, 433. Also further submissions from SPARK, Chorus, Vodafone, BRANZ.

**Comment [CB17]:** Submitter 805.

6.3.2 ~~Objective - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development. Landscapes are protected from the adverse cumulative effects of subdivision, use and development.~~

**Comment [CB18]:** Grammatical change to ensure the objective is more outcomes based.

## Policies

6.3.2.1 Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.

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

6.3.2.3 ~~Recognise~~ **Require** that proposals for residential subdivision or development in the Rural Zone ~~that seek support from~~ **take into account** existing and consented subdivision or development ~~have in assessing the~~ potential for adverse cumulative effects. ~~Particularly where the subdivision and development would constitute sprawl along roads.~~

**Comment [CB19]:** Submitters 307, 443, 452, 456 et. al.

6.3.2.4 Have particular regard to the potential adverse effects on landscape character and visual amenity values ~~from infill within areas with existing rural lifestyle development or~~ where further subdivision and development would constitute sprawl along roads.

**Comment [CB20]:** Submitters 307, 443, 452, 456 et. al.

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

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

**Comment [CB21]:** Minor typographical amendment.

**Comment [CB22]:** Grammatical change to ensure the objective is more outcomes based. Alignment with s6(b).

# LANDSCAPE 6

## Policies

6.3.3.1 Avoid subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.

6.3.3.2 Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.

~~6.3.4 Objective – The Protection, maintenance or enhancement of the District's Outstanding Natural Landscapes (ONL).~~

**Comment [CB23]:** Merging for efficiency. Both ONF and ONL are s6(b) landscapes.

## Policies

6.3.4-13.3 Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.

6.3.4-23.4 Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities which may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected.

6.3.4-33.5 Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.

6.3.4-43.6 The landscape character and amenity values of the Outstanding Natural Landscape are a significant intrinsic, economic and recreational resource, such that new large scale renewable electricity generation or new large scale mineral extraction development proposals including windfarm or hydro energy generation are not likely to be compatible with the Outstanding Natural Landscapes of the District.

**Comment [CB24]:** Submitter 805.

6.3.54 **Objective – Ensure sSubdivision, use and development is undertaken in a manner that does not degrade landscape character and or diminish visual amenity values of the Rural Landscapes (RLE).**

**Comment [CB25]:** Grammatical change to ensure the objective is more outcomes based.

## Policies

6.3.54.1 Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.

6.3.54.2 Avoid remedy or mitigate adverse effects from subdivision and development that are:

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

**Comment [CB26]:** Submitters 307, 443, 452, 456 et. al.

6.3.54.3 Avoid planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape quality or character.

6.3.54.4 Encourage any landscaping to be sustainable viable and consistent with the established character of the area.

**Comment [CB27]:** Clarification.

6.3.54.5 Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where they it will be least visible, and have the least minimise disruption to the landform and rural character.

**Comment [CB28]:** Submitters 836 & 635.

6.3.54.6 Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.

# LANDSCAPE 6

**6.3.65** Objective – The Protection, maintenance or enhancement of the landscape quality, character and visual amenity provided by of the lakes and rivers and their margins from the adverse effects of structures and activities.

**Comment [CB29]:** Grammatical change so the statement is more outcomes based.

## Policies

**6.3.65.1** Control the location, intensity and scale of buildings, jetties, moorings and utility infrastructure structures on the surface and margins of water bodies and ensure these structures maintain or enhance the landscape quality, character and amenity values.

**Comment [CB30]:** Grammatical amendment. Refer to para. 9.173.

**6.3.65.2** Recognise the character of the Frankton Arm including the established jetties and provide for these on the basis that the visual qualities of the District's distinctive landscapes are maintained and enhanced.

**6.3.65.3** Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District's distinct landscapes.

**6.3.76** Objective – The Recognise and protection, maintenance or enhancement of indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.

**Comment [CB31]:** Grammatical change so the statement is more outcomes based.

## Policies

**6.3.76.1** Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.

**6.3.76.2** Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes.

**6.3.87** Objective - ~~Recognise the dependence of tourism on the~~ The use and enjoyment of the District's landscapes for recreation and tourism.

**Comment [CB32]:** Grammatical change so the statement is more outcomes based.

## Policies

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

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

**6.3.87.3** Exclude identified Ski Area Sub Zones from the landscape categories and full assessment of the landscape provisions while controlling the impact of the ski field structures and activities on the wider environment.

**6.3.87.4** Provide a separate regulatory regime for the Gibbston Valley, identified as the Gibbston Character Zone, in recognition of its contribution to tourism and viticulture while controlling the impact of buildings, earthworks and non-viticulture related activities on the wider environment.

## 6.4 Rules Implementation Methods

**Comment [CB33]:** Grammatical change so the statement is more outcomes based.

### 6.4.1 Application of the landscape provisions

**6.4.1.1** The term 'subdivision and development' includes subdivision, identification of building platforms, any buildings and associated activities such as roading, earthworks, lighting, landscaping, planting and boundary fencing and access / gateway structures.

Clarification following comments and questioning from the Panel.

## LANDSCAPE 6

- 6.4.1.2 ~~The landscape categories apply only to the Rural Zone. The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.~~
- 6.4.1.3 The landscape ~~categories~~ assessment matters apply only to the Rural Zone, and ~~for clarification purposes do not apply to the following areas within the Rural Zones are not applicable to the following:~~
- a. Ski Area Activities within the Ski Area Sub Zones.
  - b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.
  - c. ~~The Gibbston Character Zone.~~
  - d. ~~The Rural Lifestyle Zone.~~
  - e. ~~The Rural Residential Zone.~~
- 6.4.1.4 ~~The landscape categories apply to lakes and rivers. Except where otherwise stated or shown on the Planning Maps, lakes and rivers are categorised as outstanding natural landscapes.~~
- 6.4.1.51 ~~Where a utility is to be located within the Rural Zone and requires resource consent as a discretionary activity, the objectives and policies of the landscape chapter are applicable.~~

**Comment [CB34]:** Submitter 836.19

**Comment [CB35]:** This provision is not necessary. Delete for efficiency reasons.

**Comment [CB36]:** Submitter 836.19

**Comment [CB37]:** Clarification. And submitter 836

**Comment [CB38]:** Submitter 836.22

**Comment [CB39]:** This provision is not necessary. Delete for efficiency reasons.



## Appendix 2

### Section 32AA evaluation

The s32AA evaluation is included within the Revised (recommended) chapter.

#### 6.1 Purpose

The purpose of this chapter is to recognise the landscape as a significant resource to the District and region. This resource requires protection from inappropriate activities that could degrade its qualities, character and values.

Landscapes have been categorised to provide certainty of their importance to the District, to align with regional and national legislation and to provide decision makers with a basis to consider the appropriateness of activities when having regard to the RMA. In particular, Outstanding Natural Features and Landscapes as matters of national importance.

#### 6.2 Values

The District's landscapes are of significant value to the people who live in, work in or visit the District. The District relies in a large part for its social and economic wellbeing on the quality of the landscape, open spaces and environmental image.

The landscapes consist of a variety of landforms created by uplift and glaciations, which include mountains, ice-sculpted rock, scree slopes, moraine, fans, a variety of confined and braided river systems, valley floors and lake basins. These distinct landforms remain easily legible and strong features of the present landscape.

Indigenous vegetation also contributes to the quality of the District's landscapes. Whilst much of the original vegetation has been modified, the colour and texture of indigenous vegetation within these landforms contribute to the distinctive identity of the District's landscapes.

The open character of productive farmland is a key element of the landscape character which can be vulnerable to degradation from subdivision, development and non-farming activities. The prevalence of large farms and landholdings contributes to the open space and rural working character of the landscape. The predominance of open space over housing and related domestic elements is a strong determinant of the character of the District's rural landscapes.

Some rural areas, particularly those closer to Queenstown and Wanaka town centres and within parts of the Wakatipu Basin, have an established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities.

While acknowledging these rural areas have established housing rural living and development, there is limited capacity for sensitive and sympathetic housing and development in appropriate locations. A substantial amount of subdivision and development has been approved in these areas and the landscape values of these areas are vulnerable to degradation from further subdivision and development. It is realised that rural lifestyle living development has a finite capacity if the District's distinctive rural landscape values are to be sustained.

The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.

Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes Classification (RLC) makes up the remaining Rural Zoned land

and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations.

<b>General Comment: Values statement</b>		
The addition of this statement provides further recognition that rural living and development is contemplated. The purpose statement must recognise that there is a finite capacity to absorb rural living and development in rural areas.		
<b>Recommended Amendment to Values Statement 6.2</b>		
<i>...<del>housing</del> rural living and development, there is limited capacity for sensitive and sympathetic housing and development in appropriate locations. a A ...</i>		
<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<p>Potential cost to landscape:</p> <ul style="list-style-type: none"> <li>• The statement is more enabling of development.</li> <li>• The statement directly acknowledges that development is contemplated.</li> </ul>	<ul style="list-style-type: none"> <li>• The change is more contemplative of rural living and development with the qualifiers that the capacity is limited; and for sensitive and sympathetic housing and development in appropriate locations. The change therefore accords with the objectives and provisions throughout the landscape chapter.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is effective because it provides greater recognition for rural living and development in rural areas.</li> </ul>

### 6.3 Objectives and Policies

**6.3.1** Objective - ~~The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development~~ Landscapes are managed and protected from the adverse effects of subdivision, use and development.

<b>Recommended Amendment to Objective 6.3.1</b>
<b>General Comment:</b>
<p>The change is of a grammatical nature rather than substantive to ensure the objective is more outcomes based.</p> <p>This objective covers policies that are both process/management and that broadly, protect landscape values.</p>
<b>Appropriateness (s32(1)(a))</b>
<p>The objective is better phrased as an outcomes statement. The objective also uses the words 'managed' to recognise the process related policies and policies that seek to protect landscape values. Some policies such as Policies 6.3.1.2 and 6.3.1.3 are both process focused and seek an</p>

environmental outcome. The recommended revised objective is more appropriate than that notified. The word 'inappropriate' has been deleted, This is to remove any doubt that the Objective has incorrectly been drafted to apply a section 6 RMA level of protection to section 7 RMA landscapes. I do not consider the word 'protect' to have the same connotations and can be taken more on its plain meaning. The Oxford English dictionary defines 'protect' as

- *Keep safe from harm or injury (verb)*
- *Aim to preserve (a threatened species or area) by legislating against collecting, hunting, or development.*

The use of protect in this objective and throughout is tempered with qualifiers to ensure that the objective or policy does not seek protection above all else.

## Policies

~~6.3.1.1 Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps.~~

6.3.1.2 Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps and ~~C~~lassify the Rural Zoned landscapes in the District as:

- Outstanding Natural Feature (ONF)
- Outstanding Natural Landscape (ONL)
- Rural Landscape ~~Classification~~ (RLC)

6.3.1.32 That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the District wide Outstanding Natural Landscapes meaning successful applications will be exceptional cases.

### Recommended Amendment to Policy 6.3.1.2

#### General Comment:

I agree with the evidence of Mr Brown where he attributes the phrase 'inappropriate in almost all locations' as being unique to the ONL Wakatipu Basin. Mr Brown considers that this should be removed but that this would also undermine the principles established with the area. I consider that the recommended amendments address this matter where they retain the 'inappropriate in almost locations' to within the ONL WB, but is modified and, made slightly less restrictive for the ONL outside the Wakatipu Basin by adding the phrase inappropriate in many locations.

While I note that Dr read considers that there is no landscape quality difference between the ONL in the Wakatipu Basin and ONL's elsewhere, I consider that it is appropriate to make this distinction from a resource management perspective because of the fact that the Wakatipu basin ONL is close to Queenstown and there is significant development pressure, notwithstanding the development

pressure to locate within ONL's elsewhere such as Glenorchy or Dublin Bay areas for example.

This part of the statement where it states exceptional cases has been removed because I consider this is framed toward non-complying activities, and this does not accord with discretionary activity status.

<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• The policy is slightly more enabling of development in the ONL outside of the Wakatipu Basin.</li> <li>• The removal of the exceptional phrase could be perceived as too enabling.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is better framed at the principles already established in the ODP and recognises the specific development pressure in the Wakatipu Basin, relative to the rest of the District.</li> <li>• The removal of the 'exceptional' phrase removes the application of the word associated with non-complying activity status.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is more effective because it uses more appropriate words in the context of the development pressure and level of protection afforded to the landscapes.</li> <li>• The policy is more effective in that 96.97% of the district is ONF/ONL and the policy now better acknowledges that there will be a spectrum of values within these landscapes and areas with varying capacity to absorb development, and instances where certain activities have a legitimate locational requirement.</li> </ul>

6.3.1.43 That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate unsuitable in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.

<b>Recommended Amendment to policy 6.3.1.3</b>		
<p><b>General Comment:</b></p> <p>I agree with the evidence of Mr Brown where the phrase inappropriate is better associated with section 6 RMA matters and the Rural Landscapes are section 7 RMA amenity and quality landscapes.</p>		
<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>

<ul style="list-style-type: none"> <li>• The change is slightly more enabling.</li> </ul>	<ul style="list-style-type: none"> <li>• The change better reflects convention associated with using the word 'inappropriate' in section 6 matters.</li> <li>• The intent of the policy remains in that a high bar is set for development, while acknowledging that a proposal not according with all of the assessment matters is not necessarily fatal to its likelihood of being successful.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is more effective because the removal of the word inappropriate better reflects that these landscapes are section 7 landscapes and removes the potential for them to be incorrectly elevated to a higher status.</li> </ul>
---	--	---

6.3.1.54 Discourage urban subdivision and urban development in the Rural Zones, ~~shall:~~

- ~~• Avoid degradation of the Outstanding Natural Features and Landscapes;~~
- ~~• Be located only in those parts of the Rural Landscape that have capacity to absorb change.~~

**Recommended Amendment to Policy 6.3.1.4**

**General Comment:**

The s42a recommendation resulted in discordance with the policies in Chapter 4: Urban Development. Raised by Commissioner Robinson during questioning. It is important that this policy is not discordant with the Urban Development policy. Recommend the policy is retained as notified in the PDP.

The original intent (check s42a) was to repel ad-hoc subdivision. I do not consider the policy to discourage plan changes because if the plan change is successful the zone would no longer be Rural.

I am also comfortable with the policy because I support the definition of Urban Development recommended by Mr Paetz in his reply on the Strategic Direction and Urban Development Chapters. In this regard the definition of X-Ray Trust (356) is recommended to be rejected.

I note in my S42A report that I acknowledged the criticism associated with 'process or administrative policies'. Having reconsidered this and that the Landscape Chapter is strategic I consider that there is a place for them and the recommended policy should be retained as notified in the PDP, with the exception that the word 'discourage' replaces 'avoid'. This change makes the policy accord better with Strategic Direction Objective and Policy as recommended by Mr Paetz:

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

**Policies**

2.5.3.1 ~~Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships. Urban development will be enabled within Urban Growth Boundaries and discouraged outside them.~~

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• None Identified, relative to the notified version.</li> <li>• Costs in terms of opportunities for development in rural areas based on the S42A version.</li> </ul>	<ul style="list-style-type: none"> <li>• The change back to the notified iteration is more consistent with the policies in Chapter 4 Urban Development.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is effective because it is intended to repel urban development in the rural zones. The policy accords with the Strategic Direction Objective 3.2.5.3 and Policy 3.2.5.3.1 that address urban development within rural areas.</li> <li>• The policy is effective because it accords with the landscape Chapter's cumulative effects objective (6.3.2).</li> </ul>

6.3.1.65 ~~Enable rural lifestyle living through applying Rural Lifestyle, Zone and Rural Residential and Resort Zone plan changes Encourage Rural Lifestyle and Rural Residential Zone plan changes in preference to ad-hoc subdivision and development and ensure these occur~~ in areas where the landscape can accommodate change.

<b>Recommended Amendment to Policy 6.3.1.5</b>
<p><b>General Comment:</b></p> <p>This policy was intended as notified to be a process policy to encourage the take up of the Rural Residential and Rural Lifestyle zones over special zones. The policy seeks to uphold integrity in the District Plan by repelling ad-hoc subdivision. The policy accords with the Strategic Direction chapter as recommended by Mr Paetz, in particular Objective 3.2.5.3 and Policy 3.2.5.3.1.</p> <p>The uptake of the PDP Rural Residential and Rural Lifestyle Zones is encouraged and they can be tailored for bespoke and sensitive locations. The PDP Wyuna Rural Lifestyle Zone is a case in point</p>

where it simply uses a building restriction area to exclude development from the sensitive parts of the site.		
<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• Compared to the S42A report, the ability for resort type development is no longer acknowledged.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is more direct and focused as to what the true intent is.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is efficient in that it encourages the uptake of established zones.</li> <li>• Encouraging the use of established zones is efficient and is preferred over the proliferation of bespoke special zones. The fewer zones means more familiarity and confidence in its administration and reduced transaction costs.</li> </ul>

- 6.3.1.76 When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise ~~disruption~~ degradation ~~to~~ of the values derived from open rural landscapes.
- 6.3.1.87 Ensure that the location and direction of lights ~~does not cause glare to other properties, roads, and public places or~~ avoids degradation of the night sky, landscape character and sense of remoteness where it is an important part of that character.
- 6.3.1.98 Ensure the District's distinctive landscapes are not degraded by forestry and timber harvesting activities.
- 6.3.1.409 Recognise that low-intensity pastoral farming on large landholdings contributes to the District's landscape character.
- 6.3.1.140 Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.
- 6.3.1.121 Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including Tōpuni.
- 6.3.1.12 Regionally significant infrastructure shall be located to avoid, remedy or mitigate degradation of the landscape, while acknowledging location constraints, technical or operational requirements.

<b>Recommended Amendment to Policy 6.3.1.12</b>		
<p><b>General Comment:</b> The recommended changes further recognise the necessity and location constraints that can be faced by infrastructure.</p> <p>I agree with Mr Paetz' recommended revised definition of 'Regionally Significant Infrastructure' set out in the recommended Chapter 3.</p>		
<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>The policy is more advanced toward enabling infrastructure. This is a cost to the protection of landscapes.</li> </ul>	<ul style="list-style-type: none"> <li>The change provides the RMA convention interns of qualifiers 'remedy or mitigate' and this provides a broader consideration of the range of effects associated with regionally significant infrastructure.</li> <li>The change recognises a broader range of needs expressed by Transpower (805).</li> </ul>	<ul style="list-style-type: none"> <li>The policy is effective because it better recognises the needs of regionally significant infrastructures and that large parts of the District are ONF/ONL.</li> </ul>

**6.3.2** Objective - ~~Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development~~ Landscapes are protected from the adverse cumulative effects of subdivision, use and development.

<b>Recommended Amendment to Objective 6.3.2</b>
<p><b>General Comment:</b></p> <p>The change is of a grammatical nature rather than substantive to ensure the objective is more outcomes based.</p>
<p><b>Appropriateness (s32(1)(a))</b></p> <p>The objective provides a clearer outcome/goal statement and is more appropriate than the version tabled in the S42A report.</p>

### **Policies**

- 6.3.2.1 Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District's landscape quality, character and amenity values are to be sustained.
- 6.3.2.2 Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.
- 6.3.2.3 ~~Recognise~~ Require that proposals for residential subdivision or development in the Rural Zone ~~that seek support from~~ take into account existing and consented



subdivision or development ~~have in assessing the~~ potential for adverse cumulative effects. ~~Particularly where the subdivision and development would constitute sprawl along roads.~~

**Recommended Amendment to Policy 6.3.2.3**

**General Comment:**

The recommended change is that set out by Mr Brown in his evidence for Trojan Helmet (443, 452, 437), Ayrburn Estate (430) and others. I adopt Mr Brown's evidence and S32AA evaluation in Parts 6.23 to 6.25 of his evidence.

6.3.2.4 Have particular regard to the potential adverse effects on landscape character and visual amenity values ~~from infill within areas with existing rural lifestyle development~~ ~~or~~ where further subdivision and development would constitute sprawl along roads.

**Recommended Amendment to Policy 6.3.2.4**

**General Comment:**

The recommended change is that set out by Mr Brown in his evidence for Trojan Helmet (443, 452, 437), Ayrburn Estate (430) and others. I adopt Mr Brown's evidence and S32AA evaluation in Parts 6.23 to 6.25 of his evidence.

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

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

**Recommended Amendment to Objective 6.3.3**

**General Comment:**

The change is of a grammatical nature rather than substantive to ensure the objective is more outcomes based.

**Appropriateness (s32(1)(a))**

The objective provides a clearer outcome/goal statement and is more appropriate than the version tabled in the S42A report.

The Policy better accords with s6(b) of the RMA by use of the word 'inappropriate'.

**Policies**

6.3.3.1 Avoid subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.

6.3.3.2 Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.

~~6.3.4 Objective – The Protection, maintenance or enhancement of the District's Outstanding Natural Landscapes (ONL).~~

**Policies**

6.3.4.13.3 Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.

6.3.4.23.4 Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities which may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected.

6.3.4.33.5 Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.

6.3.4.43.6 The landscape character and amenity values of the Outstanding Natural Landscape are a significant intrinsic, economic and recreational resource, such that new large scale renewable electricity generation or new large scale mineral extraction development proposals including windfarm or hydro energy generation are not likely to be compatible with the Outstanding Natural Landscapes of the District.

Recommended Amendment to Policy 6.3.3.6		
<p><b>General Comment:</b> Contact Energy (580) seek the addition of the word 'new', I consider that this is appropriate to acknowledge existing hydro-generation activities and recommend this change.</p>		
Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>None, the policy better acknowledges existing hydro generation.</li> </ul>	<ul style="list-style-type: none"> <li>The change better acknowledges existing hydro generation activities.</li> </ul>	<ul style="list-style-type: none"> <li>The policy is effective because it better recognises the existing hydro generation infrastructure and environment that has resulted from these established activities.</li> </ul>

6.3.54 Objective – ~~Ensure s~~Subdivision, use and development is undertaken in a manner that does not degrade landscape character ~~and or~~ diminish visual amenity values of the Rural Landscapes (RLC).

<b>Recommended Amendment to Objective 6.3.4</b>
<b>General Comment:</b> The change is of a grammatical nature rather than substantive to ensure the objective is more outcomes based.
<b>Appropriateness (s32(1)(a))</b>
The objective provides a clearer outcome/goal statement and is more appropriate than the version tabled in the S42A report.

**Policies**

- 6.3.54.1 Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.
- 6.3.54.2 Avoid, remedy or mitigate adverse effects from subdivision and development that are:
- Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and
  - Visible from public formed roads.

<b>Recommended Amendment to 6.3.5.2</b>		
<b>General Comment:</b> The amendments reflect the changes sought by Mr Brown at Part 6.33 of his evidence.		
<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
• None Identified	<ul style="list-style-type: none"> <li>• The changes provide more qualifiers and are more contemplative of development in so far that there are options to remedy or mitigate.</li> <li>• The addition of formed roads is considered appropriate for the Rural Landscapes and their likely landscape sensitivity.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is effective because adding remedy or mitigate provides the opportunity for a range of activities depending on the sensitivity of the landscape.</li> <li>• Adding formed roads is more effective because it provides more certainty.</li> </ul>

- 6.3.54.3 Avoid planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape quality or character.
- 6.3.54.4 Encourage any landscaping to be sustainable viable and consistent with the established character of the area.

<b>Recommended Amendment to Policy 6.3.4.4</b>		
<b>General Comment:</b> Response to questioning from Commissioner Robinson. Associated with clarifying that the context is associated with landscaping that is viable to the climate and context of the District and not associated with wider 'sustainable management' matters. Although this matter is a component, albeit at a fine grain.		
<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<ul style="list-style-type: none"> <li>• None Identified</li> </ul>	<ul style="list-style-type: none"> <li>• The amendment is more specific to the viability of a planting and more directly relates to climate constraints.</li> </ul>	<ul style="list-style-type: none"> <li>• The policy is effective because it removes any potential for uncertainty with the phrase sustainable and its broad application in Section 5 of the RMA.</li> </ul>

- 6.3.54.5 Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where ~~they it will be least visible, and have the least~~ minimise disruption to the landform and rural character.
- 6.3.54.6 Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.
- 6.3.65 Objective – The Protection, maintenance or enhancement of the landscape quality, character and visual amenity ~~provided by of~~ the lakes and rivers and their margins from the adverse effects of structures and activities.

<b>Recommended Amendment to</b>
<b>General Comment:</b> The change is of a grammatical nature rather than substantive to ensure the objective is more outcomes based.
<b>Appropriateness (s32(1)(a))</b>
The objective provides a clearer outcome/goal statement and is more appropriate than the version tabled in the S42A report.

### **Policies**

- 6.3.65.1 Control the location, intensity and scale of buildings, jetties, moorings and ~~utility~~ infrastructure structures on the surface and margins of water bodies and ensure these structures maintain or enhance the landscape quality, character and amenity values.

- 6.3.65.2 Recognise the character of the Frankton Arm including the established jetties and provide for these on the basis that the visual qualities of the District's distinctive landscapes are maintained and enhanced.
- 6.3.65.3 Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District's distinct landscapes.
- 6.3.76 Objective – ~~The Recognise and~~ protection, maintenance or enhancement of indigenous biodiversity where it contributes to the visual quality and distinctiveness of the District's landscapes.

<b>Recommended Amendment to Objective 6.3.6</b>
<b>General Comment:</b> The change is of a grammatical nature rather than substantive to ensure the objective is more outcomes based.
<b>Appropriateness (s32(1)(a))</b>
The objective provides a clearer outcome/goal statement and is more appropriate than the version tabled in the S42A report.

**Policies**

- 6.3.76.1 Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.
- 6.3.76.2 Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes.
- 6.3.87 Objective - ~~Recognise the dependence of tourism on the~~ The use and enjoyment of the District's landscapes for recreation and tourism.

<b>Recommended Amendment to Objective 6.3.7</b>
<b>General Comment:</b> The change is of a grammatical nature rather than substantive to ensure the objective is more outcomes based.
<b>Appropriateness (s32(1)(a))</b>
The objective provides a clearer outcome/goal statement and is more appropriate than the version

tabled in the S42A report.

## Policies

- 6.3.87.1 Acknowledge the contribution tourism infrastructure makes to the economic and recreational values of the District.
- 6.3.87.2 Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.
- 6.3.87.3 Exclude identified Ski Area Sub Zones from the landscape categories and full assessment of the landscape provisions while controlling the impact of the ski field structures and activities on the wider environment.
- 6.3.87.4 Provide a separate regulatory regime for the Gibbston Valley, identified as the Gibbston Character Zone, in recognition of its contribution to tourism and viticulture while controlling the impact of buildings, earthworks and non-viticulture related activities on the wider environment.

## 6.4 Rules Implementation Methods

### Recommended Amendment to 6.4

#### General Comment:

Following questions from the Hearings Panel a better subject heading for these provisions is 'implementation methods'. The change is associated with clarity.

### 6.4.1 Application of the landscape provisions

- 6.4.1.1 The term 'subdivision and development' includes subdivision, identification of building platforms, any buildings and associated activities such as roading, earthworks, lighting, landscaping, planting and boundary fencing and access / gateway structures.

~~6.4.1.2 The landscape categories apply only to the Rural Zone. The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.~~

### Recommended deletion of Provision 6.4.1.2

#### General Comment:

This statement is not necessary because the objectives and policies of a higher order chapter can be assessed under s104 of the RMA.

6.4.1.32 The landscape categories assessment matters apply only to the Rural Zone, and for clarification purposes do not apply to the following areas within the Rural Zones are not applicable to the following:

- a. Ski Area Activities within the Ski Area Sub Zones.
- b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.
- ~~c. The Gibbston Character Zone.~~
- ~~d. The Rural Lifestyle Zone.~~
- ~~e. The Rural Residential Zone.~~

**Recommended Amendment to Provision 6.4.1.2**

**General Comment:**

The amendment is to provide better certainty as to where in the RUrla Zone the landscape assessment matters apply. I prefer to use the word ‘to’ in preference of ‘in’ to be certain that it is not just the geographic area, but activities. A method/rule can apply to activities within an area, just like any ‘zone rule’ and it is correct to exclude ski area activities within the Ski Area Sub Zones because non Ski Area Activities are not contemplated and these should, subject to their merits be based on the full landscape criteria. In any case, a proposal in the Ski Area Sub Zones that is not provided for as a controlled or restricted discretionary would be discretionary or non-complying and there is no restriction on the breadth of the District Plan components that need to addressed.

The references to Gibbston, Rural Lifestyle and Rural Residential zones being excluded are not necessary because these are separate zones. The reference was made to provide clarification to lay persons/those not familiar with planning, rather than practitioners who are familiar with the ODP planning regime.

I refer to the Submission of Contact Energy (580) and accept in principle their submission to request to exclude ‘Hydro Generation Activities from the Hydro Generation Zone’. However this matter is out of scope because the Hydro Generation Zone is programmed for Stage 2 of the District Plan Review. This zone is different because the ODP provisions state that the Rural General Zone applies to non-Hydro Generation Activities in the Hydro generation Zone.

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> <li>• None Identified</li> </ul>	<ul style="list-style-type: none"> <li>• The amendments provide better certainty as the intent of the provision, to set out where the landscape assessment matters do not apply within the Rural Zone.</li> </ul>	<ul style="list-style-type: none"> <li>• The provision is effective because it is more clear and certain.</li> <li>• The provision is more efficient because it provides certainty.</li> </ul>

~~6.4.1.4 — The landscape categories apply to lakes and rivers. Except where otherwise stated or shown on the Planning Maps, lakes and rivers are categorised as outstanding natural landscapes.~~

~~6.4.1.5<sub>1</sub> — Where a utility is to be located within the Rural Zone and requires resource consent as a discretionary activity, the objectives and policies of the landscape chapter are applicable.~~

<b>Recommended deletion to provision 6.4.1.5</b>
<b>General Comment:</b> This statement is not necessary because the objectives and policies of a higher order chapter can be assessed under s104 of the RMA.