

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource management Act 1991('Act')

AND of the QLDC Proposed District Plan 2015 Hearing Stream 02

SUPPLEMENTARY PLANNING EVIDENCE OF BEN FARRELL (CHAPTERS 21, 22, 33)

FOR:

**G W Stalker Family Trust, Mike Henry, Mark Tylden, Wayne French, Dave
Finlin, and Sam Strain (534 and 535)**

Wakatipu Equities limited (515)

Slopehill Joint Venture (537)

G W Stalker Family Trust (535)

Cook Adam Trustees limited/C & M Burgess (669)

Slopehill Properties limited (854)

D & M Columb (624)

Real Journeys Limited (621/1341)

Te Anau Developments Limited (607/1342)

Cardrona Alpine Resort Limited (615)

Queenstown Water Taxis Ltd (658)

Ngai Tahu Tourism Limited (716)

21 April 2016

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INTRODUCTION

1. My name is Ben Farrell. I am an Independent Planning Consultant employed by John Edmonds & Associates Limited, a firm of independent planners and project managers based in Queenstown.
2. My qualifications and experience are provided in my evidence in chief (EiC) dated 29 February 2016. I confirm the matters raised in 1-9 of my EiC also apply to this evidence. In preparing this evidence I have reviewed the following documents in addition to those listed in paragraph 7 of my EiC:
 - Section 42A Report prepared by Mr Barr in relation to Proposed Chapter 21 (Rural), inclusive of the attached s32 reports and various background reports referred to in these documents;
 - Section 42A Report prepared by Mr Barr in relation to Proposed Chapter 22 (Rural Lifestyle), inclusive of the attached s32 reports and various background reports referred to in these documents;

Scope of Evidence

3. This planning evidence is written at the request of the abovementioned submitters in relation to their respective interests in Chapters 21 and 22. These respective interests and my evidence relate to two distinct topics:
 - Provision for rural living in the Wakatipu Basin
 - Provision for tourism and water transport
4. The following submitters are interested in rural living in the Wakatipu Basin: G W Stalker Family Trust (535); Mike Henry, Mark Tylden, Wayne French, Dave Finlin, Sam Strain, Wakatipu Equities limited (515); D & M Columb (624); Cook Adam Trustees limited/C & M Burgess (669); and Slopehill Properties limited (854)). Throughout my evidence I refer to relief sought by 'WBRL' (Wakatipu Basin Rural Landowners), being submitters 535 and 515. The relief sought encapsulates the relief sought by submitters 624; 669; and 854 (and various other submitters on the PDP who I am not providing planning evidence on behalf of).
5. The following submitters are interested in tourism and water transport: Te Anau Developments Limited (607/1342); Real Journeys Limited (621/1341); D & M Columb (624); Queenstown Water Taxis Ltd (658); and Ngai Tahu Tourism Limited (716). Cardrona Alpine Resort Limited (615) is interested in tourism and the Cardrona Alpine Resort. Throughout my evidence I refer to these submitters collectively as tourism operators.

6. My evidence addresses specific relief by Cardrona Alpine Resorts Limited (CARL) to Chapter 21 and 33 in relation to the management of Ski Area Sub Zones. My evidence does not capture the specific relief CARL is seeking in relation to the specific management of the Cardrona Alpine Resort Area, which I understand is to be addressed as part of the zone change hearings at a later date.

Section 32 commentary

7. Section 32AA of the Act requires further evaluation of changes to a Plan Change since previous analysis. It requires consideration to be had in terms of s.32(1) to s.32(4). I confirm that I have read the original (notified) s.32 analysis and the amended versions attached to the s.42A Report prepared by Mr Barr. Except where I support the amendments recommended in the s42A Report, I consider the amendments I recommend to be more appropriate in planning terms than the notified version of the PDP or the version recommended in the s.42A Reports. While not explicitly stated, my rationale is incorporated into my evidence below.

PROVIDING FOR RURAL LIVING

8. The 'rural living' submitters¹ are requesting relatively minor amendments to chapters 21 and 22. Other submitters have requested more extensive amendments.
9. My evidence builds on the amendments I recommended in my EiC to the Strategic Directions chapters to specifically recognise and provide for rural living in the Wakatipu Basin. These being amendments to chapter 3 as listed in Table 1 below.
10. For completeness, I generally support amending chapters 21 and 22 in response to those 'rural living' submitters as discussed below.
11. I consider it is appropriate to provide a bespoke planning regime for the Wakatipu Basin, or at least one that is different to the majority of rural zoned land in the district.

¹ 515; 535; 669; 854; 624

12. Chapter 21 does not currently identify the benefits of or provide for rural living in the rural general zone. The s42A Report is silent on rural living in the rural general zone. I also observe Council, inclusive of the economic evidence prepared by Mr Osborne, has not provided an assessment of the benefits and costs of rural living in the district, particularly the Wakatipu Basin.
13. In my opinion this presents a gap in the rural general policy framework, which should be addressed, particularly as:
- Independent landscape experts agree there is potential for new rural living opportunities in the rural general zone², particularly in the Wakatipu Basin.
 - Farming is not a feasible land use in the Wakatipu Basin and there should be provision for more rural living opportunities. In this regard I draw your attention to the evidence of Mr Stalker, Mr Strain and also the evidence/presentations by Phillip Bunn, Debbie MacColl, Steven Bunn and Family tabled at the strategic directions hearing in March.
 - New rural living developments can have significant local benefits, for example:
 - i. Immediate economic benefits arising from the development and construction of each new rural living development (consenting and construction costs, plus capital gain). In my experience involved in the local construction and housing market I anticipate each new development would generate at least \$500,000 - \$1million local spend in addition to the landowners capital gain.
 - ii. Ongoing economic benefits arising from employment and local spend from property maintenance/service providers (e.g. cleaners, gardeners, arborists). In my experience many people who live in rural living situations in the Wakatipu Basin employ a variety of service providers.
 - iii. Provision of housing enhancing resident and visitor amenity values and appreciation of the district.

² Paragraph 14 in the evidence of Mr Baxter dated 29 Feb 2016 states: "there are some areas of the Basin which should be rezoned as rural residential rural lifestyle, some areas where I believe rural living development should be avoided, and other areas which can accommodate the limits to a greater or lesser extent, potentially including urban development". I understand that Dr Read agrees with this statement.

iv. Provision of housing helping alleviate pressures on the housing market.

14. I consider that rural living in the rural general zone (particularly the Wakatipu Basin) should be specifically provided for in Chapter 21. This can be achieved through inserting a new objective and policy; and tweaking other provisions so that they provide for some new rural living opportunities, particularly in the Wakatipu Basin.

15. I suggest the following new objective and policy be inserted into the PDP. Amendments to the other provisions in Chapter 21 are provided throughout my evidence.

Table 1 Copy of my recommended amendments to Chapter 3 for Rural Living

~~Objective - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes. Maintain and enhance the landscape character of the Rural Landscape Classification, whilst acknowledging the potential for managed and low impact change.~~
Subdivision, use and development of the rural environment occurs in a way that maintains or enhances rural amenity values.

Policies

~~Identify the district's Rural Landscape Classification on the district plan maps, and; minimise the effects of subdivision, use and development on these landscapes~~

Recognise that the RL is a resource with significant economic and social value.

Recognise that different parts of the RL have different characteristics, different amenity values and variable ability to absorb further development.

Enable subdivision and development which avoids, remedies or mitigates adverse effects on the visual amenity values of the surrounding RL.

Avoid or appropriately 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.

Avoid planting and screening, particularly along roads and boundaries, which would obstruct significant views or significantly adversely affect visual amenity values.

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

Encourage development to utilise shared accesses and infrastructure and to locate within the parts of the site it will minimise disruption to the landform.

~~Objective - Direct new urban~~ Encourage subdivision, use or development to occur in those areas which have potential to absorb change ~~without detracting from landscape and visual amenity values~~ while recognising the importance of natural landscapes.

~~Objective - Recognise there is a finite~~ Enable appropriate capacity for residential activity in rural areas ~~if the qualities of our landscape are to be maintained.~~

~~Objective - Recognise that agricultural land use is fundamental to the character of our landscapes.~~

Policies

~~Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values.~~

~~Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming and that evolving forms of agricultural land use which may change the landscape are anticipated.~~

~~Objective - Provide~~ Enable access to housing that is more affordable.

Policies

~~Provide~~ Enable opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs.

In applying plan provisions, have regard to the extent to which minimum site size, density, height, building coverage and other controls influence Residential Activity affordability.

Provide for increased residential density that enables family members to live together on the same site or near each other.

PROVIDING FOR TOURISM

Benefits of tourism

16. I agree with the evidence of Mr Osborne in terms of recognising the significant benefits of tourism to the district. This position reinforces a key message of the submissions by numerous submitters, my EIC, and various statements made by QLDC representatives in the first hearings (for example 12.27 Paetz s42A report; 3.1 Glasner evidence; 21(b) McDermott; 4.2 Read evidence).
17. While the notified version of Chapter 3 is largely silent on tourism, the latest working version recommended by staff includes a new objective and policy relating to the provision of tourism:

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

Policy

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

18. I note that these new provisions are only part of the relief sought by the tourism submitters and additional policies have been sought.

Providing for tourism while managing adverse effects

19. Having established that tourism has significant benefits to the District I consider that tourism (development and activities) should be enabled and/or at a minimum provided for throughout the rural zones.
20. I agree that new tourism activities and development can have inappropriate adverse effects on the districts outstanding natural landscape characteristics. I also agree that it is appropriate to manage new tourism activities and development.
21. In my opinion the actual and potential benefits of any tourism activity should be provided for in the PDP and managed as either a permitted, controlled, restricted discretionary or discretionary activity. This relief is sought by Real Journeys et al, Te Anau Developments, and Cardrona Alpine Resort and will help implement strategic objectives and policies which seek to provide for and enable the significant socioeconomic benefits of tourism activities across the District.

22. I agree with Mr Barr that some tourism activities are appropriately provided for as permitted or controlled activities in ONFLs e.g. ski area sub zones³.
23. I consider the non-complying or prohibited activity status to be inappropriate for any tourism related activity, unless a site and/or activity specific evaluation has been carried out to determine that a particular tourism activity in a particular location is not appropriate. Upon review of the s42A Reports and supporting evidence there has been no identification of any particular tourism activity that may be inappropriate in a particular location.
24. I also consider objective 3.2.1.4 and its supporting policies will help be implemented by ensuring the provisions in Chapter 21 do not discourage tourism activities. In my opinion the provisions should only ensure that adverse effects of tourism activities (and farming activities) are to be appropriately avoided, remedied or mitigated.

Protecting natural landscape values

25. Mr Osborne contends that the farming sector has a significant role to play in the protection of the districts outstanding natural landscapes, but tourism does not? Mr Osborn does not provide any evidence in support of this statement and I am not aware of any evidence justifying this position.
26. In my opinion tourism activities can protect and enhance natural landscape values to the same or better extent than farming:
27. Generally tourism activities do not alter landscape values or introduce pest species to the extent that farming activities do (or have done). Mr Osborne does not identify the adverse effects that farming has had and continues to have on natural landscape values. A significant effect is the modification of the landscape, resulting from large scale vegetation clearance and replanting or cropping. Farming has also introduced pest species, both in terms of animal pests and plant pests.

³ It is noted the relief sought by Real Journeys et al, Te Anau Developments, and Cardrona Alpine Resort was not to elevate the activity status of tourism activities from permitted or controlled to restricted discretionary or discretionary

28. Generally tourism activities enable natural landscape values to be restored or enhanced. There are numerous examples in the district of tourism activities assisting in the protection of landscape values. Often these are on 'retired' farm land where income generated by tourism has enabled landscape restoration and enhancement initiatives. A particular example is Walter Peak where the tourism operation is enabling considerable investment (hundreds of thousands of dollars) into the restoration and enhancement of indigenous biodiversity and natural landscape values.
29. Compared to farming, tourism activities have the added benefit of taking people to the natural landscape where it can be appreciated.

Freshwater Resource

30. Real Journeys et al and Te Anau Developments request that the water provisions in Chapter 21. Their relief sought is as follows:

Extract provisions relating to the protection, use and development of the surface of lakes and rivers and their margins, and insert them into a specific chapter that focuses on development and activities carried out on the surface of water and within the margins of waterways.

Amend suite of provisions under Objective 21.2.12 and supporting policies 21.2.12.1-21.2.12.10 (or insert in new water chapter) to ensure tourism activities, including the transport of passengers and supporting buildings, infrastructure, and structures, are specifically provided for.

31. Mr Barr (paragraphs 17.3-17.4) has responded as follows:

It is my preference that the objectives, policies and rules for activities on the surface of water remain located within the Rural Zone Chapter. This would ensure that the nature conservation values of this resource are appropriately managed, including the ability to apply other provisions of the Rural Zone chapter against these activities, including the identification and application of the landscape classification and policy. In rejecting this submission point, I have come to the view that creating a new zone and new chapter in the PDP would result in unnecessary duplication.

Furthermore, the PDP structure has been carefully arranged to ensure that activities are grouped as much as possible. Therefore the principal provisions in the PDP are Objective 21.2.12 and policies, Rule 21.2.24 in Table 1 that establishes that non-specified activities are permitted, and Table 9 for specified activities and standards. While other activities and standards apply depending on the type of activity proposed, the PDP structure is significantly easier than the ODP, which by comparison, arranged activities and standards by the type of resource consent required.

32. For the reasons set out in my EIC (quoted below) I maintain that provisions relating to the management of freshwater should be located in a separate chapter, not in the Rural Chapter.

For the following reasons I consider it is appropriate that the PDP provides a specific chapter to recognise and provide for freshwater as a significant resource:

- a) The district's water resources are significant. This is recognised in the opening purpose statement of the PDP where "pristine water" is listed as one of the district's special qualities;*
- b) The lakes and rivers create a relative large resource, the lakes alone comprising about 7% of the district's area (large relevant to the urban resource as identified above).*
- c) Under the Act the national significance of fresh water for all New Zealanders and Te Mana o te Wai is to be recognised in accordance with the NPSFM. In my opinion Te Mana o te Wai translates (more or less) to "the mana of the water". Te Mana o te Wai is a philosophy that puts the inherent health of the water and its ability to provide for the people and environment at the forefront of managing freshwater;*
- d) The district's main rivers and lakes are recognised as significant resources protected as Statutory Acknowledgement Areas under the TRONT Settlement Act.*
- e) The RPS and PRPS recognise the significance of water resources and require district plans to consider controls within district plans necessary to protect the district's water resources.*
- f) The PDP 'hides' the water provisions in the back of chapters 12 (town centre) and 21 (rural). There is also reference to flood protection works in the utilities chapter. In my opinion this does not recognise the national significance freshwater or te mana o te wai. This also limits the effectiveness of integrating water related provisions with other activities that affect or may be affected by use and development of lakes and rivers, for example: subdivision and urban development, waterfront activity and development that occurs on both water and land (including wharves, jetties, marinas), and surface water activities including water transport.*
- g) In my experience there are locally significant resource management issues relating to the use of surface water (with increasing tension about the allocation of rights to use and occupy water for commercial transport and recreation activities). This demand, and tension, can be expected to increase along with the growth of tourism.*

RECOMMENDED AMENDMENTS TO CHAPTER 21

New provisions – rural living

33. Following on from the discussion above in paragraphs 8-15, I consider the most appropriate way to implement the purpose of the Act and Strategic Direction objectives (as amended in my EiC) is to ensure the socioeconomic benefits of rural living development in the Wakatipu Basin are recognised and provided for by inserting a new objective and policy into Chapter 21.
34. I recommend the following new objective and policy be included in Chapter 21 (or similar provisions with like effect):

New Objective

Rural living opportunities in the Wakatipu Basin Rural Landscape are provided for where landscape character and amenity values are appropriately maintained.

New Policies

Recognise the socioeconomic benefits of rural living in the Wakatipu Basin Rural Landscape and provide for rural living subdivision and development where the quality of the environment and amenity values are appropriately maintained.

35. I consider these provisions could be stand alone or would fit well within the suite of provisions relating to enabling a range of land uses in the rural general zone (21.2.1).

New provisions – water based public transport services

36. Real Journeys et al are seeking insertion of a suite of new policies to, among other things:

- recognise the importance of water based public transport;
- protect established key tourism activities, with specific recognition of the need to protect the TSS Earnslaw; and
- avoid surface water activities that conflict with adjoining land uses or key tourism activities.

37. In my opinion the PDP does not satisfactorily recognise or provide for the important and strategic benefits of water based public transport services to the district, particularly Queenstown. This includes protection of these activities. As discussed in the evidence of Ms Black water transport activities are an integral component of Real Journey's operations and the company provides a significant passenger transport service, which relies on the safe and efficient operation of vessels, including the historic TSS Earnslaw, and supporting infrastructure.

38. In my opinion it is appropriate to implement the purpose of the Act and the objectives set out in the Strategic Directions chapter (as amended in my EIC) by recognising the socioeconomic benefits of key tourism and water transport activities by inserting the following new objective and policy in Chapter 21:

New Objective

The importance of key tourism activities and water based public transport services are recognised and provided for.

New Policy

Protect key tourism and water based public transport activities by applying the following principles when considering applications for occupying water space and/or the bed of lakes and rivers, including their margins:

i) activities that promote the districts heritage and contribute public benefits should be encouraged;

ii) occupation of water space should not interfere with key navigational routes and manoeuvring areas;

iii) long term occupation of water space should be avoided unless it has been strategically planned and is integrated with adjoining land and water uses;

iv) activities that adversely effect the operation, safety, navigation, and ability to maintain or upgrade the "TSS Earnslaw" and her supporting slipway facilities should be avoided.

Objective 21.2.1

39. Real Journeys et al sought to amend objective 21.2.1 as follows:

Enable farming and tourism activities, permitted and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values, from inappropriate use and development.

40. The RL submitters requested the objective be amended as follows:

Enable farming, and other activities that rely on rural areas, permitted and established activities while ~~protecting, maintaining and enhancing~~ avoiding, remedying, or mitigating adverse effects on the values of landscape, ecosystem services, nature conservation, rural amenity and recreation.

41. The s42A recommends the provision be amended as follows:

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

42. In my opinion:

- It is not necessary to single out particular activities when the objective is intended to apply to a range of activities. In this regard use of the term 'including' is superfluous.
- This objective should be broad enough to encompass all of the policies which sit under it and give effect to it. This includes non-farming activities capable of protecting or enhancing the stated values.
- It is not necessary or appropriate to 'protect' landscape or rural amenity values. It is appropriate to 'maintain and enhance' amenity values and landscape character.
- There is no need to differentiate 'ecosystem services from 'nature conservation values'. The two are more or less similar and duplication can be avoided by using one term or the other.
- The objective could be simplified.

43. I recommend the objective be amended as follows:

A range of land uses that rely on the rural resource are enabled
~~Enable farming, permitted and established activities while~~
~~protecting, maintaining and enhancing~~ **landscape character,**
~~ecosystem services, nature conservation and rural amenity values~~
are maintained and enhanced.

Policy 21.2.1.1

44. Real Journeys et al requested that policy 21.2.1.1 be amended as follows:
- Enable farming and tourism activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, ~~the outstanding natural~~ landscape values and surface of lakes and rivers and their margins.
45. The RL submitters request the policy be amended as follows:
- Enable farming ~~and other activities that rely on rural areas,~~ activities while ~~protecting, maintaining and enhancing the~~ avoiding, remedying, or mitigating, adverse effects on the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.
46. The s42A recommends the provision be retained as notified.
47. In my opinion:
- It is not necessary to single out particular activities when the objective is intended to apply to a range of activities. In this regard use of the term ‘including’ is superfluous.
 - This objective should be broad enough to encompass all of the policies which sit under it and give effect to it. This includes non-farming activities capable of protecting or enhancing the stated values.
 - The language of this policy should be amended to better reflect the sustainable management purpose of the RMA, specifically the policy should refer to avoid, remedy or mitigate instead of “protecting”.
 - It is not necessary to ‘protect, maintain and enhance’ rural amenity values. It is more appropriate to ‘maintain and enhance’ amenity values, which include landscape characteristics.
 - There is no need to differentiate ‘ecosystem services from ‘nature conservation values’. The two are more or less similar and duplication can be avoided by using one term or the other.
48. I recommend the policy be amended as follows:
- Enable a range of activities that rely on the rural resource ~~farming activities while protecting, maintaining and enhancing the values of~~ indigenous biodiversity, ecosystem services, recreational values, ~~the landscape~~ character and the surface of lakes and rivers and their margins.**

Policy 21.2.1.2

49. Real Journeys et al requested that Policy 21.2.1.2 be amended as follows:
- Provide for Farm Buildings ~~associated with larger landholdings~~ where the location, scale and colour of the buildings will not significantly adversely affect landscape values.

50. The s42A recommends the provision be amended as follows:

21.2.1.2 Provide for Farm Buildings associated with larger landholdings of 100 hectares in area where the location, scale and colour of the buildings will not adversely affect landscape values.

51. In my opinion the policy as notified and recommended in the s42A Report sets an unreasonably high threshold for the provision of farm buildings. I consider a range of farm buildings should be 'provided for' on rural zoned land and the amendments sought by Real Journeys et al are appropriate. An amendment with like effect could be to amend the policy as follows:

Provide for Farm Buildings ~~associated with larger landholdings~~ where the location, scale and colour of the buildings will not adversely affect the districts significant landscape values.

Policy 21.2.4.2

52. Real Journeys et al requested that Policy 21.2.4.2 be amended as follows:
- Control the location and type of new non-farming and tourism activities in the Rural Zone, to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.

53. The s42A recommends the provision be retained as notified.

54. In my opinion the policy as notified or recommended in the s42A report does not give satisfactory recognition to the significant benefits of tourism. I support the relief requested by Real Journeys et al and recommend the policy be amended as follows:

Control the location and type of new non-farming and tourism activities in the Rural Zone, to minimise or avoid conflict with activities that may not be compatible with permitted or established activities.

Policy 21.2.6.1 and Policy 21.2.6.2

55. CARL sought the following amendment to Policy 21.2.6.1:
Identify Ski Field Sub Zones and encourage Ski Area and Tourism Activities to locate and consolidate within the sub zones.
56. The s42A report does not address this matter. In my opinion it is appropriate that the ski area subzones enable more than just skiing activities. Tourism activities at the Cardrona Alpine Resort were historically carried out during the ski season. However, the resort lends itself to the provision of four season tourism activities such as mountain biking, accommodation, tramping, sightseeing, and mountain adventure activities. In my opinion it is appropriate for policy 21.2.6.1 to be amended to include reference to encouraging tourism activities, as sought by CARL:

Identify Ski Field Sub Zones and encourage Ski Area and Tourism Activities to locate and consolidate within the sub zones.

57. CARL sought the following amendment to Policy 21.2.6.2:
Enable and mitigate Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.
58. The s42A report recommends the provision be retained as notified. I support the s42A recommendation to retain the policy as notified, for the reasons given by Mr Barr.

Policy 21.2.8.1

59. The WBRL request the following amendment to policy 21.2.8.1:
Assess subdivision and development proposals against the applicable District Wide chapters, ~~in particular, the objectives and policies of the Natural Hazards and Landscape chapters.~~
60. The s42A recommends the provision be amended as follows:
21.2.8.1 ~~Assess subdivision and development proposals against the applicable District Wide chapters, in particular, the objectives and policies of the Natural Hazards and Landscape chapters.~~ To ensure that any subdivision, use and development is undertaken on land that is appropriate in terms of the anticipated use, having regard to potential constraints including hazards and landscape.
61. I support the amendments recommended by Mr Barr, for the reasons provided in the s42A Report.

Objective 21.2.9

62. Real Journeys et al sought deletion of objective 21.2.9.

63. The s42A recommends the provision be amended as follows:

21.2.9 ~~Objective - Ensure commercial~~ A range of activities are undertaken on the basis they do not degrade landscape values, rural amenity, or impinge on farming permitted and established activities. Comment

64. In my opinion the staff recommendations are an improvement and the removal of farming activities is supported. However, the threshold of “not degrading landscape values, rural amenity, or impinging permitted and established activities” is not appropriate as it would set an unreasonably high bar that many new developments would fail to reach. It is also not necessary to refer to “rural amenity” as this is captured by landscape values.

65. The objective should include qualifiers such as applying on a district wide basis and not discouraging of any effects on permitted and established activities (which is inferred by the word “impinge”). I recommend the objective be re-worded along the lines of:

Ensure commercial A range of activities are undertaken on the basis they maintain do not degrade the districts landscape values, rural amenity and are compatible with or impinge on farming permitted and established activities.

Policy 21.2.9.2

66. Real Journeys et al are seeking deletion of policy 21.2.9.2.

67. The s42A recommends the provision be amended as follows:

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

68. In my opinion the amendments recommended by Mr Barr are an improvement on the notified policy. However, there is no need to ‘only’ provide for commercial, retail and industrial activities where they would protect, maintain or enhance the values stated and I consider inclusion of the term ‘only’ to be inappropriate. I also consider the policy can be improved by referencing the ‘quality of the environment’ instead of ‘character’ or ‘landscape values’.

69. I recommend the policy be amended as follows:

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

Policy 21.2.9.6

70. Real Journeys et al requested deletion of policy 21.2.9.6.
71. The s42A recommends the provision be retained as notified.
72. In my opinion the policy is not necessary as traffic effects are addressed in the operative transport chapter of the district plan. Notwithstanding this, if you are of mind to retain this policy I recommend that it be amended to remove reference to 'not diminishing rural' amenity values. This is because it is more appropriate to maintain and enhance amenity values in general. I also consider it is not necessary to focus the policy on commercial activities. In my opinion it is more appropriate to ensure that all traffic effects are managed to achieve the matters stated.
73. I recommend this policy be deleted or amended as follows:
- ~~Ensure traffic effects from commercial activities does not diminish rural maintain amenity values; or affect the safe and efficient operation of the roading and trail network; or and access to public places.~~**

Policy 21.2.10.2

74. Real Journeys et al requested the following amendment:
- Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that generally maintains and enhances significant landscape values quality, character, rural amenity, and natural values.
75. The s42A recommends the provision be amended as follows:
- 21.2.10.2 Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural ~~values~~ resources.
76. In my opinion the policy as notified and recommended in the s42A Report sets a very high bar for revenue producing activities that rely on the rural resource, which other high order provisions in the district plan are seeking to enable. It can be very difficult and is impractical for these activities to always maintain and enhance landscape quality, character, rural amenity, and natural resources from productive activities – unless the policy is pitched at a district wide scale.
77. I consider the policy can be re-worded in a positive and simpler way while capturing its intent, as follows:
- Promote ~~Ensure that~~ revenue producing activities that utilise natural and physical resources (including buildings) in a way that maintains and enhances the landscape quality, of the environment ~~character~~, ~~rural amenity~~, and ~~natural values~~.**

Policy 21.2.10.3

78. Real Journeys et al requested policy 21.2.10.3 be amended as follows:

Recognise that the establishment of complementary activities, particularly tourism activities, such as commercial recreation, or visitor accommodation located within farms may enable landscape values to be sustained in the longer term. Such positive effects should be taken into account in the assessment of any resource consent applications.

79. The s42A recommends the provision be amended as follows:

21.2.10.3 ~~Recognise~~ Have regard to that the establishment of ~~complementary~~ activities such as tourism, commercial recreation or visitor accommodation located within farms where these may enable landscape values and indigenous biodiversity to be sustained in the longer term. ~~Such positive effects should be taken into account in the assessment of any resource consent applications.~~

80. I support the amendments recommended in the s42A Report.

Objective 21.2.12

81. Real Journeys et al sought to amend objective 21.2.12 as follows:

~~Protect, maintain and enhance the surface of lakes and rivers and their margins are safeguarded from inappropriate use and development.~~

82. Te Anau Developments requested that the objective be amended or deleted and replaced with a new objective that provides for the benefits associated with achieve a public transport system, as follows:

~~Protect, maintain and enhance the surface of lakes and rivers and their margins.~~
Recognise the importance of providing a water based public transport system while avoiding, remedying or mitigating the adverse effects of activities and structures on the surface of lakes and rivers and their margins.

83. The s42A recommends the provision be amended as follows:

21.2.12 ~~Objective - Protect, maintain or enhance t~~ The surface of lakes and rivers and their margins are protected, maintained or enhanced.

84. In my opinion the objective as notified and recommended in the s42A report does not satisfactorily recognise that the surface of lakes and rivers and their margins can be used or developed in order to achieve sustainable management. The qualifier “from inappropriate use and development” should be included in this objective so that it accords with s6 of the Act. In my opinion the relief sought by Real Journeys et al is appropriate, provided that the PDP is amended elsewhere to recognise the benefits of and to provide for water based public transport systems (as recommended in paragraphs 36-38 of my evidence above).

85. I recommend the policy be amended as follows:

~~Protect, maintain and enhance t~~ The surface of lakes and rivers and their margins are safeguarded from inappropriate use and development.

Policy 21.2.12.2

86. Real Journeys et al requested policy 21.2.12.2 be amended as follows:
- Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the ~~identified~~ characteristics and environmental limits of the various parts of each lake and river specifically in or referred to by this district plan.
87. The s42A recommends the provision be retained as notified:
88. The policy as notified requires identification of environmental limits but does not give any indication as to what those limits are or how they might be identified on a case-by-case basis. This creates too much uncertainty and will inevitably lead to unnecessary costs and frustrations with plan administration. In my opinion it is not appropriate for a policy to broadly refer to or rely on an environmental limit (bottom line) that does not exist within the policy framework.
89. Accordingly, I support the amended requested by Real Journeys et al which requires the environmental limits being referred to in this policy to be identified in the district plan policy framework. An alternative relief that I would support, which would have like effect, would be the inclusion of criteria in the policy (or elsewhere in the plan e.g. assessment criteria) that provides certainty and enables decision-makers to apply consistently on a case-by-case basis to identify the environmental limits being referred to by this policy.
90. To enable sharper policy drafting further amendments to the policy or the plan should be made to identify specific assessment criteria that can be employed on a case-by-case basis to identify the environmental limits being referred to. I have not recommended specific criteria at this stage because I am not clear what environmental limits are being referred to in the policy.
91. I recommend the policy be amended to give effect to the relief sought by Real Journeys et al:
- Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the ~~identified~~ characteristics and environmental limits of the various parts of each lake and river identified or referred to in this district plan.**

Policy 21.2.12.3

92. Real Journeys et al requested that policy 21.2.12.3 be amended as follows:

(i) Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.

(ii) Provide for the frequent use, large scale and potentially intrusive commercial activities along the Kawarau River or the Frankton Arm.

93. The s42A recommends the provision be retained as notified:

94. In my opinion it is not appropriate for the district plan to seek to always avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities. As written this policy applies to all commercial boating activities including the ESS Earnslaw. The policy effectively reads:

Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities.

95. In my opinion it can be very difficult to avoid or mitigate effects of some commercial boating activities (for example noise from jet-boats) and the district plan should make some provision for existing commercial boating activities.

96. I recommend the policy be amended to ensure that existing commercial boating activities are clearly provided for in this policy. The policy could be amended as requested by Real Journeys or a simpler alternative with like effect such as the following:

Avoid or mitigate the adverse effects of new frequent, large-scale or intrusive commercial activities with particular regard given to such as those with high levels of noise, vibration, speed and wash, in particular motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.

Policy 21.2.12.5

97. Real Journeys et al requested that policy 21.2.12.5 be amended as follows:

Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate development, with particular regard to places with significant indigenous vegetation, nesting and spawning areas, the intrinsic values of ecosystems, services and areas of significant indigenous fauna habitat and recreational values.

98. The s42A recommends the provision be retained as notified. I support the recommendation set out in the s42A Report to retain the policy as notified.

Policy 21.2.12.8

99. Real Journeys et al requested policy 21.2.12.8 be amended as follows:

Provide for Encourage the development and use of marinas in a way that avoids or, ~~where necessary,~~ remedies and mitigates adverse effects on the environment.

100. The s42A recommends the provision be amended as follows:

21.2.12.8 Encourage the development and use of marinas, jetties and moorings in a way that avoids or, ~~where necessary,~~ remedies ~~and or~~ mitigates adverse effects on the environment.

101. I support the recommendation set out in the s42A Report to retain the policy as notified.

Policy 21.2.12.9

102. Real Journeys et al requested Policy 21.2.12.9 be amended as follows:

Take into account the potential adverse effects on nature conservation values from the boat wake of commercial jet boating activities, having specific regard to the ~~intensity and nature of commercial jet boat activities~~ and the potential for turbidity and erosion.

103. The s42A recommends the provision be retained as notified. I support the recommendation set out in the s42A Report to retain the policy as notified.

Policy 21.2.12.10

104. Te Anau Developments is requesting that policy 21.2.12.10 be amended as follows:

Protect historical and well established commercial boating operations from incompatible activities and manage new commercial operations to ~~E~~ensure that the nature, scale and number of new commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.

105. The s42A recommends the provision be retained as notified.

106. In my opinion the policy as notified does not satisfactorily recognise the significant benefits of historical and well established commercial boating operations (these benefits are inextricably linked with tourism) and are important to the districts special qualities and overall sense of place. In my opinion it is appropriate for the PDP to protect historical and well established commercial boating operations from incompatible activities and I recommend the policy be amended as sought in the relief by Te Anau Developments:

Protect historical and well established commercial boating operations from incompatible activities and manage new commercial operations to ensure that the nature, scale and number of new commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.

107. Te Anau Developments owns and operates an existing airstrip and the tourism operators whom this evidence supports all rely on helicopter transport services to varying extents (particularly Te Anau Developments, Real Journeys; CARL; and Ngai Tahu Tourism).
108. Te Anau Developments sought the following amendments to Objective 21.2.11, Policy 21.2.11.1, and Policy 21.2.11.2:
- Objective 21.2.11:
~~Manage the location, scale and intensity of~~ New informal airports are provided for and existing informal airports are protected from surrounding incompatible land use activities.
- Policy 21.2.11.1
 Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to ~~minimise avoid, remedy, or mitigate~~ adverse effects on the surrounding existing rural amenity values.
- Policy 21.2.11.2
~~Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.~~
Protect existing informal airports from incompatible land use activities.
109. Te Anau Developments also seek insertion of a new rule (perhaps 21.4.29A) to protect existing airstrips from reverse sensitivity effects. The submission suggested the following wording:
- Construction of dwellings or noise sensitive activities within 500m of an existing airstrip shall be a restricted discretionary activity. Council's discretion shall be restricted to the protection of the operation of the existing airport in terms of reverse sensitivity effects.
110. I consider the ability to access and use informal airports a vital component in many tourism activities, particularly in Queenstown where use of small planes and helicopters is prevalent. Existing informal airports face operational risks from potential reverse sensitivity effects associated with noise sensitive activities, which is an operational risk, and could result in unnecessary costs, to tourism operators. However, the cost of imposing consent requirements on new residential or noise sensitive activities within 500m of existing informal airports (or at a minimum existing airstrips) to be inconsequential and I am of the opinion that the relief sought above (or relief with like effect) is more appropriate than the notified PDP.
111. Having regard to the above I consider it is appropriate that the relief sought above be accepted in part to the extent that Objective 21.2.11 and Policies 21.2.11.1 and Policy 21.2.11.1 be amended, and a new rule be inserted, as follows:

Objective 21.2.11:

Manage the location, scale and intensity of New informal airports are provided for and existing informal airports are protected from surrounding incompatible land use activities.

Policy 21.2.11.1

Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to ~~minimise~~ **avoid, remedy, or mitigate** adverse effects on the surrounding **existing rural amenity values**.

Policy 21.2.11.2

~~Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.~~

Protect existing informal airports from incompatible land use activities.

New Rule

Construction of dwellings or noise sensitive activities within 500m of an existing airstrip shall be a restricted discretionary activity. Council's discretion shall be restricted to the protection of the operation of the existing airport in terms of reverse sensitivity effects.

Rule 21.4.29

112. Rule 21.4.29 prohibits any new Activity Sensitive to Aircraft Noise.
113. The s42A recommends the provision be retained as notified.
114. This prohibits visitor accommodation and community activities which do or may contribute to the benefits of tourism activities and which I consider could potentially be appropriately developed within the air noise boundary. For example:
- Some types of visitor accommodation such as temporary accommodation for tourists using motorhomes and campervans could be entirely appropriate within the outer airport noise boundary.
 - Some types of permanent or temporary community activities such as the use of a building used for any type of safety/training and educational purposes.
 - It is not clear whether or not buildings used for sheltering members of the public (e.g. shelters associated with transport services) would fall under the definition of community activity.
115. Prohibiting these activities will effectively prevent any consideration of these activities (the relatively high cost of a private plan change would unlikely be a feasible method for facilitating these activities) and in my opinion there is a lack of policy and evidence justifying the prohibited classification of visitor accommodation or community activities.

116. I consider the rule (or definition of Activity Sensitive to Aircraft Noise) should be amended to:

- Exclude tourism activities (as sought by Real Journeys); or
- Exclude visitor accommodation and community activities; or
- Alter the activity status could be amended so that tourism, visitor accommodation, and community activities are classified as discretionary activities.

Rule 21.5.21

117. Amend rule to increase the permitted size of groups:

Commercial recreation activity undertaken on land, outdoors and involving not more than 40 15 persons in any one group.

118. The s42A recommends the provision be retained as notified.

119. In supporting the 10 person threshold Mr Barr notes (paragraph 13.35):

...the limit of 10 people is balanced in that it provides for a group that is commensurate to the size of groups that could be contemplated for informal recreation activities. Ten persons is also efficient in that it would fit a min-van or a single helicopter, which I would consider as one group.

120. In my experience it is extremely unlikely that a 10 person group would fit into a single helicopter.

121. I agree with the rationale relating to a group that would fit into a single passenger vehicle such as a minivan. However, if this logic is to be applied I think it would be more appropriate to align with the Land Transport Amendment Act 2005 which provides for a “small passenger service vehicle”, which is any passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver). This is addressed in the evidence of Ms Black, who identifies that “it is standard tourism industry practice for small group party sizes to be 12 to align with this legislation”.

122. Notwithstanding the above, I refer to Ms Blacks evidence in respect of seeking consistency with other tourism planning documents, namely the Mount Aspiring National Park Management Plan and the Draft Otago Conservation Management Strategy, which she identifies:

...provide for concessionaire party sizes of 13 inclusive of guides for backcountry zones or 15 inclusive of guides for backcountry zones.

123. As a matter of good practice and to improve overall administration of policies that apply to the management of tourism activities I agree with Ms Black that it would be helpful to align the PDP rules with the Department of Conservation rule framework.

124. Having particular regard to the evidence of Ms Black I consider it is more appropriate to increase the threshold from 10 to 15 people inclusive of guides. Accordingly, I recommend rule 21.5.21 be amended as follows:

Commercial recreation activity undertaken on land, outdoors and involving not more than ~~10~~ 15 persons in any one group (inclusive of guides).

Rule 21.5.39

125. Te Anau Developments are requesting an amended to Rule 21.5.39 to ensure that the discretion for commercial non-motorised boating activities discretion includes the location of the activity:

21.5.39 Commercial non-motorised boating activities
Discretion is restricted to all of the following:
• Location, Scale and intensity of the activity.

126. The s42A recommends amending rule 21.5.39 as requested by Real Journeys and I support this recommendation for the reasons given.

Rules 21.5.40 and 21.5.42

127. Te Anau Developments is requesting insertion of a new rule to enable jetties and other structures within the Kawarau River and the Frankton Arm, which are necessary for the provision of the existing water based public transport system, as a controlled activity.

Rule 21.5.40A Jetties and Moorings in the Frankton Arm
The development, maintenance, upgrading and use of jetties and other structures within the Kawarau River and the Frankton Arm which are necessary for the provision of maintaining or enhancing the water based public transport system is a controlled activity in respect of:
• location, design (including colour, materials) and scale
• navigational safety
• practical constraints associated with the maneuverability of vessels

128. Te Anau Developments are also requesting that rule 21.5.42 and/or the planning maps be amended (as required) so that structures that support the establishment of water based public transport on the Kawarau River and in the Frankton Arm are controlled activities, not non-complying.

Structures and Moorings

Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.

129. Mr Barr (paragraphs 17.30-17.42) recommends rejecting the provision of a controlled activity status for new structures primarily on the basis that the waterbody and its margins have amenity values and are a valued active and passive recreational resource. While I believe this matter could be addressed by inserting a specific clause or standard in the controlled activity status, I agree with the appropriateness of providing for structures associated with water based public transport in the Frankton Arm as restricted discretionary activities (as is being recommended in the s.42A Report).

New Rule (21.5.43A)

130. Te Anau Developments is requesting insertion of a new rule to control motorised Commercial boating activities carried out for the purposes of the water based transport. Matters of control should also be established.

Motorised commercial boating activities carried out for the purposes of water based transport are controlled activities in respect of:

- Location, scale and intensity of the activity.
- Amenity effects, including loss of privacy, remoteness or isolation.
- Congestion and safety, including effects on other commercial operators and recreational users.
- Waste disposal.
- Cumulative effects.
- Parking, access safety and transportation effects.

131. Mr Barr is recommending that the above relief be rejected on the basis that it is appropriate for all commercial recreation activities to be managed as discretionary activities. In my opinion it would be more appropriate to provide for the above activities as restricted discretionary activities. This would differentiate it from other commercial boating activities and demonstrate the importance of water based transport activities above other commercial boating activities.

132. I recommend the PDP be amended to include a new rule that provides for motorised commercial boating activities (or ferries) as restricted discretionary activities. I suggest the following wording:

Public transport ferry activities are controlled activities in respect of:

- **Location, scale and intensity of the activity.**
- **Amenity effects, including loss of privacy, remoteness or isolation.**
- **Congestion and safety, including effects on other commercial operators and recreational users.**
- **Waste disposal.**
- **Cumulative effects.**
- **Parking, access safety and transportation effects.**

Standard 21.5.46

133. Te Anau Developments is requesting standard 21.5.46 be amended to exclude jetties associated with the operation of a water based public transport activity OR amend standards to provide flexibility around the location and length of jetties especially if a certain location or length of jetty will facilitate water based public transport.

21.5.46 No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:

21.5.46.1 be closer than 200 metres to any existing jetty;

21.5.46.2 exceed 20 metres in length;

21.5.46.3 exceed four berths per jetty, of which at least one berth is available to the public at all times;

21.5.46.4 be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty resides.

The standards in 21.5.46 above do not apply to jetties associated with water based public transport.

134. The s.42A report is recommended the above relief be rejected.
135. In my opinion the importance of water based public transport activities (inclusive of supporting infrastructure) warrants provision for jetties and structures associated with water based public transport (ferries) to be provided for as discretionary activities, not non-complying.
136. **I recommended rule 21.5.46 be amended to exclude “public transport ferry services”.**

Assessment Matters 21.7.2

137. I consider that the Rural Landscape assessment matters need to be amended to:

- Address the issues and concerns raised in the relevant submissions
- Properly and effectively implement the Chapter 21 objectives and policies (amended as recommended above) and the higher order Strategic Direction objectives and policies (amended in response to evidence presented at the Stream 01 Hearing);
- better reflect the RMA purpose and terminology;
- avoid duplication/repetition
- remove/reduce ambiguity
- be presented in a positive approach

138. I recommend 21.7.2 be amended as follows:

Rural Landscape Classification (RLC) 21.7.2

~~These assessment matters~~ **Applications** shall be considered with regard to the following ~~assessment matters principles~~ because in the Rural Landscapes the applicable activities are ~~inappropriate~~ **unsuitable** in many locations:

~~21.7.2.1 The assessment matters shall be stringently applied to the effect that successful applications are, on balance, consistent with the criteria.~~

21.7.2.2 Existing vegetation that:

a. was either planted after, or, self seeded and less than 1 metre in height at 28 September 2002; and,

b. obstructs or substantially interferes with views of the proposed development from roads or other public places, shall not be considered:

- as beneficial under any of the following assessment matters unless the Council considers the vegetation (or some of it) is appropriate for the location in the context of the proposed development; and
- as part of the permitted baseline.

21.7.2.3 Effects on landscape quality and character:

The following shall be taken into account:

a. where the site is adjacent to an Outstanding Natural Feature or Landscape, ~~whether and~~ the extent to which the proposed development will ~~adversely~~ affect the quality and character of the adjacent Outstanding Natural Feature or Landscape;

b. whether and the extent to which the scale and nature of the proposed development is consistent with and will complement or affect ~~degrade~~ the quality and character of the surrounding Rural Landscape;

c. whether the design (including and any landscaping) would be compatible with or would enhance the quality and character of the Rural Landscape.

21.7.2.4 Effects on visual amenity:

Whether the development will ~~result in a loss of~~ affect the visual amenity of the Rural Landscape, having regard to whether and the extent to which:

a. the visual prominence of the proposed development from ~~any public places will reduce the visual amenity of the Rural Landscape~~. In the case of proposed development which is visible from unformed legal roads, regard shall be had to the frequency and intensity of the present use and, the practicalities and likelihood of potential use of these unformed legal roads as access;

b. the proposed development affects ~~is likely to be visually prominent such that it detracts from~~ private views;

c. any screening or other mitigation by any proposed method such as earthworks and/or new planting will ~~detract from or obstruct~~ views of the Rural Landscape from both public and private locations;

d. the proposed development is enclosed by any confining elements of topography and/or vegetation and the ability of these elements to reduce visibility from public and private locations;

e. any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping ~~will reduce visual amenity, with particular regard to elements which are inconsistent with the existing natural topography and patterns;~~

f. boundaries follow, wherever reasonably ~~possible and practicable~~, the natural lines of the landscape or landscape units.

21.7.2.5 Design and density of development:

In considering the appropriateness of the design and density of the proposed development, whether and to what extent:

a. opportunity has been taken to aggregate built development to utilise common access ways including roads, pedestrian linkages, services and open space (ie. open space held in one title whether jointly or otherwise);

b. there is merit in clustering the proposed building(s) or building platform(s) having regard to the overall density and intensity of the proposed development and whether this would exceed the ability of the landscape to absorb the change;

~~c. development, including access, is located within the parts of the site where they will be least visible from public and private locations;~~

d. development, including access, is located in the parts of the site where it they will have the least impact on landscape character.

21.7.2.6 Tangata Whenua, biodiversity and geological values:

~~a. whether and to what the extent to which the proposed development affects will degrade; Tangata Whenua values including Tōpuni or nohoanga, indigenous biodiversity, geological or geomorphological values or features and, the positive effects any proposed or existing protection or regeneration of these values or features will have.~~

The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.

21.7.2.7 Cumulative effects of development on the landscape:

Whether and to what extent:

~~Taking into account whether and to what extent:~~

a) any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has ~~degraded~~ changed landscape quality, character, and visual amenity values.

~~The Council shall be satisfied;~~

ba. the proposed development will ~~not further degrade~~ affect landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of ~~valued~~ quality, character and open space openness due to the prevalence of residential or non-farming activity within the Rural Landscape.

~~cb. where in the case resource consent may be granted to the proposed development but it represents a threshold to which the landscape could absorb any further development, whether any further potential cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.~~

Assessment Matters 21.7.3

139. Having regard to my comments in paragraphs 8-15 above, I consider the assessment matters set out in 21.7.3 should be amended as follows:

Other factors and positive effects, applicable in all the landscape categories (ONF, 21.7.3 ONL and RLC)

21.7.3.1 In the case of a proposed residential activity ~~or specific development~~, whether a specific building design, rather than nominating a building platform, ~~helps~~ is necessary to demonstrate whether the proposed development is appropriate.

21.7.3.2 Other than ~~where the proposed development is a~~ subdivision and/or residential activity, whether and to what extent the proposed development, ~~including any buildings and the activity itself~~, is compatible ~~are consistent with the existing environment rural activities or the rural resource~~ and would maintain or enhance the quality and character of the landscape.

21.7.3.3 In considering ~~whether there are any~~ positive effects in relation to the proposed development, ~~or remedying or mitigating the continuing adverse effects of past subdivision or development~~, the Council shall take the following matters into account:

a. whether the proposed subdivision or development provides an opportunity to protect the landscape from further development and may include open space covenants or esplanade reserves;

b. whether the proposed subdivision or development would enhance the character of the landscape, or protects and enhances indigenous biodiversity values, in particular the habitat of any threatened species, or land environment identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status;

c. any positive effects including environmental compensation, easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas;

d. any opportunities to retire marginal farming land and revert it to indigenous vegetation;

e. where adverse effects cannot be avoided, mitigated or remedied, the merits of any environmental offsetting or compensation;

~~f. whether the proposed development assists in retaining the land use in low intensity farming where that activity maintains the valued landscape character.~~

RECOMMENDED AMENDMENTS TO CHAPTER 22

Objectives 22.2.1, Objective 22.2.2, Policies 22.2.1.1, 22.2.1.2

140. The WBL submitters are seeking various amendments to these provisions, as follows:

Objective 22.2.1

~~Maintain and enhance t~~The district's landscape quality, character and visual amenity values are maintained and enhanced while ~~enabling~~ rural living opportunities in areas that can ~~avoid detracting from~~ absorb development within those landscapes are enabled

22.2.1 **Objective - ~~Maintain and enhance t~~ The district's landscape quality, character and visual amenity values are maintained and enhanced while enabling rural living opportunities in areas that can absorb development ~~avoid detracting from these landscapes.~~**

Policy 22.2.1.1

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

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

Objective 22.2.2

~~Ensure the~~ Within the rural residential and rural lifestyle zones, predominant land uses are rural, residential and where appropriate, visitor and community activities.

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

141. The s42A recommends the provisions be amended to an extent that generally gives effect to the relief being sought. I support the amendments recommended in the s42A Report, for the reasons given.

Policy 22.2.2.2

142. The WBL submitters are seeking deletion of Policy 22.2.2.2.

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

143. The s42A recommends the provision be retained as notified.

144. I consider this policy could have merit if the location of the UGBs is satisfactorily justified. However, as discussed in my EIC, I do not think the locations have been satisfactorily justified and, without such justification (provided in the district plan), I agree with the submitters that policy 22.2.2.2 should be deleted.

145. For completeness, recall the UGB location criteria I recommended as part of my EIC, which I observe was not discussed in Council's right-of-reply for the strategic direction chapter:

1. **Apply the following criteria when identifying or shifting Urban Growth Boundaries:**
 - a. **Protection of:**
 - i. **Ngai Tahu rights and interests;**
 - ii. **Wetlands, lakes and rivers and their margins;**
 - iii. **ONFLs;**
 - iv. **Areas of significant indigenous vegetation and significant habitats of indigenous fauna;**
 - v. **Significant historic heritage values;**
 - vi. **People and property from natural hazard risks;**
 - b. **Maintenance of the districts special qualities;**
 - c. **Integrating urban and landscape design principles, including provision of a logical and distinct urban edge and connectivity to an existing urban settlement(s);**
 - d. **Availability of urban land supply to accommodate projected urban growth;**
 - e. **Opportunity costs to adjoining land outside the UGB;**
 - f. **Serviceability (including access to and capacity of) infrastructure; community facilities; and parks/reserves;**
 - g. **Desirability in terms of aspect and localised climate conditions; and**
 - h. **Reverse sensitivity.**

Rule 22.5.1

146. The WBL submitters are seeking that rule 22.5.1 be amended as follows:

All buildings, including any structure larger than 5m², new, relocated, altered, reclad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape:

The ~~E~~ exterior colours of all buildings materials (treated, untreated, natural or manufactured, with or with any applied finish) shall be:

~~22.5.1.1 All exterior surfaces shall be coloured~~ in the range of black, browns, greens or greys;

~~22.5.1.2 Pre-painted steel, and all roofs shall~~ have a reflectance value not greater than 20% for roofs;

~~22.5.1.3 Surface finishes shall~~ have a reflectance value of not greater than 30% for all other external surfaces. Except that this rule shall not apply to any locally sourced stone (e.g. schist)

These rules do not apply to any material or surface colours used inside any building.

These rules do not apply to solar panels or other renewable energy building materials of this nature.

Discretion is restricted to all of the following:

- Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties.
- Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building.
- The size and height of the building where the subject colours would be applied.

147. The s42A recommends the provision be amended as follows:

22.5.1	<p>Building Materials and Colours</p> <p>All buildings, including any structure larger than 5m², new, relocated, altered, re-clad or repainted, are subject to the following in order to ensure they are visually recessive within the surrounding landscape:</p> <p>Exterior colours of buildings:</p> <p>22.5.1.1 All exterior surfaces* shall be coloured in the range of black, browns, greens or greys;</p> <p>22.5.1.2 Pre-painted steel, and all roofs shall have a <u>light</u> reflectance value not greater than 20%;</p> <p>22.5.1.3 Surface finishes** shall have a <u>light</u> reflectance value of not greater than 30%.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • Whether the building would be visually prominent, especially in the context of the wider landscape, rural environment and as viewed from neighbouring properties. • Whether the proposed colour is appropriate given the existence of established screening or in the case of alterations, if the proposed colour is already present on a long established building. • The size and height of the building where the subject colours would be applied. <p><small>* Excludes soffits, windows and skylights (but not glass balustrades).</small></p> <p><small>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</small></p>	RD
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148. I support the amendments recommended in the s42A Report for the reasons given.

Rule 22.5.3

149. The WBL submitters are seeking deletion of Rule 22.5.3.

~~The maximum size of any building shall be 500m².
Discretion is restricted to all of the following:
• Visual dominance.
• The effect on open space, rural character and amenity.
• Effects on views and outlook from neighbouring properties.
• Building design and reasons for the size.~~

150. The s42A recommends the provision be amended as follows:

22.5.3 Building Size
The maximum ground floor area ~~size of any~~ building shall be 500m².
Discretion is restricted to all of the following:

- Visual dominance.
- The effect on open space, rural living character and amenity
- Effects on views and outlook from neighbouring properties.
- Building design ~~and reasons for the size.~~

151. In my opinion restricting discretion on buildings greater than 500m² within an approved building platform is onerous, unnecessary, and not satisfactorily justified in evidence before the panel. The rule as notified and supported in the s42A Report therefore creates unnecessary costs and consenting risks.

152. In my opinion the management of potential effects associated with building design can be appropriately managed via the controlled activity status. I therefore consider the rule should be amended as recommended in the s42A report, except **any buildings within an approved building platform between 500m²-1000m² should be enabled as a controlled activity.**

Rules 22.5.12.1 and 22.5.12.2

153. The WBL submitters are seeking that rules 22.5.3 and 22.5.12.2 be amended to increase the permitted number of residential units:
- within a building platform from one to two; and
 - on allotments less than 2ha.
154. The s42A recommends the provision be retained as notified.
155. In my opinion increasing the permitted number of residential units within approved building platforms from one to two is appropriate and I agree with the following reasons provided in the submissions by the WBL submitters:
- There is no justification for the limitation of one residential unit per building platform.
 - A building platform of up to 1000m² could provide for more innovative design and efficient design if more than one dwelling within a building platform is allowed.
 - The rule as notified contradicts Objective 3.2.6.1 to ensure a mix of housing opportunities.
 - The rule as notified contradicts higher level objectives and policies relating to the provision of housing and land supply for housing, including policy 22.2.1.3 (rural lifestyle).
 - The s32 analysis undertaken in relation to these rules does not satisfactorily identify the costs or benefits of, and overall justification for, limiting density to one residential unit per building platform.
 - The provision for two residential units within a building platform will be a more efficient and effective use of resources, as well as giving better effect to the overarching objectives and policies.
156. In addition to the above I consider the provision for a second dwelling unit encourages families to live close together, which I consider to be a very important socioeconomic benefit that allows people to provide for their wellbeing.
157. I therefore consider it appropriate that **rules 22.5.3 and 22.5.12.2 be amended respectively to increase the permitted number of residential units from one to two.**

Rule 22.5.12.3

158. The WBL submitters are seeking that rule 22.5.12.3 be amended to enable an average residential density of one hectare for every residential unit in the rural lifestyle zone:

On sites equal to or greater than 2 hectares there shall be no more than ~~one~~ two residential units per ~~two~~ hectares on average. For the purpose of calculating any average, any allotment greater than 2 hectares, including the balance, is deemed to be 2 hectares.

159. The s42A recommends the provision be retained as notified. In my opinion reducing the density to one hectare per residential unit is appropriate and I agree with the following reasons provided in the submissions by the WBL submitters:

- There no satisfactory justification for the requirement for a 2 hectare average in this zone.
- Many of the lot sizes in the rural lifestyle zone are under 4ha meaning that the 2ha average effectively disables those people from subdividing their land. This will create inconsistencies across the zone as future subdivision occurs on larger lots, but slightly smaller lots will not be able to achieve the same outcomes.
- This rule contradicts Objective 3.2.6.1 to ensure a mix of housing opportunities and other higher level objectives and policies relating to the provision of housing and land supply for housing, including policy 22.2.1.3 (Rural Lifestyle).
- This restriction does not meet the purpose of the RMA as it is not an efficient and effective use of land within the rural lifestyle zone which is established for rural living purposes and is a scarce land resource. The s32 analysis undertaken in relation to these rules does not satisfactorily identify the costs or benefits of, and overall justification for, limiting density to two hectare averages. The 2ha average is not considered in terms of the economic costs and benefits of utilising this residential land, as is required.
- Reduction of the average would provide for a greater density and the most efficient and effective use of resources in this zone.

160. I consider rule 22.5.12.3 should be amended to reduce the 2ha average standard to 1ha.

RECOMMENDED AMENDMENTS TO CHAPTER 33

161. CARL is seeking an exemption from the rules requiring resource consent (as a discretionary activity) for clearance of indigenous vegetation within the Cardrona Alpine Resort (being land above 1070m).
162. The relief is recommended to be rejected in paragraph 12.35 of the s.42A report on the basis that, “irrespective of the status of land allowing the relief would not result in the QLDC fulfilling its functions under section 31 of the RMA”.
163. In my experience there are various ways QLDC can fulfil its functions under s.31 of the RMA, including non-regulatory methods, and it is not necessary for QLDC to regulate vegetation clearance activities.
164. I understand that ongoing vegetation clearance is a fundamental activity carried out within ski areas and regulating this activity will increase operational costs and risks.
165. Given the historical level of land disturbance at the Cardrona Alpine Resort I understand the adverse effects of allowing vegetation clearance as a permitted activity within the resort (as it exists today) would be no more than minor.
166. For the above reasons I consider permitting vegetation clearance with the Cardrona Alpine Resort to be appropriate.
167. The appropriateness of permitting vegetation clearance within the Cardrona Alpine Resort is addressed in more detail in Ms Black’s evidence. I note Ms Black is a member of the Southland Conservation Board and is acutely aware of the importance of managing high country indigenous vegetation.

CONCLUSION

168. Having regard to the matters raised in the evaluative material before you, including other submissions and the material contained in or supportive of the respective s42A reports, and s32A of the Act, I consider chapters 21 and 22 should be amended as stated throughout my evidence above or otherwise amended with like effect.



Signed 21 April 2016