

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**Decision No. [2023] NZEnvC 58**

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of the First  
Schedule of the Act

BETWEEN UPPER CLUTHA  
ENVIRONMENTAL SOCIETY  
INCORPORATED AND OTHERS

(ENV-2018-CHC-56)

(and all the appellants allocated to  
Topic 18)

Appellants

AND QUEENSTOWN LAKES DISTRICT  
COUNCIL

Respondent

Court: Environment Judge J J M Hassan  
Environment Commissioner K A Edmonds  
Environment Commissioner J T Baines

Workshop Hearing: at Queenstown on 9 December 2021

Appearances: J Haworth for Upper Clutha Environmental Society Inc  
R Hill for Darby Planning Ltd Partnership and others  
J Young for Remarkables Park Ltd and Queenstown Park  
Limited  
N M Laws for Otago Regional Council  
I Greaves and J May for Longview Environmental Trust  
M G Wakefield and L E Young for the respondent

Last case event: 18 January 2023

Date of Decision: 31 March 2023

Date of Issue: 31 March 2023

QTN PDP – TOPIC 18 UCESI v QLDC - DECISION



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**THIRD INTERIM DECISION OF THE ENVIRONMENT COURT**  
**(Topic 18)**

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A: Directions are made for Queenstown Lakes District Council to amend the proposed Queenstown Lakes District Plan as set out in the attached Appendix A and file a reporting memorandum once that is completed.

**REASONS**

**Introduction**

[1] This is the third interim decision, relating to Topic 18, Stage 1 of the Queenstown District Plan review ('PDP'). It concerns changes sought to the Rural Zone provisions in Ch 21 of the proposed plan.

**Background**

[2] Chapter 21 has an important relationship to Ch 3 (Strategic Direction) and Ch 6 (as to 'Landscapes – Rural Character'). Those provisions are now largely determined.

[3] A consent order issued on 30 November 2021, finalised a number of non-contentious Ch 21 provisions.<sup>1</sup> A hearing for the first interim decision<sup>2</sup> considered remaining Ch 21 provisions, focussing largely on the 'Assessment Matters'. The remaining provisions were later assigned to a hearing conducted in a workshop format. The second interim decision<sup>3</sup> dealt with the parties' submissions on the development of the provisions and outlined the court's findings. The court

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<sup>1</sup> *Cardrona Alpine Resort Ltd & Ors v Queenstown Lakes District Council*, Consent Order dated 30 November 2021.

<sup>2</sup> [2022] NZEnvC 84 ('first interim decision').

<sup>3</sup> [2022] NZEnvC 245 ('second interim decision').

directed QLDC to file a fresh and complete set of provisions incorporating the Topic 18 decisions for the purpose of the court's final endorsement for inclusion in the PDP. A memorandum was filed on 18 January 2023, satisfying that direction.

[4] Appendix A to that memorandum sets out Ch 21, comprising the amendments confirmed by consent orders and the provisions determined in the first and second interim decisions.

### **Minor drafting issues**

[5] Further, QLDC identifies four minor drafting issues in the changes made by the court's second interim decision, which have been recorded in its Appendix B. These are:

- (a) the omission of the words "subdivision or" in the amendment to 21.21.1.4(b);
- (b) the wording in the brackets of 21.21.2.5(aa)(i) did not use the same formulation as in 21.21.1.4(aa)(i); and
- (c) in 21.21.3.2 and 21.21.3.4, references to two objectives have been included, which ought to be removed to align with the determination by the court to remove references to objectives.

[6] To address these, QLDC makes the following suggestions which are accepted and shown in Appendix A:

- (a) addition to 21.21.1.4(b) of the words "subdivision or", ensuring consistency with the court's determination of 21.21.2.5(b);
- (b) refinement of the text in brackets of 21.21.2.5(aa)(i) to read "including matters of location, quantity, density and design treatment"; and
- (c) removal of the references to objectives in 21.21.3.2 and 21.21.3.4.

## Evaluation

[7] The court has considered the final set of Ch 21 provisions filed and is satisfied that it is in order to approve them and make associated directions for the PDP to be updated accordingly.

## Outcome

[8] Under ss 279(1)(b) and 290(2) RMA, the provisions of Ch 21 Rural Zone are approved. QLDC is directed to:

- (a) amend Ch 21 and the relevant planning maps of the PDP as set out in Appendix A of this decision; and
- (b) make any consequential amendments to the numbering of provisions; and
- (c) file a reporting memorandum as to that once completed.

[9] Costs are reserved, subject to the court's preliminary indication that costs' awards are not likely to be justified. Any costs' application must propose a timetable for reply and be filed within 20 working days

For the court



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**J J M Hassan**  
**Environment Judge**



**Appendix A**

Agreed plan provisions for incorporation into Chapter 41 of the Proposed  
District Plan

## 21 Rural

**Please note: Variations to parts of this chapter have been decided by Council on 18 March 2021 as part of Stage 3&3b of the PDP. You can view the Stage 3 Decisions and appeals notices on our website. The appeals and section 274 periods for the Stage 1 and 2 Decisions have closed.**

### 21.1 Zone Purpose

There are four rural zones in the District. The Rural Zone is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone.

Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones (Chapter 22).

The purpose of the Rural Zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity.

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists a wide range of living, recreation, conservation commercial and tourism activities and the desire for further opportunities for these activities.

Ski Area Sub-Zones are located within the Rural Zone. These Sub-Zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area Sub-Zones is to enable the continued development of Ski Areas as year round destinations for ski area, tourism and recreational activities within the identified Sub-Zones where the effects of the development are cumulatively minor.

In addition, the Rural Industrial Sub-Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.

A substantial proportion of the Outstanding Natural Landscapes of the district comprises private land managed in traditional pastoral farming systems. Rural land values tend to be driven by the high landscape and amenity values in the district. The long term sustainability of pastoral farming will depend upon farmers being able to achieve economic returns from utilising the natural and physical resources of their properties. For this reason, it is important to acknowledge the potential for a range of alternative uses of rural properties that utilise the qualities that make them so valuable.

The landscapes of the Rural Zone are divided into Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes. The Rural Zone is divided into two areas. The first being the area for Outstanding Natural Landscapes and Outstanding Natural Features. The second area being the Rural Character Landscape. Identification of these landscapes gives effect to Chapter 3 – Strategic Direction: Objectives 3.2.5.1 and 3.2.5.2, with and the policies in Chapters 3 and 6 providing direction for the management of activities to that implement those objectives.

The assessment matters (21.21) assist with implementing the objectives and policies in the Plan relating to landscape management for subdivision and development within the Rural Zone, by providing guidance for the assessment of resource consent applications. The role of assessment matters is further specified in 21.21.1A.

## 21.2 Objectives and Policies

### 21.2.1 Objective - A range of land uses, including farming are enabled while:

- a. protecting the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;
- b. maintaining the landscape character of Rural Character Landscapes and maintaining or enhancing their visual amenity values;
- c. maintaining or enhancing amenity values within the rural environment; and
- d. maintaining or enhancing nature conservation values.

#### Policies

- 21.2.1.1 Enable farming activities while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystem services, recreational values, and the natural character and nature conservation values of the District's lakes and rivers and their margins.
- 21.2.1.2 Allow Farm Buildings associated with landholdings of 100 hectares or more in area while managing effects of the location, scale and colour of the buildings on landscape values.
- 21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.
- 21.2.1.4 Minimise the dust, visual, noise and odour effects of activities by requiring them to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.
- 21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, waterbodies, roads, public places or views of the night sky.
- 21.2.1.6 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.
- 21.2.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata whenua.
- 21.2.1.8 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.
- 21.2.1.9 Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.
- 21.2.1.10 Provide for commercial activities in the Rural Zone that have a direct link with, or dependence on, ~~Commercial activities in the Rural Zone should have a genuine link with~~ the rural land or water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.

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- 21.2.1.11 Provide for the establishment of commercial, retail and industrial activities where these would protect, maintain or enhance rural character, amenity values and landscape values.
- 21.2.1.12 Manage production forestry by:
- a. encouraging production forestry to be consistent with topography and vegetation patterns; and
  - b. locating outside of Outstanding Natural Features and Landscapes and outside of Significant Natural Areas;
- while ensuring that rural landscape character, visual amenity or nature conservation values are not degraded.
- 21.2.1.13 Ensure forestry harvesting avoids adverse effects with regards to siltation and erosion and sites are rehabilitated to minimise runoff, erosion and effects on landscape values.
- 21.2.1.14 Limit exotic forestry to species that do not have potential to spread and naturalise.
- 21.2.1.15 Ensure traffic from new commercial activities maintains:
- a. the safe and efficient operation of the roading and trail network; and
  - b. access to public places.
- 21.2.1.16 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks networks on the basis that landscape, visual amenity and nature conservation values are protected, maintained or enhanced, and established activities are not compromised.

#### **21.2.2 Objective - The life supporting capacity of soils is sustained.**

##### **Policies**

- 21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.
- 21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.
- 21.2.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of identified wilding exotic trees with the potential to spread and naturalise.

#### **21.2.3 Objective - The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.**

##### **Policies**

- 21.2.3.1 In conjunction with the Otago Regional Council, regional plans and strategies:



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- a. encourage activities that use water efficiently, thereby conserving water quality and quantity;
- b. discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

#### **21.2.4 Objective - Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses.**

##### **Policies**

21.2.4.1 New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

21.2.4.2 Control the nature, scale and location of activities seeking to establish in the Rural Zone, so as to minimise conflict with permitted and established activities, that may be incompatible with those activities.

#### **21.2.5 Objective – Prospecting, exploration and mineral extraction opportunities are provided for on the basis the location, scale and effects would protect, maintain or restore rural amenity, water, wetlands, landscape and indigenous biodiversity values. Policies**

21.2.5.1 Have regard to the importance and economic value of locally mined high-quality gravel, rock and other minerals including gold and tungsten.

21.2.5.2 Provide for the following activities where they have limited environmental impact:

- a. prospecting;
- b. small scale mineral exploration;
- c. small scale mining by means of hand-held, non-motorised equipment; and
- d. suction dredge mining that does not exceed 13 horsepower.

21.2.5.3 Ensure that during and following the conclusion of mineral extractive activities, sites are progressively rehabilitated in a planned and co-ordinated manner, to enable the establishment of a land use appropriate to the area.

21.2.5.4 Ensure potentially significant adverse effects of extractive activities (including mineral exploration) are avoided, or remedied particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.

21.2.5.5 Avoid or mitigate the potential for other land uses, including development of other resources above, or in close proximity to mineral deposits, to adversely affect the extraction of known mineral deposits.

21.2.5.6 Encourage use of environmental compensation as a means to address unavoidable residual adverse effects from mineral extraction.

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- 21.2.5.7 Have regard to undertaking mineral extraction activities in areas that have been previously mined, as a means of consolidating adverse effects of new mineral extraction activities.
- 21.2.6 Objective - The future growth, development and consolidation of Ski Areas Activities within identified Ski Area Sub-Zones, is provided for, while adverse effects on the environment are avoided, remedied or mitigated.**
- 21.2.6.1 Identify Ski Area Sub-Zones and encourage Ski Area Activities and complementary tourism activities to locate and consolidate within the Sub-Zones.
- 21.2.6.2 Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.
- 21.2.6.3 Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub- Zone on the basis that the landscape and indigenous biodiversity values are not further degraded.
- 21.2.6.4 Provide for non-road forms of access to the Ski Area Sub-Zones, by way of passenger lift systems, terminal buildings and stations for passenger lift systems, and ancillary structures and facilities:
- a. in locations where there is landscape capacity for that activity (which could include locations where buildings or structures will not be reasonably difficult to see from beyond the boundary of the site in question, in which case Policy 6.3.3.1(b) does not apply); and
  - b. in a manner that protects the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes by:
    - i. avoiding adverse effects on landscape values; and
    - ii. if avoidance is not practicable due to either the functional or operational needs of the activity, remedying or mitigating any adverse effects.
- ~~Provide for appropriate alternative (non road) means of transport to and within Ski Area Sub-Zones, by way of passenger lift systems and ancillary structures and facilities.~~
- 21.2.6.5 Provide for Ski Area Sub-Zone Accommodation activities within Ski Area Sub-Zones, which are complementary to outdoor recreation activities within the Ski Area Sub-Zone, that can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.
- 21.2.7 Objective - An area that excludes activities which are sensitive to aircraft noise, is retained within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.**
- Policies**
- 21.2.7.1 Prohibit all new activities sensitive to aircraft noise on Rural Zoned land within the Outer Control Boundary at Queenstown Airport and Wānaka Airport to avoid adverse effects arising from aircraft operations on future activities sensitive to aircraft noise.

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- 21.2.7.2 Identify and maintain areas containing activities that are not sensitive to aircraft noise, within an airport's outer control boundary, to act as a buffer between the airport and activities sensitive to aircraft noise.
- 21.2.7.3 Retain open space within the outer control boundary of airports in order to provide a buffer, particularly for safety and noise purposes, between the airport and other activities.
- 21.2.7.4 Require as necessary mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary and require sound insulation and mechanical ventilation for any alterations or additions to Critical Listening Environment within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

#### **21.2.8 Objective - Subdivision, use and development in areas that are unsuitable due to identified constraints is avoided, or the effects of those constraints are remedied or mitigated.**

##### **Policies**

- 21.2.8.1 Prevent subdivision and development within the building restriction areas identified on the District Plan web mapping application, in particular:
- a. in the Glenorchy area, protect the heritage value of the visually sensitive Bible Face landform from building and development and to maintain the rural backdrop that the Bible Face provides to the Glenorchy Settlement;
  - b. in Ferry Hill, within the building line restriction identified on the District Plan web mapping application.

#### **21.2.9 Objective - Provision for diversification of farming and other rural activities that protect landscape and natural resource values and maintains the character of rural landscapes.**

##### **Policies**

- 21.2.9.1 Enable revenue producing activities that can support the long term sustainability of the rural areas of the District, provided that such activities:
- a. utilise natural and physical resources efficiently (including existing buildings and infrastructure);
  - b. protect landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;
  - c. maintain the landscape character of Rural Character Landscapes and maintain or enhance their visual amenity values;
  - d. maintain or enhance amenity values within the rural environment; and
  - e. maintain or enhance nature conservation values.

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- 21.2.9.2 Recognise that the diversification of farming and other traditional rural activities, including for tourism, commercial recreation and visitor accommodation, may provide for landscape values, indigenous biodiversity, and water quality to be sustained or enhanced in the longer term.

~~Provide for the establishment of activities such as tourism, commercial recreation or visitor accommodation located within farms where these enable landscape values and indigenous biodiversity to be sustained in the longer term.~~

- 21.2.10 Objective – Commercial Recreation in the Rural Zone is of a nature and scale that is compatible with the amenity values of the location.**

#### Policies

- 21.2.10.1 The group size of commercial recreation activities will be managed so as to be consistent with the level of amenity in the surrounding environment.
- 21.2.10.2 Manage the adverse effects of commercial recreation activities so as not to degrade rural quality or character or visual amenities and landscape values.
- 21.2.10.3 Avoid, remedy or mitigate any adverse effects commercial activities may have on the range of recreational activities available in the District and the quality of the experience of the people partaking of these opportunities.
- 21.2.10.4 Ensure the scale and location of buildings, noise and lighting associated with commercial recreation activities are consistent with the level of amenity in the surrounding environment.

- 21.2.11 Objective - The location, scale and intensity of informal airports is managed to maintain amenity values while protecting informal airports from incompatible land uses.**

#### Policies

- 21.2.11.1 Provide for informal airports as an appropriate activity within the Rural Zone, provided the informal airport is located, operated and managed to maintain the surrounding rural amenity.
- 21.2.11.2 Ensure informal airports are located, operated and managed so as to maintain the surrounding rural amenity including through managing frequency of flights, separation distance, flight paths, reverse sensitivity and cumulative effects.
- 21.2.11.3 Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.
- 21.2.11.4 Protect lawfully established and anticipated permitted informal airports from the establishment of incompatible activities in the immediate vicinity.

- 21.2.12 Objective - The natural character of lakes and rivers and their margins is protected, or enhanced, while also providing for appropriate activities, including recreation, commercial recreation and public transport.**

#### Policies

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- 21.2.12.1 Have regard to statutory obligations, Wāhi Tūpuna and the spiritual beliefs, and cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins.
- 21.2.12.2 Enable people to have access to a wide range of recreational experiences on the lakes and rivers, and their margins, while having regard to environmental and safety constraints of the various parts of each lake and river.
- 21.2.12.3 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.
- 21.2.12.4 Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kawarau, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.
- 21.2.12.5 Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities with particular regard to nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.
- 21.2.12.6 Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.
- 21.2.12.7 Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.
- 21.2.12.8 Encourage development and use of water based public ferry services, and provide for water based transport, including necessary infrastructure and marinas, in a way that:
- a. avoids adverse effects on the environment as far as practicable, or
  - b. otherwise, remedies and mitigates such adverse effects.
- 21.2.12.9 Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.
- 21.2.12.10 Manage the nature, scale and number of commercial boating activities on waterbodies to ensure the safety of passengers and other users of the water body, having particular regard to compatibility with existing activities.
- 21.2.13 Objective - Rural industrial activities and infrastructure within the Rural Industrial SubZones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.**

#### Policies

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- 21.2.13.1 Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.
- 21.2.13.2 Provide for limited retail and administrative activities within the Rural Industrial SubZone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.
- 21.2.13.3 Manage activities and development within areas of the Rural Industrial Sub-Zone in Luggate by:
- applying development controls and landscaping requirements within Activity Areas and Building Restriction Areas that are spatially defined on the District Plan web mapping application to avoid adverse effects on landscape values and visual amenity, and
  - applying development controls in relation to the scale of activities within Activity Areas that are spatially defined on the District Plan web mapping application to avoid adverse effects on the adjoining road and the transport network.

### 21.3 Other Provisions and Rules

#### 21.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

#### 21.3.2 Interpreting and Applying the Rules

- 21.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.

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- 21.3.2.2 Where an activity does not comply with a Standard listed in the Standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 21.3.2.3 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.
- 21.3.2.4 Development and building activities are undertaken in accordance with the conditions of resource subdivision consent and may be subject to monitoring by the Council.
- 21.3.2.5 The existence of a farm building either permitted or approved by resource consent under Rule 21.4.2 or Table 5 – Standards for Farm Buildings shall not be considered the permitted baseline for residential or other non- farming activity development within the Rural Zone.
- 21.3.2.6 The Ski Area and Rural Industrial Sub-Zones, being Sub-Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary.
- 21.3.2.7 Building platforms identified on a site's computer freehold register shall have been registered as part of a resource consent approval by the Council.
- 21.3.2.8 The surface and bed of lakes and rivers are zoned Rural, unless otherwise stated.
- 21.3.2.9 Internal alterations to buildings including the replacement of joinery is permitted.
- 21.3.2.10 The status of any Plantation Forestry will be determined by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except where the land is an ONL, ONF or contains an SNA.
- 21.3.2.11 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

#### 21.3.3 Advice Notes

- 21.3.3.1 Compliance with any of the following standards, in particular the permitted standards, does not absolve any commitment to the conditions of any relevant resource consent, consent notice or covenant registered on the computer freehold register of any property.
- 21.3.3.2 In addition to any rules for mining, the Otago Regional Plan: Water, also has rules related to suction dredge mining.
- 21.3.3.3 Applications for building consent for permitted activities shall include information to demonstrate compliance with the following standards, and any conditions of the applicable resource consent conditions.

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21.3.3.4 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

21.3.3.5 Jetties and wharves shall have the same meaning.

23.3.3.6 In all cases, applications are to be assessed in accordance with the Landscape Assessment Methodology in SP 3.3.45 and SP 3.3.46.

#### 21.4 Rules – Activities

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 15.

Table 1 – Activities Generally

Table 2 – Standards Applying Generally in the Zone

Table 3 – Standards for Farm Activities (additional to those in Table 2)

Table 4 – Standards for Structures and Buildings (other than Farm Buildings) (additional to those in Table 2)

Table 5 – Standards for Farm Buildings (additional to those in Table 2)

Table 6 – Standards for Commercial Activities (additional to those in Table 2)

Table 7– Standards for Informal Airports (additional to those in Table 2)

Table 8 – Activities in the Ski Area Sub-Zone (additional to those listed in Table 1)

Table 9 – Standards for activities in the Ski Area Sub-Zone (additional to those in Table 2)

Table 10 - Activities in Rural Industrial Sub-Zone (additional to those listed in Table 1)

Table 11 – Standards for Rural Industrial Sub-Zone

Table 12 – Activities on the Surface of Lakes and Rivers

Table 13 – Standards for Activities on the Surface of Lakes and Rivers

Table 14 – Closeburn Station Activities

Table 15 – Closeburn Station: Standards for Buildings and Structures



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	Table 1 – Activities – Rural Zone	Activity Status
	<b>Farming Activities</b>	
<b>21.4.1</b>	Farming Activity that complies with the standards in Table 2 and Table 3.	P
<b>21.4.2</b>	Construction of or addition to farm buildings that comply with the standards in Table 5.	P
<b>21.4.3</b>	Factory Farming limited to factory farming of pigs or poultry that complies with the standards in Table 2 and Table 3.	P
<b>21.4.4</b>	Factory Farming animals other than pigs or poultry.	NC
	<b>Residential Activities, Subdivision and Development</b>	
<b>21.4.5</b>	One residential unit, which includes a single residential flat for each residential unit and any other accessory buildings, within any building platform approved by resource consent.	P
<b>21.4.6</b>	The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 2 and Table 4.	P
<b>21.4.7</b>	The exterior alteration of any lawfully established building where there is not an approved building platform on the site, subject to compliance with the standards in Table 2 and Table 4.	P
<b>21.4.8</b>	Domestic Livestock.	P
<b>21.4.9</b>	The use of land or buildings for residential activity except as provided for in any other rule.	D
<b>21.4.10</b>	The identification of a building platform not less than 70m <sup>2</sup> and not greater than 1000m <sup>2</sup> .	D
<b>21.4.11</b>	The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.	D
	<b>Commercial Activities</b>	

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<b>21.4.12</b>	Home Occupation that complies with the standards in Table 6.	P
<b>21.4.13</b>	Commercial recreational activities that comply with the standards in Table 6.	P
<b>21.4.14</b>	Roadside stalls that meet the standards in Table 6.	P
<b>21.4.15</b>	Residential Visitor Accommodation and Homestays	P
<b>21.4.16</b>	Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 6, not undertaken through a roadside stall under Rule 21.4.14.  Control is reserved to:  a. the location of the activity and buildings; b. vehicle crossing location, car parking; c. rural amenity and landscape character.	C
<b>21.4.17</b>	Commercial activities ancillary to and located on the same site as commercial recreational or recreational activities.	D
<b>21.4.18</b>	Cafes and restaurants located in a winery complex within a vineyard.	D
<b>21.4.19</b>	Visitor Accommodation outside of a Ski Area Sub-Zone.	D
<b>21.4.20</b>	Forestry activities within the Rural Character Landscapes, except for Plantation Forestry where the Resource Management (Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017) Regulation 2017 prevails.	D
<b>21.4.21</b>	Retail Sales  Retail sales where the access is onto a State Highway, with the exception of the activities provided for by Rule 21.4.14 or Rule 21.4.16.	NC
<b>21.4.22</b>	Wedding facility including ancillary food preparation, dining, sanitary facilities, bar and recreational facilities.	D
<b>21.4.23</b>	Restaurant including bar.	D
<b>21.4.24</b>	Craft distillery or brewery.	D

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	<b>Other Activities</b>	
<b>21.4.25</b>	Recreation and/or Recreational Activity.	P
<b>21.4.26</b>	Informal Airports that comply with Table 7.	P
<b>21.4.27</b>	<p>Passenger Lift Systems not located within a Ski Area Sub-Zone Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. <u>whether there is landscape capacity for the Passenger Lift System;</u></li> <li>b. <del>the impact effects</del> <u>effects on landscape values from any alignment, earthworks, design and surface treatment, including measures to mitigate such landscape effects including visual quality and amenity values;</u></li> <li>c. <u>height, size and scale of passenger lift systems;</u></li> <li>d. the route alignment and the whether any system or access breaks the line and form of skylines, ridges, hills and prominent slopes;</li> <li>e. earthworks associated with construction of the Passenger Lift System;</li> <li>f. the materials used, colours, lighting and light reflectance;</li> <li>g. geotechnical matters;</li> <li>h. ecological values and any proposed ecological mitigation works.;</li> <li>i. <del>balancing environmental considerations with</del> <u>of operational requirements of Ski Area Activities;</u></li> <li>j. the positive effects arising from providing alternative non-vehicular access and linking Ski Area Sub-Zones to the roading network.</li> </ul>	RD
<b>21.4.27A</b>	<p><u>Terminal buildings and stations for Passenger Lift Systems not located within a Ski Area Sub-Zone</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li>a. <u>whether there is landscape capacity for the proposal;</u></li> <li>b. <u>effects on landscape values, including measures to mitigate such effects;</u></li> <li>c. <u>access and car parking;</u></li> <li>d. <u>natural hazards;</u></li> <li>e. <u>height, size and number of buildings;</u></li> <li>f. <u>building and structure materials used, colours, light reflectance and lighting;</u></li> <li>g. <u>infrastructure;</u></li> <li>h. <u>ecological values and any proposed ecological mitigation works;</u></li> <li>i. <u>consideration of operational requirements;</u></li> <li>j. <u>the positive effects arising from providing alternative non-vehicular access and linking Ski Area Sub-Zones to the roading network;</u></li> <li>k. <u>earthworks, landform modification, landscaping and planting, and other mitigation measures;</u></li> <li>l. <u>the relationship, and scale, of ancillary food and beverage and retail activities relative to the operation of the terminal building or station;</u></li> <li>m. <u>geotechnical matters.</u></li> </ul>	RD

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<b>21.4.27B</b>	<p><u>Ski Area Sub-Zone access roads not located within a Ski Area Sub-Zone</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li><u>a. whether there is landscape capacity for the proposed new access road;</u></li> <li><u>b. effects on landscape values from any alignment, earthworks and design and surface treatment, including measures to mitigate such effects;</u></li> <li><u>c. the route alignment and the whether the access road breaks the line and form of skylines, ridges, hills and prominent slopes;</u></li> <li><u>d. effects on the environment and/or the character of the surrounding rural area (including effects from dust, noise and vibration and effects on visual amenity);</u></li> <li><u>e. natural hazards;</u></li> <li><u>f. ecological values and any proposed ecological mitigation works;</u></li> <li><u>g. consideration of operational requirements;</u></li> <li><u>h. the positive effects arising from providing access to and linking Ski Area Sub-Zones to the roading network;</u></li> <li><u>i. stormwater management;</u></li> <li><u>j. geotechnical matters.</u></li> </ul>	RD
<b>21.4.28</b>	<p>Ski Area Activities not located within a Ski Area Sub-Zone, with the exception of:</p> <ul style="list-style-type: none"> <li>a. non-commercial skiing which is permitted as recreation activity under Rule 21.4.22;</li> <li>b. commercial heli skiing not located within a Ski Area Sub-Zone is a commercial recreation activity and Rule 21.4.13 applies;</li> <li>c. Passenger Lift Systems to which Rule 21.4.24 applies;</li> <li>d. <u>Terminal Buildings and Stations for Passenger Lift Systems to which Rule 21.4.27A applies;</u></li> <li>e. <u>Ski Area Sub-Zone access roads to which Rule 21.4.27B applies.</u></li> </ul>	NC
<b>21.4.29</b>	<p>Any building within a Building Restriction Area identified on the District Plan web mapping application.</p>	NC
	<p><b>Activities within the Outer Control Boundary at Queenstown Airport and Wānaka Airport</b></p>	
<b>21.4.30</b>	<p>New Building Platforms and Activities Sensitive to Aircraft Noise within the Outer Control Boundary - Wānaka Airport</p> <p>On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010).</p>	PR

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<b>21.4.31</b>	<p>Activities Sensitive to Aircraft Noise within the Outer Control Boundary - Queenstown Airport</p> <p>On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan web mapping application, any new Activity Sensitive to Aircraft Noise.</p>	PR
<b>Prospecting, Mineral Exploration and Mining Activities</b>		
<b>21.4.32</b>	<ul style="list-style-type: none"> <li>a. Mineral prospecting.</li> <li>b. Mining activity by means of hand-held, non-motorised equipment.</li> <li>c. Mining activity by means of suction dredging, where the total motive power of any dredge does not exceed 13 horsepower (10 kilowatt).</li> <li>d. The mining of aggregate for farming activities, where the total volume does not exceed 1000m<sup>3</sup> in any one year and is not undertaken on an outstanding natural feature.</li> </ul>	P
<b>21.4.33</b>	<p>Mineral exploration that:</p> <ul style="list-style-type: none"> <li>a. does not involve excavation of more than 20m<sup>3</sup> in volume in any one hectare; and</li> <li>b. May involve one associated structure to be used for temporary storage of mineral exploration activity equipment, which does not exceed 30m<sup>2</sup> and a height of 3m.</li> </ul> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. the adverse effects on landscape, nature conservation values and water quality;</li> <li>b. ensuring rehabilitation of the site is completed that ensures: <ul style="list-style-type: none"> <li>i. the long-term stability of the site;</li> <li>ii. that the landforms or vegetation on finished areas are visually integrated into the landscape;</li> <li>iii. water quality is maintained;</li> <li>iv. that the land is returned to its original productive capacity;</li> </ul> </li> <li>c. that the land is rehabilitated to indigenous vegetation where the preexisting land cover immediately prior to the exploration, comprised indigenous vegetation as determined utilising Section 33.3.3 of Chapter 33.</li> <li>d. Location, colour, visual prominence and the duration on site of any associated structure for temporary storage.</li> </ul>	C
<b>21.4.34</b>	Any mineral exploration or mining activity other than provided for in Rules 21.4.32 and 21.4.33.	D
<b>Industrial Activities outside the Rural Industrial Sub-Zone</b>		
<b>21.4.35</b>	Industrial Activities directly associated with wineries and underground cellars within a vineyard.	D

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<b>21.4.36</b>	Industrial Activities outside the Rural Industrial Sub-Zone other than those provided for by Rule 21.4.32.	NC
	<b>Default Activity Status When Not Listed</b>	
<b>21.4.37</b>	Any activity not otherwise provided for in Tables 1, 9, 10, 12 or 14.	NC

### 21.5 Rules – General Standards

	Table 2 - Standards Applying Generally in the Zone.	Non-compliance Status
	<p>The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated.</p>	
<b>21.5.1</b>	<p>Setback from Internal Boundaries</p> <p>The setback of any building from internal boundaries shall be 15m.</p> <p>Except this rule shall not apply within the Rural Industrial Sub-Zone. Refer to Table 11.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. rural amenity and landscape character;</li> <li>b. privacy, outlook and amenity from adjoining properties.</li> </ul>

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	Table 2 - Standards Applying Generally in the Zone.  The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated.	Non-compliance Status
<b>21.5.2</b>	<p><b>Setback from Roads</b></p> <p>The setback of any building from a road boundary shall be 20m, except, the minimum setback of any building from State Highway 6 between Lake Hayes and the Shotover River shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. rural Amenity and landscape character;</li> <li>b. open space;</li> <li>c. the adverse effects on the proposed activity from noise, glare and vibration from the established road.</li> <li>d. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.</li> </ol>
<b>21.5.3</b>	<p><b>Setback from Neighbours of Buildings Housing Animals</b></p> <p>The setback from internal boundaries for any building housing animals shall be 30m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. odour;</li> <li>b. noise;</li> <li>c. dust;</li> <li>d. vehicle movements.</li> </ol>

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	Table 2 - Standards Applying Generally in the Zone.  The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated.	Non-compliance Status
<b>21.5.4</b>	<p>Setback of buildings from Water bodies The minimum setback of any building from the bed of a wetland, river or lake shall be 20m.</p>	<p>RD Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. indigenous biodiversity values;</li> <li>b. visual amenity values;</li> <li>c. landscape and natural character;</li> <li>d. open space;</li> <li>e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects of the location of the building.</li> </ol>
<b>21.5.5</b>	<p>Airport Noise – Wānaka Airport</p> <p>Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010, that contain an Activity Sensitive to Aircraft Noise and are within the Outer Control Boundary, must be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Rule 36.6.2, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Rule 36.6.2, Chapter 36.</p>	<p>NC</p>



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	Table 2 - Standards Applying Generally in the Zone.  The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated.	Non-compliance Status
<b>21.5.6</b>	<p>Airport Noise – Alteration or Addition to Existing Buildings (excluding any alterations or additions to any non-critical listening environment) within the Queenstown Airport Noise Boundaries</p> <ul style="list-style-type: none"> <li>a. Within the Queenstown Airport Air Noise Boundary (ANB) - Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise must be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance must be demonstrated by either adhering to the sound insulation requirements in Rule 36.6.1 of Chapter 36 and installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 of Chapter 36, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.</li> <li>b. Between the Queenstown Airport Outer Control Boundary and the ANB – Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise must be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance must be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 of Chapter 36 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.</li> </ul> <p>Standards (a) and (b) exclude any alterations or additions to any non-critical listening environment.</p>	NC

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	Table 2 - Standards Applying Generally in the Zone.  The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated.	Non-compliance Status
<b>21.5.7</b>	<p>Lighting and Glare</p> <p>21.5.7.1 All fixed exterior lighting must be directed away from adjoining sites and roads; and</p> <p>21.5.7.2 No activity on any site will result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.</p> <p>21.5.7.3 There must be no upward light spill.</p> <p>Except this rule shall not apply within the Ski Area SubZones.</p>	NC

### 21.6 Rule – Standards for Farm Activities

	Table 3 – Standards for Farm Activities.  The following standards apply to Farm Activities.	Non- compliance Status
<b>21.6.1</b>	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>All effluent holding tanks, effluent treatment and effluent storage ponds, must be located at least 300 metres from any formed road or adjoining property.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. odour;</li> <li>b. visual prominence;</li> <li>c. landscape character;</li> <li>d. effects on surrounding properties.</li> </ul>

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	Table 3 – Standards for Farm Activities.  The following standards apply to Farm Activities.	Non- compliance Status
<b>21.6.2</b>	<p>Factory Farming (excluding the boarding of animals)</p> <p>Factory farming (excluding the boarding of animals) must be located at least 2 kilometres from a Residential, Rural Residential, Rural Lifestyle, Town Centre, Local Shopping Centre Zone, Millbrook Resort Zone, Waterfall Park Zone or Jacks Point Zone.</p>	D
<b>21.6.3</b>	<p>Factory Farming of Pigs</p> <p>21.6.3.1 The number of housed pigs must not exceed 50 sows or 500 pigs of mixed ages;</p> <p>21.6.3.2 Housed pigs must not be located closer than 500m from a property boundary;</p> <p>21.6.3.3 The number of outdoor pigs must not exceed 100 pigs and their progeny up to weaner stage;</p> <p>21.6.3.4 Outdoor sows must be ringed at all times; and/or</p> <p>21.6.3.5 The stocking rate of outdoor pigs must not exceed 15 pigs per hectare, excluding progeny up to weaner stage.</p>	NC
<b>21.6.4</b>	<p>Factory farming of poultry</p> <p>21.6.4.1 The number of birds must not exceed 10,000 birds.</p> <p>21.6.4.2 Birds must be housed at least 300m from a site boundary.</p>	NC

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#### 21.7 Rules – Standards for Buildings

	Table 4 – Standards for Structures and Buildings  The following standards apply to structures and buildings, other than Farm Buildings.	Non-compliance Status
<b>21.7.1</b>	<p>Structures</p> <p>Any structure which is greater than 5 metres in length, and between 1 metre and 2 metres in height must be located a minimum distance of 10 metres from a road boundary, except for:</p> <p>21.7.1.1 Post and rail, post and wire and post and mesh fences, including deer fences;</p> <p>21.7.1.2 Any structure associated with farming activities as defined in this plan.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. effects on landscape character, views and amenity, particularly from public roads;</li> <li>b. the materials used, including their colour, reflectivity and permeability;</li> <li>c. whether the structure will be consistent with traditional rural elements;</li> <li>d. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.</li> </ol>

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	<b>Table 4 – Standards for Structures and Buildings</b> <b>The following standards apply to structures and buildings, other than Farm Buildings.</b>	<b>Non-compliance Status</b>

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	<b>Table 4 – Standards for Structures and Buildings</b>  <b>The following standards apply to structures and buildings, other than Farm Buildings.</b>	<b>Non-compliance Status</b>
<b>21.7.2</b>	<p><b>Buildings</b></p> <p>Any building, including any structure larger than 5m<sup>2</sup>, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building, are subject to the following:</p> <p>All exterior surfaces* must be coloured in the range of browns, greens or greys, including;</p> <p>21.7.2.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</p> <p>21.7.2.2 All other surface ** finishes except for schist, must have a light reflectance value of not greater than 30%.</p> <p>21.7.2.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.)</p> <p>Except this rule does not apply within the Ski Area Sub-Zones.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. external appearance;</li> <li>b. visual prominence from both public places and private locations;</li> <li>c. landscape character;</li> <li>d. visual amenity.</li> </ul>

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	Table 4 – Standards for Structures and Buildings  The following standards apply to structures and buildings, other than Farm Buildings.	Non-compliance Status
<b>21.7.3</b>	<p>Building size</p> <p>The ground floor area of any building must not exceed 500m<sup>2</sup>.</p> <p>Except this rule does not apply to buildings specifically provided for within the Ski Area SubZones.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. external appearance;</li> <li>b. visual prominence from both public places and private locations;</li> <li>c. landscape character;</li> <li>d. visual amenity;</li> <li>e. privacy, outlook and amenity from adjoining properties.</li> </ol>
<b>21.7.4</b>	<p>Building Height</p> <p>The maximum height shall be 8m.</p> <p><u>Except this rule does not apply to Passenger Lift Systems and Terminal Buildings and Stations for Passenger Lift Systems.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. rural amenity and landscape character;</li> <li>b. privacy, outlook and amenity from adjoining properties;</li> <li>c. visual prominence from both public places and private locations.</li> </ol>
<b>21.7.5</b>	<p>Firefighting water and access</p>	<p>RD</p>

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	<b>Table 4 – Standards for Structures and Buildings</b>	<b>Non-compliance Status</b>
	<b>The following standards apply to structures and buildings, other than Farm Buildings.</b>	
	<p>New buildings for residential activities, where there is no reticulated water supply, or any reticulated water supply is not sufficient for fire-fighting, must have one of the following:</p> <p>either a sprinkler system installed and plumbed with a maintained static water storage supply of at least 7,000 litres available to the system, or</p> <p>water supply and access for firefighting that meets the following requirements:</p> <p>21.7.5.1 Water storage of at least 45,000 litres shall be maintained (excluding potable water storage for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings.</p> <p>21.7.5.2 A hardstand area with a minimum width of 4.5m and length of 11m located within 6m of the firefighting water supply connection point and capable of supporting a 20 tonne fire service vehicle.</p> <p>21.7.5.3 The connection point for the firefighting water supply must be located more than 6m and less than 90m from the building for residential activities and be accessible by emergency service vehicles during fire events.</p> <p>21.7.5.4 Access from the property road boundary to the hardstand area capable of accommodating a 20 tonne fire service vehicle.</p>	<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply;</li> <li>b. the accessibility of the firefighting water connection point for fire service vehicles;</li> <li>c. whether and the extent to which the building is assessed as a low fire risk.</li> </ol>

### 21.8 Rules – Standards for Farm Buildings

	<b>Table 5 - Standards for Farm Buildings</b>	<b>Non- Compliance Status</b>
	<b>The following standards apply to Farm Buildings.</b>	
<b>21.8.1</b>	Construction, Extension or Replacement of a Farm Building	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. the extent to which the scale and location of the</li> </ol>



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	Table 5 - Standards for Farm Buildings	Non- Compliance Status
	<b>The following standards apply to Farm Buildings.</b>	
<b>21.8.1</b>	<p>The construction, replacement or extension of a farm building is a permitted activity subject to the following standards:</p> <p>21.8.1.1 The landholding the farm building is located within must be greater than 100ha; and</p> <p>21.8.1.2 The density of all buildings on the landholding, inclusive of the proposed building(s) must not exceed one farm building per 50 hectares; and</p> <p>21.8.1.3 The farm building must not be located within or on an Outstanding Natural Feature (ONF); and</p> <p>21.8.1.4 If located within the Outstanding Natural Landscape (ONL) the farm building must not exceed 4 metres in height and the ground floor area must not exceed 100m<sup>2</sup>; and</p> <p>21.8.1.5 The farm building must not be located at an elevation exceeding 600 masl; and</p> <p>21.8.1.6 If located within the Rural Character Landscape (RCL), the farm building must not exceed 5m in height and the ground floor area must not exceed 300m<sup>2</sup>; and</p> <p>21.8.1.7 Farm buildings must not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building.</p> <p>21.8.1.8 Farm Buildings must be located a minimum distance of 10m either side from Electricity Sub-transmission Infrastructure lines or 5m from Significant Electricity Distribution Infrastructure lines as shown on the District Plan web mapping application. The setback distance shall be measured from the centre of the support structure.</p>	<p>Farm Building is appropriate in terms of:</p> <ul style="list-style-type: none"> <li>i. rural amenity values;</li> <li>ii. landscape character;</li> <li>iii. privacy, outlook and rural amenity from adjoining properties;</li> <li>iv. visibility, including lighting.</li> </ul> <p>Where non-compliance is pursuant to Rule 21.8.1.8, maintaining access to the infrastructure for operation, maintenance and minor upgrading.</p>

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	Table 5 - Standards for Farm Buildings The following standards apply to Farm Buildings.	Non- Compliance Status
<b>21.8.2</b>	<p>Exterior colours of farm buildings</p> <p>21.8.2.1 All exterior surfaces, except for schist, must be coloured in the range of browns, greens or greys (except soffits).</p> <p>21.8.2.2 Pre-painted steel, and all roofs must have a reflectance value not greater than 20%.</p> <p>21.8.2.3 Surface finishes, except for schist, must have a reflectance value of not greater than 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. external appearance;</li> <li>b. visual prominence from both public places and private locations;</li> <li>c. landscape character.;</li> <li>d. visual amenity.</li> </ul>
<b>21.8.3</b>	<p>Building Height</p> <p>The height of any farm building must not exceed 10m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. rural amenity values;</li> <li>b. landscape character;</li> <li>c. privacy, outlook and amenity from adjoining properties.</li> </ul>
<b>21.8.4</b>	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>All milking sheds or buildings used to house, or feed milking stock must be located at least 300 metres from any adjoining property, lake, river or formed road.</p>	<p>D</p>

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#### 21.9 Rules – Standards for Commercial Activities

	Table 6 - Standards for Commercial Activities	Non-Compliance Status
<b>21.9.1</b>	Commercial recreational activities must be undertaken on land, outdoors and must not involve more than 15 persons in any one group	D
<b>21.9.2</b>	<p>Home Occupation</p> <p>21.9.2.1 The maximum net floor area of home occupation activities must not exceed 150m<sup>2</sup>.</p> <p>21.9.2.2 Goods materials or equipment must not be stored outside a building.</p> <p>21.9.2.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles must be carried out within a building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. the nature, scale and intensity of the activity in the context of the surrounding rural area;</li> <li>b. visual amenity from neighbouring properties and public places;</li> <li>c. noise, odour and dust;</li> <li>d. the extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone;</li> <li>e. access safety and transportation effects.</li> </ol>
<b>21.9.3</b>	<p>Roadside Stalls</p> <p>21.9.3.1 The ground floor area of the roadside stall must not exceed 5m<sup>2</sup>.</p> <p>21.9.3.2 The height must not exceed 2m<sup>2</sup>;</p> <p>21.9.3.3 The minimum sight distance from the roadside stall access must be at least 200m;</p> <p>21.9.3.4 The roadside stall must not be located on legal road reserve</p>	D
<b>21.9.4</b>	<p>Retail Sales</p> <p>Buildings that have a gross floor area that is greater than 25m<sup>2</sup> to be used for retail sales identified in Table 1 must be setback from road boundaries by at least 30m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. landscape character and visual amenity;</li> <li>b. access safety and transportation effects;</li> <li>c. on-site parking.</li> </ol>

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	Table 6 - Standards for Commercial Activities	Non-Compliance Status
<b>21.9.5</b>	<p>Residential Visitor Accommodation</p> <p>21.9.5.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</p> <p>21.9.5.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p> <p>21.9.5.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>21.9.5.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 21.9.5.1 to 21.9.5.4.</p>	<p>C</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</li> <li>b. The management of noise, rubbish and outdoor activities;</li> <li>c. The compliance of the residential unit with the Building Code as at the date of the consent;</li> <li>d. Health and safety provisions in relation to guests;</li> <li>e. Guest management and complaints procedures;</li> <li>f. The keeping of records of RVA use, and availability of records for Council inspection; and</li> <li>g. Monitoring requirements, including imposition of an annual monitoring charge.</li> </ul>

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	Table 6 - Standards for Commercial Activities	Non-Compliance Status
<b>21.9.6</b>	<p>Homestay</p> <p>21.9.6.1 Must not exceed 5 paying guests per night.</p> <p>21.9.6.2 The Council must be notified in writing prior to the commencement of a Homestay activity</p> <p>21.9.6.3 Up to date records of the Homestay activity must be kept, including a record of the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 21.9.6.1 to 21.9.6.3.</p>	<p>C</p> <p>Control is reserved to:</p> <p>a. The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</p> <p>b. The management of noise, rubbish and outdoor activities;</p> <p>c. The keeping of records of Homestay use, and availability of records for Council inspection; and</p> <p>d. Monitoring requirements, including imposition of an annual monitoring charge.</p>

### 21.10 Rules – Standards for Informal Airports

	Table 7 - Standards for Informal Airports	Non-compliance Status
<b>21.10.1</b>	<p>Informal Airports Located on Public Conservation and Crown Pastoral Land</p> <p>21.10.1.1 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents are permitted activities and</p>	D

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	Table 7 - Standards for Informal Airports	Non-compliance Status
	<p style="text-align: center;">rules 21.10.1.2 to 21.10.1.4 do not apply.</p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>21.10.1.2 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987.</p> <p>21.10.1.3 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948.</p> <p>21.10.1.4 In relation to Rules 21.10.1.2 and 21.10.1.3, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site.</p>	

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<b>21.10.2</b>	<p>Informal Airports Located on other Rural Zoned Land</p> <p>21.10.2.1 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities are permitted activities and Rules 21.10.2.2 to 21.10.2.4 do not apply.</p> <p>Informal Airports that comply with the following standards shall be permitted activities and Rule 36.5.11 shall not apply:</p> <p>21.10.2.2 Use of the informal airport must not exceed any of the following:<sup>1</sup></p> <ul style="list-style-type: none"> <li>a. 2 flights per day;</li> <li>b. 5 flights per week; or</li> <li>c. 12 flights per month.</li> </ul> <p>21.10.2.3 The informal airport must be located a minimum distance of 275 metres from any other zone or the notional boundary of any residential unit or</p>	D
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	<b>Table 7 - Standards for Informal Airports</b>	<b>Non-compliance Status</b>
	<p>approved building platform not located on the same site.</p> <p>21.10.2.4 Within 275 metres of the informal airport, flight paths must be a minimum of 250 metres from the notional boundary of any residential unit or approved building platform not located on the same site.<sup>2</sup></p> <p>Notes:</p> <p>1 For the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p> <p>2 Refer to the interpretative diagram in Schedule 21.24.</p>	
<b>21.10.3</b>	<p>Informal Airports associated with 'Fly-in' Events</p> <p>Informal airports that comply with the following standard are permitted activities and are not subject to Rules 21.10.1, 21.10.2 and 36.5.10:</p> <p>21.10.3.1 Informal airports associated with "flyin" events<sup>1</sup> administered by the</p>	D

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	<p>Aircraft Owners and Pilots Association of New Zealand (AOPA) provided the following standards are met:</p> <ul style="list-style-type: none"> <li>a. there are not more than 6 events per calendar year;</li> <li>b. there is not more than 1 event at any Informal Airport per month;</li> <li>c. the AOPA has notified the Council's Planning Department of the event;<sup>2</sup> and</li> <li>d. Informal airports are located within the Outstanding Natural Landscape as identified on the District Plan web mapping application.</li> </ul> <p>Notes:</p> <p>1 An event can include informal airports at more than one location.</p> <p>2 AOPA must notify the Council at least 10 working days before each fly-in event.</p>	
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### 21.11 Rules- Ski Area and Sub-Zone

	<b>Table 8 - Activities in the Ski Area Sub-Zone</b> <b>Additional to those activities listed in Table 1.</b>	<b>Activity Status</b>
<b>21.11.1</b>	Ski Area Activities	P
<b>21.11.1A</b>	Night lighting other than for night skiing	P
<b>21.11.2</b>	<p>Construction, relocation, addition or alteration of a building</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. location, external appearance and size, colour, visual dominance;</li> <li>b. associated earthworks, access and landscaping;</li> <li>c. provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary); d. lighting.</li> </ul>	C



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	Table 8 - Activities in the Ski Area Sub-Zone Additional to those activities listed in Table 1.	Activity Status
<b>21.11.3</b>	<p>Passenger Lift Systems</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>a. the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes;</li> <li>b. whether the materials and colour to be used are consistent with the rural landscape of which passenger lift system will form a part;</li> <li>c. the extent of any earthworks required to construct the passenger lift system, in terms of the limitations set out in Chapter 25 Earthworks;</li> <li>d. balancing environmental considerations with operational characteristics.</li> </ol>	C
<b>21.11.4</b>	<p>Night lighting for the purposes of night skiing</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>a. hours of operation;</li> <li>b. duration and intensity;</li> <li>c. impact on surrounding properties.</li> </ol>	C
<b>21.11.5</b>	<p>Vehicle Testing</p> <p>In the Waiorau Snow Farm Ski Area Activity Sub-Zone; the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>a. gravel and silt run off;</li> <li>b. stormwater, erosion and siltation;</li> <li>c. the sprawl of tracks and the extent to which earthworks modify the landform;</li> <li>d. stability of over-steepened embankments.</li> </ol>	C
<b>21.11.6</b>	<p>Retail activities ancillary to Ski Area Activities</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>a. location;</li> <li>b. hours of operation with regard to consistency with ski-area activities;</li> <li>c. amenity effects, including loss of remoteness or isolation;</li> <li>d. traffic congestion, access and safety;</li> <li>e. waste disposal;</li> <li>f. cumulative effects.</li> </ol>	C

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	<b>Table 8 - Activities in the Ski Area Sub-Zone</b> <b>Additional to those activities listed in Table 1.</b>	<b>Activity Status</b>
<b>21.11.7</b>	<p>Ski Area Sub-Zone Accommodation</p> <p>Comprising a duration of stay of up to 6 months in any 12-month period and including worker accommodation.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation;</li> <li>b. location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any);</li> <li>c. parking;</li> <li>d. provision of water supply, sewage treatment and disposal;</li> <li>e. cumulative effects;</li> <li>f. natural hazards.</li> </ul>	RD
<b>21.11.8</b>	Earthworks, buildings and infrastructure within the No Building and Earthworks Line in the Remarkables Ski Area Sub-Zone	PR
<b>21.11.9</b>	Earthworks, buildings and infrastructure within the Building Restriction Area in the Anderson Basin in the Cardrona Ski Area Sub-Zone	NC
<b>21.11.10</b>	Ski Area Sub-Zone Accommodation and Retail activities ancillary to Ski Area Activities in the Anderson Basin in the Cardrona Ski Area Sub-Zone	NC

### 21.12 Standards for activities within the Ski Area Sub-Zone

	<b>Table 9 – Standards for activities within the Ski Area Sub-Zone</b> <b>These Standards apply to activities listed in Table 9.</b>	<b>Non-Compliance Status</b>
<b>21.12.1</b>	<p>Night lighting other than for night skiing</p> <p>All fixed exterior lighting other than for night skiing as identified in Rule 21.12.4:</p>	<p>RD</p> <p>Discretion is restricted to: a. hours of operation; b. duration and intensity;</p>

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	<p>21.12A.1.1 Must be directed away from adjoining sites and roads</p> <p>21.12A.1.2 Must not result in greater than 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.</p> <p style="text-align: center;">There must be no upward light spill</p> <p>21.12A.1.3</p>	<p>c. impact on surrounding properties;</p> <p>d. effect on views of the night sky.</p>
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### 21.13 Rules – Activities in Rural Industrial Sub-Zone

	Table 10 – Activities in Rural Industrial Sub-Zone Additional to those activities listed in Table 1.	Activity Status
<b>21.13.1</b>	Retail activities within the Rural Industrial Sub-Zone that involve the sale of goods produced, processed or manufactured on site or ancillary to Rural Industrial activities that comply with Table 11.	P
<b>21.13.2</b>	Administrative offices ancillary to and located on the same site as Rural Industrial activities being undertaken within the Rural Industrial Sub-Zone that comply with Table 11.	P
<b>21.13.3</b>	Rural Industrial Activities within a Rural Industrial SubZone that comply with Table 11.	P
<b>21.13.4</b>	Buildings for Rural Industrial Activities within the Rural Industrial Sub-Zone that comply with Table 11.	P

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	Table 10 – Activities in Rural Industrial Sub-Zone Additional to those activities listed in Table 1.	Activity Status
<b>21.13.5</b>	Landscaping within the Building Restriction Areas identified on the District Plan web mapping application at Luggate	RD  Discretion is restricted to:  a. The development of a landscape planting plan identifying the proposed species, their height at planting and maturity, density and coverage;  b. The extent to which any landscaping will screen building and activities, including any goods, materials, vehicles or machinery when viewed from public places;  c. The development of a landscape management and maintenance plan identifying the programme of maintenance, including ownership, over no less than a 5 year timeframe; and  d. The need for breaks in screening to facilitate access into the site from Church Road.
<b>21.13.6</b>	Any Building, Outdoor Storage or Outdoor Waste Storage within a Building Restriction Area that is identified on the District Plan web mapping application at Luggate	NC
<b>21.13.7</b>	Buildings within Activity Area 1 identified on the District Plan web mapping application at Luggate	NC

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#### 21.14 Rules – Standards for Activities within Rural Industrial Sub-Zone

	Table 11 Standards for activities within the Rural Industrial Sub Zone	Non-Compliance Status
	<p>These Standards apply to activities listed in Table 1 and Table 10.</p>	
<b>21.4.1</b>	<p><b>Buildings</b> Any building, including any structure larger than 5m<sup>2</sup>, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following: All exterior surface must be coloured in the range of browns, greens or greys (except soffits), including:</p> <p>21.14.1.1 Pre-painted steel and all roofs must have a reflectance value not greater than 20%; and, 21.14.1.2 All other surface finishes must have a reflectance value of not greater than 30%.</p>	<p>RD Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. external appearance;</li> <li>b. visual prominence from both public places and private locations</li> <li>c. landscape character.</li> </ol>
<b>21.4.2</b>	<p><b>Building size</b> The ground floor area of any building must not exceed 500m<sup>2</sup>.</p>	<p>RD Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. external appearance</li> <li>b. external appearance;</li> <li>c. visual prominence from both public places and private locations;</li> <li>d. visual amenity;</li> <li>e. privacy, outlook and amenity from adjoining properties.</li> </ol>
<b>21.14.3</b>	<p><b>Building Height</b></p> <ol style="list-style-type: none"> <li>a. The height for of any industrial building must not exceed 10m, except as specified below.</li> <li>b. Within Activity Area 2 identified on the District Plan web mapping application at Luggate             <ol style="list-style-type: none"> <li>i. Maximum building height of 6m.</li> </ol> </li> <li>c. Within Activity Area 3 identified on the District Plan web mapping application at Luggate             <ol style="list-style-type: none"> <li>i. Maximum building height of 10m.</li> </ol> </li> </ol>	<p>RD Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. rural amenity and landscape character; and</li> <li>b. privacy, outlook and amenity from adjoining properties.</li> </ol>

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	Table 11 Standards for activities within the Rural Industrial Sub Zone	Non-Compliance Status
	These Standards apply to activities listed in Table 1 and Table 10.	
<b>21.14.4</b>	<p>Setback from Sub-Zone Boundaries</p> <p>The minimum setback of any building within the Rural Industrial Sub-Zone shall be 10m from the Sub-Zone boundaries.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. the requirement for landscaping to act as a buffer between the Rural Industrial Sub-Zone and neighbouring properties and whether there is adequate room for landscaping within the reduced setback;</li> <li>b. rural amenity and landscape character;</li> <li>c. Privacy, outlook and amenity from adjoining properties.</li> </ul>
<b>21.14.5</b>	<p>Retail Activities</p> <p>Retail activities including the display of items for sale must be undertaken within a building and must not exceed 10% of the building's total floor area.</p>	NC
<b>21.14.6</b>	<p>Development of Land Uses</p> <p>Prior to the construction of any building, or commencement of any activity within Activity Areas 1, 2 or 3 identified on the District Plan web mapping application at Luggate, the landscaping specified in Rule 21.13.5 must be undertaken.</p>	NC

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	<b>Table 11 Standards for activities within the Rural Industrial Sub Zone</b>  <b>These Standards apply to activities listed in Table 1 and Table 10.</b>	<b>Non-Compliance Status</b>
<b>21.14.7</b>	Number of Buildings and Total Building Coverage (for landscape and visual amenity related matters) <ul style="list-style-type: none"> <li>a. There shall be no more than five (5) buildings in total within Activity Areas 2 and 3 identified on the District Plan web mapping application at Luggate; and</li> <li>b. The maximum ground floor area of any building within Activity Areas 2 or 3 identified on the District Plan web mapping application at Luggate shall be 500m<sup>2</sup>.</li> </ul>	RD  Discretion is restricted to: <ul style="list-style-type: none"> <li>a. External appearance; and</li> <li>b. Landscape effects; and</li> <li>c. Visual amenity effects of the height, scale, location and appearance of the buildings when viewed from adjacent sites, roads and public places; and</li> <li>d. Privacy, outlook and amenity from adjoining properties.</li> </ul>
<b>21.14.8</b>	Total Building Coverage (for transport related matters)  Total building coverage within the Activity Areas 1, 2 or 3 identified on the District Plan web mapping application at Luggate shall not exceed a cumulative total Gross Floor Area of 10,000m <sup>2</sup> .	RD  Discretion is restricted to: <ul style="list-style-type: none"> <li>a. Effects on the transport network;</li> <li>b. Access, onsite manoeuvring and loading; and</li> <li>c. Any necessary roading upgrades.</li> </ul>

### 21.15 Rules – Activities on the Surface of Lakes and Rivers

	<b>Table 12 - Activities on the Surface of Lakes and Rivers</b>	<b>Activity Status</b>
<b>21.15.1</b>	Activities on the surface of lakes and river not otherwise controlled or restricted by rules in Table 13.	P

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	<b>Table 12 - Activities on the Surface of Lakes and Rivers</b>	<b>Activity Status</b>
<b>21.15.2</b>	<p>Motorised Recreational and Commercial Boating Activities</p> <p>The use of motorised craft for the purpose of emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities.</p>	P
<b>21.15.3</b>	<p>Motorised Recreational Boating Activities</p> <p>Hāwea River, motorised recreational boating activities on no more than six (6) days in each year subject to the following conditions:</p> <ol style="list-style-type: none"> <li>a. at least four (4) days of such activity are to be in the months January to April, November and December;</li> <li>b. the Jet Boat Association of New Zealand (“JBANZ”) (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day;</li> <li>c. the prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and</li> <li>d. JBANZ gives two (2) calendar months written notice to the Council’s Harbour-Master of both the proposed dates and the proposed operating schedule;</li> <li>e. the Council’s Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (non-motorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hāwea River on that day, and issues an approved operating schedule;</li> <li>f. JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating;</li> <li>g. public notification for the purposes of (f ) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hāwea River.</li> </ol>	P
<b>21.15.4</b>	<p>Minor repairs, maintenance or alterations of existing operational jetties and moorings.</p>	P



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	Table 12 - Activities on the Surface of Lakes and Rivers	Activity Status
<b>21.15.5</b>	<p>Jetboat Race Events</p> <p>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>a. the date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity;</li> <li>b. the adequacy of public notice of the event;</li> <li>c. public safety.</li> </ol>	C
<b>21.15.6</b>	<p>Public water ferry services</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• Effects on the transport network.</li> <li>• Effects on navigational safety.</li> <li>• Location, scale, and intensity of the activity.</li> <li>• Effects on landscape and amenity values.</li> <li>• Congestion and safety, including effects on other commercial operators and recreational users.</li> <li>• Waste disposal.</li> <li>• Cumulative effects.</li> </ul>	RD

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	<b>Table 12 - Activities on the Surface of Lakes and Rivers</b>	<b>Activity Status</b>
<b>21.15.7</b>	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan web mapping application.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands;</li> <li>b. whether the structure causes an impediment to craft manoeuvring and using shore waters.</li> <li>c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline;</li> <li>d. the effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect;</li> <li>e. whether the structure will be used by a number and range of people and craft, including the general public;</li> <li>f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design; and</li> <li>g. whether the structure enables the use of public water ferry services and/or water based transport.</li> </ol>	RD
<b>21.15.8</b>	<p>Structures and Moorings</p> <p>Subject to Rule 21.15.8 any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers.</p>	D
<b>21.15.9</b>	<p>Structures and Moorings</p> <p>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 web mapping application where such structures or moorings are shown as being non-complying.</p>	NC
<b>21.15.10</b>	<p>Motorised and non-motorised Commercial Boating Activities</p> <p>Except where otherwise limited by a rule in Table 12.</p> <p>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each.</p>	D

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	<b>Table 12 - Activities on the Surface of Lakes and Rivers</b>	<b>Activity Status</b>
	Note: this rule does not apply to Public Water Ferry Services.	
<b>21.15.11</b>	<p><b>Motorised Recreational and Commercial Boating Activities</b></p> <p>The use of motorised craft on the following lakes and rivers is prohibited except as provided for under Rules 21.15.2 or 21.15.3.</p> <p>21.15.11.1 Hāwea River.</p> <p>21.15.11.2 Lake Hayes - Commercial boating activities only.</p> <p>21.15.11.3 Any tributary of the Dart and Rees rivers (except the Beansburn and Rockburn tributaries of the Dart River) or upstream of Muddy Creek on the Rees River.</p> <p>21.15.11.4 Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.</p> <p>21.15.11.5 Dingle Burn and Timaru Creek.</p> <p>21.15.11.6 The tributaries of the Hunter River.</p> <p>21.15.11.7 Hunter River during the months of May to October inclusive.</p> <p>21.15.11.8 Motatapu River.</p> <p>21.15.11.9 Any tributary of the Matukituki River.</p> <p>21.15.11.10 Jet boat races on the Clutha River - More than six jet boat race days per year as allowed by Rule 21.15.5</p>	PR

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#### 21.16 Rules – Standards for Surface of Lakes and Rivers

	Table 13 - Standards for Surface of Lakes and Rivers These Standards apply to the Activities listed in Table 12.	Non Compliance Status
<b>21.16.1</b>	<p>Boating craft used for Accommodation</p> <p>Boating craft on the surface of the lakes and rivers may be used for accommodation, providing that:</p> <p>21.16.1.1 The craft must only be used for overnight recreational accommodation; and</p> <p>21.16.1.2 The craft must not be used as part of any commercial activity; and</p> <p>21.16.1.3 All effluent must be contained on board the craft and removed ensuring that no effluent is discharged into the lake or river.</p>	NC
<b>21.16.2</b>	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan web mapping application.</p> <p>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:</p> <p>21.16.2.1 Be closer than 200 metres to any existing jetty;</p> <p>21.16.2.2 Exceed 20 metres in length;</p> <p>21.16.2.3 Exceed four berths per jetty, of which at least one berth is available to the public at all times;</p> <p>21.16.2.4 Be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty reside; and</p> <p>21.16.2.5 Standards 21.16.2.1 to 21.16.2.4 do not apply to jetties and moorings for Public Water Ferry Services.</p>	NC

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	<b>Table 13 - Standards for Surface of Lakes and Rivers</b> <b>These Standards apply to the Activities listed in Table 12.</b>	<b>Non Compliance Status</b>
<b>21.16.3</b>	<p>The following activities are subject to compliance with the following standards:</p> <p>21.16.3.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft, other than Public Water Ferry Services and water-based transport, may only operate between the hours of 0800 to 2000.</p> <p>21.16.3.2 Lake Wānaka, Lake Hāwea and Lake Wakatipu - Commercial jetski operations must only be undertaken between the hours of 0800 to 2100 on Lakes Wānaka and Hāwea and 0800 and 2000 on Lake Wakatipu.</p> <p>21.16.3.3 Dart and Rees Rivers - Commercial motorised craft must only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft must only operate between the hours of 1000 to 1700.</p> <p>21.16.3.4 Dart River – The total number of commercial motorised boating activities must not exceed 26 trips in any one day. No more than two commercial jet boat operators may operate upstream of the confluence of the Beansburn, other than for tramper and angler access only.</p>	NC
<b>21.16.4</b>	<p>Minor repairs, maintenance or alterations of existing operational jetties and moorings shall comply with the following standards:</p> <p>21.16.4.1 any materials used must be the same, or where different, substantially similar in terms of texture and appearance, including colour; and</p> <p>21.16.4.2 any change to the scale of the jetty or mooring must not exceed 5% in any consecutive 5 year period.</p>	D

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#### 21.17 Rules – Closeburn Station Activities

	Table 14 – Closeburn Station: Activities	Activities
<b>21.17</b>	<p>The construction of a single residential unit and any accessory building(s) within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. external appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829;</li> <li>b. associated earthworks, lighting, access and landscaping;</li> <li>c. provision of water supply, sewage treatment and disposal, electricity and telecommunications services.</li> </ul>	C

#### 21.18 Rules – Closeburn Station Standards

	Table 15 – Closeburn Station: Standards for Buildings and Structures	Non Compliance Status
<b>21.18.1</b>	<p>Setback from Internal Boundaries</p> <p>21.18.1.1 The minimum setback from internal boundaries for buildings within lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 2 metres.</p> <p>21.18.1.2 There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station.</p>	D
<b>21.18.2</b>	<p>Building Height</p> <p>21.18.2.1 The maximum height of any building, other than accessory buildings, within Lots 1 and 6 and 8 to 21 DP 26634 at Closeburn Station shall be 7m.</p> <p>21.18.2.2 The maximum height of any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m.</p>	NC
	<p>21.18.2.3 The maximum height of any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.</p> <p>21.18.2.4 The maximum height of any building within Lot 24 DP 300573 at Closeburn Station shall be 5m.</p>	

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	Table 15 – Closeburn Station: Standards for Buildings and Structures	Non Compliance Status
<b>21.18.3</b>	<p>Residential Density</p> <p>In the Rural Zone at Closeburn Station, there shall be no more than one residential unit per allotment (being lots 1-27 DP 26634); excluding the large rural lots (being lots 100 and 101 DP 26634) held in common ownership.</p>	NC
<b>21.18.4</b>	<p>Building Coverage</p> <p>In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%.</p>	NC

#### **21.19 [No text – numbering to be corrected]**

#### **21.20 Rules Non-Notification of Applications**

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

- 21.20.1** Controlled activity retail sales of farm and garden produce and handicrafts grown or produced on site (Rule 21.4.16), except where the access is onto a State highway.
- 21.20.2** Controlled activity mineral exploration (Rule 21.4.30).
- 21.20.3** Controlled activity buildings at Closeburn Station (Rule 21.17.1).

#### **21.21 Assessment Matters (Landscape)**

##### **21.21.A Application of assessment matters 21.21.1 to 21.21.3**

The assessment matters in 21.21.1, 21.21.2 and 21.21.3:

- a. assist to implement the policies that those assessment matters specify or refer to but do not qualify or supplement any policies or rules;
- b. are non-exclusive matters for assessment that are identified as potentially relevant provided that:
  - i. in the case of a controlled activity, no Assessment Matter is relevant except insofar as it pertains to any matter of control specified by any relevant rule;
  - ii. in the case of a restricted discretionary activity, no Assessment Matter is relevant except insofar as it is able to be considered under any relevant rule; and
  - iii. in the case of the Ski Area Sub-Zone, no Assessment Matter is relevant unless the subdivision or development proposal is not anticipated by that Sub-Zone (as provided under Strategic Objective 3.2.5.4 (b)).

##### **21.21.1 Outstanding Natural Features and Outstanding Natural Landscapes (ONF and ONL).**

### **21.21.1.1 Landscape values**

For the implementation of relevant policies including SP 3.3.2, SP 3.3.21, SP 3.3.23, SP 3.3.29, SP 3.3.30, SP 3.3.31, SP 3.3.43, SP 3.3.45, SP 3.3.46, SP 3.3.49, SP 3.3.51, 6.3.2.7, 6.3.3.1 and 6.3.3.2, 6.3.3.3, 6.3.3.5, 6.3.4.8, 21.2.1, 21.2.1.1, 21.2.1.2, 21.2.1.3, 21.2.1.7, 21.2.1.11, 21.2.9, 21.2.9.1, 21.2.9.2 and 21.2.9.3, in considering a subdivision or development proposal, the Council will have regard to:

- a. the landscape values identified in Schedule 21.22, where relevant;
- b. the landscape values identified in accordance with SP 3.3.43 and SP 3.3.45;
- c. whether, and to what extent, the proposal will protect Tangata Whenua values, including Tōpuni or nohoanga.

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

### **21.21.1.2 Visibility**

For the implementation of relevant policies including SP 3.3.23, SP 3.3.31, SP 3.3.43, SP 3.3.45, SP 3.3.46, 6.3.2.7, 6.3.2.8, 6.3.3.1, 6.3.3.5, 6.3.4.8, 21.2.1, 21.2.1.1, 21.2.1.3, 21.2.1.11, 21.2.9, 21.2.9.1, 21.2.9.2 and 21.2.9.3, in considering a subdivision or development proposal, the Council will have regard to the extent to which:

- a. unformed legal roads in the vicinity of the proposal will or are likely to be used for vehicular and/or pedestrian, cycling, equestrian and other means of access;
- b. the proposal will detract from public or private views of and within Outstanding Natural Features and Outstanding Natural Landscapes;
- c. mitigation is provided by elements that are in keeping with the protection of landscape values;
- d. structures will break the line and form of any ridges, hills and slopes;
- e. any roads, access, lighting, earthworks and landscaping are visible from beyond the boundary of the site of the proposal;
- f. if the proposal would be located within a landscape that exhibits open space or has an open character, it:
  - i. will maintain open space or open character when viewed from public roads and other public places;
  - ii. is situated on a site that is within a broadly visible expanse of open landscape when viewed from any public road or public place;
  - iii. is likely to affect open space or open character values with respect to the site and the surrounding landscape;
  - iv. is situated on a site that is defined by natural elements such as topography and/or existing vegetation which may contain and mitigate any adverse effects associated with the proposal;
- g. the visibility of the proposal will contribute to adverse cumulative effects on the landscape values identified in Schedule 21.22, or identified in accordance with SP 3.3.45.



**21.21.1.3 Design and density of development**

For the implementation of relevant policies including SP 3.3.23, SP 3.3.31, SP 3.3.43, SP 3.3.45, 3.3.46, 6.3.2.1, 6.3.2.7, 6.3.2.8, 6.3.3.1, 6.3.4.8, 21.2.1, 21.2.1.1, 21.2.1.2, 21.2.1.3, 21.2.1.11, 21.2.9, 21.2.9.1, 21.2.9.2 and 21.2.9.3, in considering a subdivision or development proposal, the Council will have regard to the extent to which:

- a. the proposal, including access, is designed and located in response to the identified landscape values;
- b. opportunities have been taken to aggregate built development in order to utilise common access ways, including roads, pedestrian linkages, services and open space (i.e. open space held in one title whether jointly or otherwise);
- c. there is merit in clustering any proposed building(s), building platform(s) and associated physical activity including roading, access, lighting, landscaping and earthworks within areas that are least sensitive to change;
- d. any proposed new or modified boundaries will give rise to artificial or unnatural lines in the landscape (such as planting and fence lines) which are inconsistent with identified landscape values;
- e. the design and density of the proposal contributes to adverse cumulative effects on landscape values.

**21.21.1.4 Cumulative effects**

For the implementation of relevant policies including SP 3.3.23, SP 3.3.29, SP 3.3.31, SP 3.3.43, SP 3.3.45, SP 3.3.46, 6.3.3.1, 6.3.2.7, 6.3.3.5, 21.2.1, 21.2.1.1, 21.2.1.11, 21.2.9, 21.2.9.1, 21.2.9.2 and 21.2.9.3, in considering a subdivision or development proposal, whether located within or outside any Outstanding Natural Feature or Outstanding Natural Landscape, the Council will have regard to:

- aa. the soundness of the methodology applied for the consideration of cumulative effects on landscape values including as to:
  - i. whether the assessment applies measurable spatial or other limits to inform its conclusions concerning those effects (including matters of location, quantity, density and design treatment);
  - ii. how it accounts for contribution to those effects from existing, consented or permitted development within the relevant landscape character area;
- a. the outcome of an assessment of landscape capacity undertaken in accordance with SP 3.3.29 and SP 3.3.45 that is relevant to the proposal being considered;
- b. the contribution existing, consented or permitted subdivision or development (including unimplemented but existing resource consents that are likely to be implemented) makes to landscape capacity; and
- c. the effect the proposal would have on landscape values and landscape capacity.

The assessment matters set out below are derived from Policies 3.3.30, 6.3.10 and 6.3.12 to 6.3.18 inclusive. Applications shall be considered with regard to the following assessment matters:

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~~21.21.1.1—In applying the assessment matters, the Council will work from the presumption that in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations and that successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.~~

~~21.21.1.2—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:~~
  - ~~i. ——— 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~~
  - ~~ii. ——— as part of the permitted baseline.~~

~~21.21.1.3—Effects on landscape quality and character~~

~~In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:~~

- ~~a. Physical attributes:~~
  - ~~i. geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;~~
  - ~~ii. vegetation (exotic and indigenous);~~
  - ~~iii. the presence of waterbodies including lakes, rivers, streams, wetlands.~~
- ~~b. Visual attributes:~~
  - ~~i. legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;~~
  - ~~ii. aesthetic values including memorability and naturalness;~~
  - ~~iii. transient values including values at certain times of the day or year; iv.—human influence and management—settlements, land management patterns, buildings,~~
- ~~c. Appreciation and cultural attributes:~~
  - ~~i. Whether the elements identified in (a) and (b) are shared and recognised;~~
  - ~~ii. Cultural and spiritual values for tangata whenua;~~
  - ~~iii. Historical and heritage associations.~~

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

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- d. In the context of (a) to (c) above, the degree to which the proposed development will affect the existing landscape quality and character, including whether the proposed development accords with or degrades landscape quality and character, and to what degree.
- e. any proposed new boundaries will not give rise to artificial or unnatural lines (such as planting and fence lines) or otherwise degrade the landscape character.

#### 21.21.1.4 — Effects on visual amenity

In considering whether the potential visibility of the proposed development will maintain and enhance visual amenity, values the Council shall be satisfied that:

- a. the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, cycling, equestrian and other means of access;
- b. the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;
- c. the proposal will be appropriately screened or hidden from view by elements that are in keeping with the character of the landscape;
- d. the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);
- e. structures will not be located where they will break the line and form of any ridges, hills and slopes;
- f. any roads, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.

#### 21.21.1.5 — 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 (i.e. open space held in one title whether jointly or otherwise);
- b. there is merit in clustering the proposed building(s) or building platform(s) within areas that are least sensitive to change;
- c. development, including access, is located within the parts of the site where it would be least visible from public and private locations;
- d. development, including access, is located in the parts of the site where it has the least impact on landscape character.

#### 21.21.1.6 — Cumulative effects of subdivision and development on the landscape

Taking into account whether and to what extent existing, consented or permitted development (including unimplemented but existing resource consent or zoning) may already have degraded:

- a. the landscape quality or character; or,

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- b. ~~the visual amenity values of the landscape.~~

~~The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape quality, character, or visual amenity values.~~

#### 21.21.2 Rural Character Landscape (RCL)

##### 21.21.2.1 Landscape character

For the implementation of relevant policies including SP 3.3.2, SP 3.3.21, SP 3.3.23, SP 3.3.33, SP 3.3.34, SP 3.3.35, SP 3.3.43, SP 3.3.45, SP 3.3.46, SP 3.3.49, SP 3.3.50, SP 3.3.51, 6.3.4.1, 6.3.4.3, 6.3.4.4, 6.3.4.5, 6.3.4.10, 21.2.1, 21.2.1.1, 21.2.1.2, 21.2.1.3, 21.2.1.7, 21.2.1.11, 21.2.1.16, 21.2.9, 21.2.9.1, 21.2.9.2 and 21.2.9.3, in considering a subdivision or development proposal, the Council will have regard to:

- a. the landscape character and visual amenity values identified in Schedule 21.23, where relevant;
- b. the landscape character and visual amenity values identified in accordance with SP 3.3.45;
- c. whether, and to what extent, the proposed development will protect Tangata Whenua values, including Tōpuni or nohoanga.

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

##### 21.21.2.2 Visual amenity values

For the implementation relevant policies including SP 3.3.2, SP 3.3.21, SP 3.3.23, SP 3.3.34, SP 3.3.35, SP 3.3.43, SP 3.3.45, SP 3.3.46, 6.3.2.8, 6.3.4.1, 6.3.4.3, 6.3.4.5, 6.3.4.8, 6.3.4.10, 21.2.1, 21.2.1.1, 21.2.1.3, 21.2.1.11, 21.2.9, 21.2.9.1 and 21.2.9.2, in considering a subdivision or development proposal, the Council will have regard to:

- a. whether adverse visual effects are avoided if the proposal:
  - i. is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or
  - ii. forms the foreground for an Outstanding Natural Feature or Outstanding Natural Landscape when viewed from public roads;
- c. the extent to which unformed legal roads will or are likely to be used for vehicular and/or pedestrian, cycling, equestrian and other means of access;
- d. the extent to which the proposal will or is likely to detract from private views;
- e. the extent to which mitigation by any proposed method such as earthworks, landscaping and/or new planting could detract from or obstruct views of a Rural Character Landscape from both public and private locations;
- f. the extent to which 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;
- g. the extent to which any proposed roads, boundaries and associated planting, lighting, earthworks and landscaping will not maintain or enhance visual amenity values, with particular regard to

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- elements that are inconsistent with the existing natural topography, character and patterns of the surrounding landscape;
- h. the extent to which any proposed new or modified boundaries follow, as far as is practicable, the natural lines of the landscape or landscape units, rather than resulting in artificial or unnatural lines in the landscape;
  - i. if the proposal is proposed to be located within a landscape that exhibits open space or has an open character, the extent to which the proposal:
    - v. will maintain open space or open character when viewed from public roads and other public places;
    - vi. is situated on a site that is within a broadly visible expanse of open landscape when viewed from any public road or public place;
    - vii. is likely to affect open space or open character values with respect to the site and the surrounding landscape;
    - viii. is situated on a site that is defined by natural elements such as topography and/or existing vegetation which may contain and mitigate any adverse effects associated with the development;
  - j. the extent to which the proposal will contribute to adverse cumulative effects on the visual amenity values identified in Schedule 21.23, or identified in accordance with SP 3.3.45.

#### **21.21.2.3 Design and density of development**

For the implementation of relevant policies including SP 3.3.23, SP 3.3.34, SP 3.3.35, SP 3.3.43, SP 3.3.45, SP 3.3.46, 6.3.2.1, 6.3.2.8, 6.3.4.1, 6.3.4.3, 6.3.4.4, 6.3.4.5, 6.3.4.5 and 6.3.4.10, 6.3.4.11, 21.2.1, 21.2.1.1, 21.2.1.2, 21.2.1.3, 21.2.1.11, 21.2.9, 21.2.9.1 and 21.2.9.2, in considering a subdivision or development proposal, the Council will have regard to the extent to which:

- k. the proposal, including access, is designed and located in response to the identified landscape character and visual amenity values;
- l. opportunities have been taken to aggregate built development in order to utilise common access ways, including roads, pedestrian linkages, services and open space (i.e. open space held in one title whether jointly or otherwise);
- m. there is merit in clustering any proposed building(s), building platform(s) and associated physical activity including roading, access, lighting, landscaping and earthworks within areas that are least sensitive to change;
- n. the design and density of the proposal contributes to adverse cumulative effects on landscape character and visual amenity values.

#### **21.21.2.4 Tangata Whenua, biodiversity and geological values**

For the implementation of relevant policies including SP 3.3.43, SP 3.3.45, SP 3.3.46, SP 3.3.49, SP 3.3.50, SP 3.3.51, 6.3.2.5, 6.3.2.6, 6.3.4.1, 6.3.4.3, 21.2.1, 21.2.1.1, 21.2.1.7, 21.2.1.11, 21.2.9, 21.2.9.1 and 21.2.9.2, in considering a subdivision or development proposal, the Council will have regard to:

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- o. whether and to what extent the proposal will adversely affect 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.

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

#### **21.21.2.5 Cumulative effects**

For the implementation of relevant policies including SP 3.3.23, SP 3.3.34, SP 3.3.35, SP 3.3.43, SP 3.3.45, SP 3.3.46, 6.3.4.1, 6.3.4.3, 6.3.4.4, 6.3.4.5, 6.3.4.10 21.2.1, 21.2.1.1, 21.2.1.11, 21.2.9, 21.2.9.1 and 21.2.9.2, in considering whether a subdivision or development proposal will result in adverse cumulative effects, the Council will have regard to:

- aa. the soundness of the methodology applied for the assessment of cumulative effects on landscape character and visual amenity values including as to:
  - i. whether the assessment applies measurable spatial or other limits to inform its conclusions concerning those effects (including matters of location, quantity, density and design treatment);
  - ii. how the assessment accounts for the contributions of existing, consented or permitted development within the relevant landscape character area;
- p. the outcome of an assessment of landscape capacity undertaken in accordance with SP 3.3.33 that is relevant to the proposal being considered;
- q. the contributions existing, consented or permitted subdivision or development within the relevant landscape character area as at 14 May 2021 (including unimplemented but existing resource consents that are likely to be implemented) makes to landscape capacity;
- r. the effect the proposal would have on landscape capacity;
- s. the availability of legal instruments designed to maintain open space in order to avoid further cumulative effects, such as covenants or consent notices, in situations where a proposed development is considered to reach the threshold of the capacity of the landscape to absorb any further development.

#### **21.21.2.6 Landscape assessment methodology**

For the implementation of relevant policies including SP 3.3.2, SP 3.3.21, SP 3.3.23, SP 3.3.33, 3.3.34, SP 3.3.35, SP 3.3.43, SP 3.3.45, SP 3.3.46 6.3.4.1, 6.3.4.3, 6.3.4.4, 6.3.4.5, 6.3.4.8, 6.3.4.10, 21.2.1, 21.2.1.1, 21.2.1.11, 21.2.9, 21.2.9.1 and 21.2.9.2, in a Rural Character Landscape that is not a Priority Area or is a Priority Area that has not achieved the requirements of SP 3.3.33, when considering a subdivision or development proposal for the purposes of Rural Living, the Council will have regard to the quality of the landscape assessment methodology including whether it soundly:

- a. identifies a landscape character area; and
- b. identifies and encompasses the wider landscape context; and
- c. assesses the character and visual amenity values of the landscape character area and its wider landscape context; and

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- d. assesses effects of the proposal on that character and those values and on related landscape capacity; and
- e. assesses the effects of cumulative subdivision and development on:
  - ii. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; and
  - iii. the maintenance of the landscape character and maintenance or enhancement of the visual amenity values of that landscape character area and within its wider landscape;
- f. applies a consistent and appropriate rating scale in accordance with SP 3.3.45;
- g. applies best practice methodology consistently and appropriately, including as set out in any guidelines promulgated by the Council.

The assessment matters below have been derived from Policies 3.3.32, 6.3.10 and 6.3.19 to 6.3.29 inclusive. Applications shall be considered with regard to the following assessment matters because in the Rural Character Landscapes the applicable activities are unsuitable in many locations.

#### 21.21.2.1 — 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:~~
  - i. ~~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~~
  - ii. ~~as part of the permitted baseline~~

#### 21.21.2.2 — 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 will degrade the quality and character of the surrounding Rural Character Landscape;~~
- c. ~~whether the design and any landscaping would be compatible with or would enhance the quality and character of the Rural Character Landscape.~~

#### 21.21.2.3 — Effects on visual amenity:

~~Whether the development will result in a loss of the visual amenity of the Rural Character 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 Character Landscape. In the case of proposed development which is visible from unformed legal roads, regard shall~~

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- 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 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 Character 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.

#### 21.21.2.4—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 (i.e. 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 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 they will have the least impact on landscape character.

#### 21.21.2.5—Tangata Whenua, biodiversity and geological values:

- a.—whether and to what extent the proposed development 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.

#### 21.21.2.6—Cumulative effects of development on the landscape:

Taking into account whether and to what extent any existing, consented or permitted development (including unimplemented but existing resource consent or zoning) has degraded landscape quality, character, and visual amenity values. The Council shall be satisfied;



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- a. ~~the proposed development will not further degrade landscape quality, character and visual amenity values, with particular regard to situations that would result in a loss of valued quality, character and openness due to the prevalence of residential or non-farming activity within the Rural Landscape.~~
- b. ~~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 cumulative adverse effects would be avoided by way of imposing a covenant, consent notice or other legal instrument that maintains open space.~~

#### **21.21.3 Other factors and positive effects, applicable in all the landscape categories (ONF, ONL and RCL)**

21.21.3.1 For the implementation of relevant policies including 6.3.2.5, 6.3.2.6, 21.2.1.1, 21.2.1.6 and 21.2.9.3, in considering a subdivision or development proposal, the Council will have regard to the extent to which indigenous biodiversity values, in particular the habitat of any threatened species, or environments identified as chronically or acutely threatened on the Land Environments New Zealand (LENZ) threatened environment status, are protected or enhanced.

21.21.3.2 For the implementation of policy 21.2.1.16, in considering a subdivision or development proposal, the Council will have regard to whether easements for public access such as walking, cycling or bridleways or access to lakes, rivers or conservation areas would be provided for.

21.21.3.3 For the implementation of policy 6.3.2.6, in considering a subdivision or development proposal, the Council will have regard to the extent to which any marginal farming land is to be retired and reverted to indigenous vegetation.

21.21.3.4 For the implementation of policy 21.2.5.6, in considering a mineral extraction proposal where adverse effects cannot be avoided, mitigated or remedied, the Council will have regard to the merits of any proposed environmental compensation.

~~21.21.3.1 In the case of a proposed residential activity or specific development, whether a specific building design, rather than nominating a building platform, helps demonstrate whether the proposed development is appropriate.~~

~~21.21.3.2 Other than where the proposed development is a subdivision and/or residential activity, whether the proposed development, including any buildings and the activity itself, are consistent with rural activities or the rural resource and would maintain or enhance the quality and character of the landscape.~~

~~21.21.3.3 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~~

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

Schedule 21.24: Interpretative Diagram Informal Airports

