

Appendix A – Relief sought

Appeal point	Provision (PDP Decisions Version)	Reason for appeal	Relief sought
	Chapter 6 - Landscapes		
1	<p>6.2 Values</p> <p>... <i>While acknowledging these rural areas have established rural living and development, and a substantial amount of further subdivision and development has already been approved in these areas, the landscape values of these areas are vulnerable to degradation from further subdivision and development. Areas where rural living development is at or is approaching the finite capacity of the landscape need to be identified if the District's distinctive rural landscape values are to be sustained. Areas where the landscape can accommodate sensitive and sympathetic rural living developments similarly need to be identified.</i></p> <p>...</p>	<p>Support in part</p> <p>It is recognised that landscape character and amenity values in the WBRAZ and WBLP are derived from historic and existing rural living development as well as agricultural use.</p> <p>The WBLP has been established because it is recognised that further rural living development is appropriate in certain areas within the Wakatipu Basin, where landscape values can be maintained.</p> <p>The amendments sought to 6.2 better reflect this recognition.</p>	<p>Amend 6.2 Values</p> <p>... <i>While acknowledging these rural areas have established rural living and development, and that landscape character and amenity values are derived from that evolved land use and a substantial amount of further subdivision and development has already been approved in these areas, the landscape values of these areas are vulnerable to degradation from further inappropriate subdivision and development. Areas where rural living development is at or is approaching the finite capacity of the landscape need to be identified if the District's distinctive rural landscape values are to be sustained. Areas where the landscape can accommodate further sensitive and sympathetic rural living developments similarly need to be identified, and development enabled where landscape character and amenity values can be maintained or enhanced.</i></p> <p>...</p>
2	<p>Policy 6.3.3.A</p> <p><i>Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zones, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply.</i></p>	<p>Support in part</p> <p>Clarification that the landscape categories and associated policies do not apply to the WBRAZ is supported. However, this rule (and other bespoke rules such as 6.3.3.B regarding the Open Space and Recreation Zone) could be deleted if an Interpretation section was included in Chapter 6 to clarify the relationship between the landscape categories and the various rural zones and other zones.</p>	<p>Retain Policy 6.3.3A, or in the alternative, work the content of the policy into a new Interpretation section for Chapter 6.</p>
3	<p>Policy 6.3.27</p> <p><i>In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries that would</i></p>	<p>Oppose</p> <p>This policy sits under the heading 'Managing Activities in Rural Character Landscapes'. Policy</p>	<p>Delete Policy 6.3.27</p> <p><i>In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries</i></p>

	<p>degrade openness where such openness is an important part of its landscape quality or character. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.32).</p>	<p>6.3.3.A clarifies that the Rural Character Landscape category does not apply to the WBRAZ and therefore this policy should be either deleted or relocated.</p> <p>Regardless, it is considered that there is sufficient policy direction in Chapter 24 regarding planting, and therefore this policy is not necessary.</p>	<p>that would degrade openness where such openness is an important part of its landscape quality or character. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.32).</p>
<p>Chapter 24 – Wakatipu Basin</p>			
<p>4</p>	<p>24.1 Zone Purpose New paragraph 3</p>	<p>Oppose</p> <p>The Zone Purpose does not address the range of activities that are contemplated in the Zone other than rural living and rural activities. It is important to include reference to the range of non-residential and non-farming activities such as commercial and tourism activities that can be provided for in the Wakatipu Basin in the introductory parts of the Chapter.</p>	<p>Re-insert and rework the following paragraph from the Zone Purpose as notified (as a new paragraph 3 in the decision version Zone Purpose):</p> <p><u>A wide range of activities that rely on and seek to locate within the Wakatipu Basin are contemplated in the Rural Amenity Zone, including rural living at a variety of densities, recreation, commercial and tourism activities, as well as enabling farming and farming activities. There are also established industrial type activities that are based on rural resources or support rural type activities.</u></p>
<p>5</p>	<p>24.1 Zone Purpose Paragraph 3 (decision version)</p>	<p>Oppose</p> <p>The level of detail in the deleted text is not necessary or appropriate to include in the Zone Purpose. Instead it is sufficient to reference the importance of protecting ONFs and ONLs.</p>	<p>Amend paragraph 3 of the Zone Purpose:</p> <p><u>While the Rural Amenity Zone does not contain Outstanding Natural Features or Landscapes, it is a distinctive and high amenity value landscape within is often located adjacent to, or nearby to, Outstanding Natural Features and Landscapes. Development within the Rural Amenity Zone adjacent to or nearby Outstanding Natural Features and Landscapes is to be managed to ensure Outstanding Natural Features and Landscapes are protected from inappropriate subdivision, use and development. There are no specific setback rules for development adjacent to Outstanding Natural Features or Landscapes. However, all buildings except small farm buildings and subdivision require resource consent to ensure that inappropriate buildings and/or subdivision does not occur adjacent to those features and landscapes. Buildings and development in the Zone and the</u></p>

				<p><i>Precinct are required to be set back from Escarpment, Ridgeline and River Cliff Features shown on the planning maps, to maintain the distinctive and high amenity landscapes of the Wakatipu Basin.</i></p>
6	<p>Objective 24.2.1</p> <p><i>Landscape character and visual amenity values in the Wakatipu Basin Rural Amenity Zone are maintained or enhanced.</i></p>	<p>Support in part</p> <p>Reference to 'Wakatipu Basin Rural Amenity Zone' is not necessary in this objective and creates confusion as to whether this objective and the suite of policies apply to the Precinct, despite the explanatory statement under heading 24.2.</p>	<p>Amend Objective 24.2.1</p> <p>Landscape character and visual amenity values in the Wakatipu Basin Rural Amenity Zone are maintained or enhanced.</p>	
7	<p>Policy 24.2.1.1</p> <p><i>Require an 80 hectare minimum net site area be maintained within the Wakatipu Basin Rural Amenity Zone outside of the Precinct.</i></p>	<p>Oppose</p> <p>The policies in respect of maintaining and enhancing landscape character and visual amenity values should take an effects based approach as opposed to a blanket approach based on minimum lot sizes.</p>	<p>Delete Policy 24.2.1.1</p> <p><i>Require an 80 hectare minimum net site area be maintained within the Wakatipu Basin Rural Amenity Zone outside of the Precinct.</i></p> <p>Insert new Policy 24.2.1.1</p> <p><u>Assess all applications for subdivision and development against the relevant Landscape Classification Units described in Schedule 24.8.</u></p>	
8	<p>New Policy 24.2.1.x</p>	<p>It is important to recognise that amenity in the Basin is derived not only from pastoral lands use, but also a varied form and pattern of rural living development which has evolved over time.</p>	<p>Insert new Policy 24.2.1.x</p> <p><i>Recognise that the amenity and landscape characteristics of the Zone are derived from historical rural and rural living subdivision and development.</i></p>	
9	<p>Policy 24.2.1.4</p> <p><i>Maintain or enhance the landscape character and visual amenity values associated with the Rural Amenity Zone including the Precinct and surrounding landscape context by:</i></p> <p>a. <i>controlling the colour, scale, form, coverage, location (including setbacks from boundaries) and heights of buildings and associated</i></p>	<p>Support in part</p> <p>Explicit reference to the Precinct is not necessary as it is clear from the explanatory note that Objective 24.2.1 and the associated policies apply to the Precinct. Explicit reference to the Precinct in only this policy creates confusion.</p> <p>Explicit reference to setbacks is not required in this policy as control over setbacks comes under the Council's general control over location in sub-point a.</p>	<p>Amend Policy 24.2.1.5:</p> <p><i>Maintain or enhance the landscape character and visual amenity values associated with the Rural Amenity Zone including the Precinct and surrounding landscape context by:</i></p> <p>a. <i>controlling the colour, scale, form, coverage, location (including setbacks from boundaries) and heights of buildings and associated infrastructure, vegetation and landscape elements;</i></p>	

	<p>infrastructure, vegetation and landscape elements;</p> <p>b. setting development back from Escarpment, Ridgeline and River Cliff Features shown on the Planning maps.</p>	<p>b. setting development back from Escarpment, Ridgeline and River Cliff Features shown on the Planning maps</p>	
10	<p>Policy 24.2.1.6</p> <p>Provide for farming, commercial, community, recreation and tourism related activities that rely on the rural land resource, subject to maintaining or enhancing landscape character and visual amenity values.</p>	<p>Support in part</p> <p>The list of non-residential activities which are provided for in the Basin should not be exhaustive – all appropriate non-residential activity which maintains or enhances landscape character and visual amenity (and complies with the standards) should be provided for.</p> <p>Schedule 24.8 defines the landscape character and visual amenity values of each LCU of the Basin. It should be clear throughout Chapter 24 that the landscape character and visual amenity values referred to are those set out in Schedule 24.8 as being relevant to each LCU.</p>	<p>1. Amend Policy 24.2.1.6 as follows:</p> <p><u>Provide for a range of non-residential activities, including farming, commercial, community, recreation and tourism related activities that rely on the rural land resource, subject to maintaining or enhancing landscape character and visual amenity values identified in the relevant Landscape Character Unit.</u></p> <p>2. Relocate policy to sit under Objective 24.2.2, as notified.</p>
11	<p>Policy 24.2.1.10</p> <p>Enable residential activity within building platforms created prior to 21 March 2019 subject to achieving appropriate standards.</p>	<p>Support in part</p> <p>Where residential activity complies with the relevant standards it should be enabled. There is no justification for limiting development beyond the date of the decision in circumstances where standards can be met.</p>	<p>Amend Policy 24.2.1.10</p> <p>Enable residential activity within approved building platforms created prior to 21 March 2019 subject to achieving appropriate standards.</p> <p>Relocate Policy 24.2.1.10 to sit under the new objective 24.2.2 proposed (see below).</p> <p>Amend Policy 24.2.1.11:</p>
12	<p>Policy 24.2.1.11</p> <p>Provide for activities, whose built form is subservient to natural landscape elements and that, in areas Schedule 24.8 identifies as having a sense of openness and spaciousness, maintain those qualities.</p>	<p>Oppose</p> <p>It is not reasonable to require built form be subservient to natural landscape. This will often be difficult to achieve and is not possible to accurately assess. Compatibility is a more reasonable assessment that will ensure landscape character values are maintained.</p>	<p>Relocate Policy 24.2.1.10 to sit under the new objective 24.2.2 proposed (see below).</p> <p>Amend Policy 24.2.1.11:</p> <p>Provide for activities, whose built form is subservient to complements natural landscape elements and that, in areas Schedule 24.8 identifies as having a sense of openness and spaciousness, maintain those qualities.</p>
13	<p>Policy 24.2.1.12</p> <p>Manage lighting so that it does not</p>	<p>Oppose</p>	<p>Amend Policy 24.2.1.12</p>

	<i>cause adverse glare to other properties, roads, public places or degrade views of the night sky.</i>	All lighting is inherently adverse in terms of causing glare to neighbouring properties, roads and public places, and affects views of the night sky, however is necessary for safety and amenity. It is therefore more appropriate to limit glare to what is considered an appropriate level.	<i>Manage lighting so that it does not cause adverse inappropriate glare to other properties, roads, public places or degrade views of the night sky.</i>
14	New Objective 24.2.x and policy suite recognising existing development rights	<p>The intention of this new objective and policy suite is to specifically recognise the benefits associated with rural living subdivision and developments within the Basin. Post <i>King Salmon</i>, applications for consent are assessment primarily against the provisions of the Plan, and short of any issues with validity in the Plan, are not assessed directly against Part 2. Therefore, if a Plan does not provide for the positive and enabling elements of Part 2, these will not be considered in the assessment of a resource consent application. In such circumstances the Plan may be considered to be incomplete.</p> <p>In respect of new policy 24.2.2.1, recognition of existing rights within the Basin is critical for many landowners who have invested and developed their land on the basis of controlled activity rights. It is an efficient use of planning resources to reduce uncertainty and consenting requirements.</p> <p>In respect of new policy 24.2.2.3, each of the benefits listed are tangible and have positive impacts on the Wakatipu Basin and wider District. It is equally legitimate to recognise and provide for these benefits as part of the enabling aspects of section 5 RMA as it is to provide for landscape protection.</p>	<p>Insert new objective and policies as follows:</p> <p>24.2.x Objective - Existing development rights and additional rural living opportunities are recognised and provided for</p> <p>24.2.2.1 Recognise and provide for existing and consented rights to carry out land-use activities and to erect and use buildings.</p> <p>Amend, relocate and renumber policy 24.2.1.10 as 24.2.2.2: Enable residential activity within approved building platforms created prior to 21 March 2019 subject to achieving appropriate standards.</p> <p>24.2.2.3 Recognise and provide for the social, cultural, and economic benefits derived from rural living subdivision and development, including:</p> <ul style="list-style-type: none"> • <u>The enjoyment of rural living amenities by residents and visitors;</u> • <u>The opportunity for rural living opportunities within close proximity to employment and social opportunities in town centres;</u> • <u>The diversification of land use where farming is no longer viable or economically productive;</u> • <u>The onsite and offsite employment opportunities generated by subdivision, construction, landscaping, property maintenance and related activities;</u> • <u>The efficient and effective use of a finite rural land resource.</u>
15	Policy 24.2.2.2 <i>Restrict the type and intensity of non-</i>	Oppose There is no justification for compatibility or	<p>Delete Policy 24.2.2.2</p> <p><i>Restrict the type and intensity of non-residential</i></p>

	<i>residential activities to those which are compatible in relation to generated effects (e.g. traffic, noise, and hours of operation) with surrounding uses and natural environment.</i>	comparability of non-residential activities. This would often not be achieved in most instances of non-residential activities, given the different scale and nature of effects generated from non-residential use, e.g. in the instance of a commercial cellar door operation, traffic, bulk and location effects are unlikely to be comparable to those of existing uses in the Basin. This is also a repetition of the reverse sensitivity policies under objective 24.2.3.	<i>activities to those which are compatible in relation to generated effects (e.g. traffic, noise, and hours of operation) with surrounding uses and natural environment</i>
16	Policy 24.2.2.3 <i>Ensure non-residential activities other than farming with the potential for nuisance effects from dust, visual, noise or odour effects, are located a sufficient distance from formed roads, waterbodies and any residential activity.</i>	Oppose It is not justified to exclude farming activities from a consideration of reverse sensitivity effects of non-residential activities.	Amend Policy 24.2.2.3 <i>Ensure non-residential activities other than farming with the potential for nuisance effects from dust, visual, noise or odour effects, are located a sufficient distance from formed roads, neighbours properties, waterbodies and any residential activity.</i>
17	Policy 24.2.3.4 <i>Ensure non-farming activities with potential for nuisance effects from dust, visual, noise or odour effects are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.</i>	Oppose This policy is essentially a duplication of policy 24.2.2.3 above.	Delete Policy 24.2.3.4 <i>Ensure non-farming activities with potential for nuisance effects from dust, visual, noise or odour effects are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.</i>
18	Policy 24.2.4.2 <i>Restrict the scale, intensity and location of subdivision, development and use of land in the Lake Hayes catchment, unless it can occur consistently with improvement to water quality in the catchment.</i>	Oppose It is not reasonable to include a blanket restriction on land use and development within the Lake Hayes Catchment. It is not reasonable to require land use and development to improve water quality or occur concurrently with improvements in water quality. This policy should be enabling and provide for use	Delete Policy 24.2.4.2: <i>Restrict the scale, intensity and location of subdivision, development and use of land in the Lake Hayes catchment, unless it can occur consistently with improvement to water quality in the catchment.</i> Or in the alternative

			and development to occur concurrently with consistent maintenance of water quality. Further, water quality considerations for the Lake Hayes Catchment will be captured in policy 24.2.4.1, therefore this policy is not necessary. Water quality is primarily an issue relevant to the Otago Regional Council's jurisdiction.	Amend Policy 24.2.4.2: <i>Restrict Manage the scale, intensity and location of subdivision, development and use of land in the Lake Hayes catchment, unless it can to ensure it occurs consistently with improvement to the integrated management of and maintenance of water quality in the catchment.</i>
19	Policy 24.2.4.4 <i>Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.</i> Policy 24.2.4.5 <i>Ensure development has regard to servicing and infrastructure costs that are not met by the developer.</i>	Oppose This policy is essentially a duplication of a Chapter 27 policy. The subdivision chapter is the appropriate chapter for considerations of water supply and emergency vehicle access. Oppose The provisions of Chapter 27 are comprehensive for subdivision development infrastructure. Consolidating this assessment here will simplify the planning regime. Support in part	Delete Policy 24.2.4.4 <i>Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.</i> Amend Policy 24.2.4.5 <i>Ensure development has regard to servicing and infrastructure and servicing is provided in accordance with the provisions as set out in Chapter 27 costs that are not met by the developer.</i> Policy 24.2.4.8 <i>Encourage the removal of wilding exotic trees at the time of development, particularly where there is a risk of wilding spread.</i>	
21	Policy 24.2.4.8 <i>Encourage the removal of wilding exotic trees at the time of development.</i>	It is not always appropriate or practical to remove wilding pines at the time of development. The policy should provide flexibility where appropriate and its focus should be on preventing wilding spread. The amendment proposed is consistent with the wording of Policy 24.2.5.6. Support in part	Amend Policy 24.2.4.9 <i>Encourage the planting, retention and enhancement of indigenous vegetation that is ecologically appropriate to the area and planted at a scale, density, pattern and composition that enhances indigenous biodiversity values, contributes to native habitat restoration, particularly in locations such as gullies and riparian areas, or to provide stability.</i>	
22	Policy 24.2.4.9 <i>Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that contributes to native habitat restoration, particularly in locations such as gullies and riparian areas, or</i>	This policy should be general to all areas suitable for replanting. Amendments are proposed to shift the policy focus on ecological appropriateness and the enhancement of biodiversity values.	Amend Policy 24.2.4.9 <i>Encourage the planting, retention and enhancement of indigenous vegetation that is ecologically appropriate to the area and planted at a scale, density, pattern and composition that enhances indigenous biodiversity values, contributes to native habitat restoration, particularly in locations such as gullies and riparian areas, or to provide stability.</i>	

23	<p><i>to provide stability.</i></p> <p>Policy 24.2.5.4</p> <p><i>Implement minimum and average lot size standards in conjunction with standards controlling building size, location and external appearance, so that the landscape character and visual amenity values of the Precinct, as identified in Schedule 24.8 – Landscape Character Units, are not compromised by cumulative adverse effects of development</i></p>	<p>Support in part</p> <p>The intention of an average lot size regime is not to reduce cumulative effects but to encourage variation in subdivision and design.</p>	<p>Amend Policy 24.2.5.4</p> <p><i>Implement minimum and average lot size standards in conjunction with standards controlling building size, location and external appearance, to enable development and variation in subdivision design and layout which reflects so that the landscape character and visual amenity values of the applicable Landscape Character Unit Precinct, as identified in Schedule 24.8 – Landscape Character Units, are not compromised by cumulative adverse effects of development.</i></p> <p>Delete Policy 24.2.5.5</p>
24	<p>Policy 24.2.5.5</p> <p><i>Maintain a defensible edge between areas of rural living in the Precinct and the balance of the Zone</i></p>	<p>Oppose</p> <p>This policy is unnecessary, unclear, would be impractical to apply, and would not result in favourable landscape outcomes.</p>	<p><i>Maintain a defensible edge between areas of rural living in the Precinct and the balance of the Zone</i></p>
25	<p>Policy 24.2.5.6</p> <p><i>Retain vegetation that contributes to landscape character and visual amenity values of the Precinct, provided it does not present a high risk of wilding spread.</i></p>	<p>Support in part</p> <p>The amendments proposed are compatible with the wording of policies 24.2.4.8 and 24.2.4.9</p>	<p>Amend Policy 24.2.5.6</p> <p><i>Retain Encourage the retention of vegetation that contributes to landscape character and visual amenity values of the Precinct, provided it does not present a high risk of wilding spread.</i></p>
26	<p>Advice note 24.3.3.1</p> <p><i>Clarifications of the meaning of root protection zone, minor trimming of a hedgerow, minor trimming and significant trimming are provided in Chapter 2 – Definitions.</i></p>	<p>Oppose</p> <p>This advice note should be deleted consequentially, as Rule 24.4.29 is ultra vires in accordance with s76 RMA and should also be deleted.</p>	<p>Delete Advice note 24.3.3.1</p> <p><i>Clarifications of the meaning of root protection zone, minor trimming of a hedgerow, minor trimming and significant trimming are provided in Chapter 2 – Definitions.</i></p>
27	<p>Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone</p> <p>Table 24.2 – Activities within the</p>	<p>Oppose</p> <p>The Wakatipu Basin Variation introduces rules (and supporting provisions) for the construction of</p>	<p>Amend Table 24.1 (and consequentially amend related provisions) to provide for activities which were permitted or controlled activities under the ODP Rural Residential Zone to also be permitted or</p>

	Wakatipu Basin Lifestyle Precinct	buildings which undermine the building rights of landowners established under the ODP. For example, in Section 8 of the ODP the construction of any building (subject to site and zone standards) was a controlled activity, regardless of whether construction occurred within an approved building platform. It is considered unreasonable and unjustified to now undermine those existing building rights through the PDP regime, as landowners have relied on these rights when purchasing land and making development decisions, and there is no valid effects based argument for the change.	controlled under the PDP WBRAZ – for example, any construction, alteration and addition to a building which would have been a controlled activity under Section 8 of the ODP should be enabled as a controlled activity in the WBRAZ and WBLP through the Chapter 24 rules.
28	Rule 24.4.6 <i>The construction of buildings for residential activity that are located within a building platform approved by a resource consent and registered on the applicable Computer Freehold Register before 21 March 2019.</i> Control is reserved over: a. Landscape character; b. Visual amenity values c. Access; d. Infrastructure; e. Landform modification, landscaping and planting (existing and proposed). [Activity status: Controlled]	Oppose There is no justification for requiring that a land owner obtain further resource consent when building on an approved and established building platform which has already been subject to a thorough landscape assessment in which residential development was deemed appropriate. Further, where residential activity complies with the relevant standards it should be enabled. There is no justification for restricting future development (beyond the date of the decision) in circumstances where standards can be met and landscape character can be maintained.	Amend Rule 24.4.6 <i>The construction of buildings for residential activity that are located within a building platform approved by a resource consent and registered on the applicable Computer Freehold Register before 21 March 2019.</i> <i>Control is reserved over:</i> a. <i>Landscape character;</i> b. <i>Visual amenity values</i> c. <i>Access;</i> d. <i>Infrastructure;</i> e. <i>Landform modification, landscaping and planting (existing and proposed);</i> [Activity status: <u>Controlled Permitted</u>]
29	Rule 24.4.8 <i>The construction of buildings for residential activity outside a building platform approved by a resource consent and registered on the applicable Computer Freehold Register on a site where there is such a building platform.</i>	Oppose It is unclear why Standard 24.5.2 provides for the alteration of residential buildings not within a building platform by up to 30% increase in ground floor area as a restricted discretionary activity, but new construction outside of building platforms is non-complying.	Amend Rule 24.4.8 <i>The construction of buildings for residential activity outside a building platform approved by a resource consent and registered on the applicable Computer Freehold Register on a site where there is such a building platform.</i> [Activity status: <u>Non-complying-Discretionary</u>]

	[Activity status: Non-complying]	It is considered that discretionary activity status is more appropriate, given any residential building constructed outside of a building platform will be subject to the Standards in Table 24.3.	
30	New rule 24.4.x In Table 24.1 Activities in the Wakatipu Basin Rural Amenity Zone Non-residential activities	<p>Rule 24.4.18 is a blanket rule making all construction and alteration of buildings for non-residential activities a Restricted Discretionary activity.</p> <p>It is submitted that the alteration of lawfully established buildings for non-residential activities should be permitted, as it is for the alteration of buildings for residential activities in Rule 24.4.4</p> <p>All other circumstances of construction and alteration of buildings for non-residential activities will come under Rule 24.4.18.</p>	<p>Insert new Rule 24.4.x:</p> <p><i>The alteration of any lawfully established building used for non-residential activity.</i></p> <p>[Activity status: Permitted]</p>
31	New rule 24.4.x In Table 24.2 Activities in the Wakatipu Basin Lifestyle Precinct	<p>The inclusion of this rule is in accordance with building rights under the Operative District Plan, where controlled activity rights are the default for activities that comply with the relevant subdivision and density rules.</p> <p>There is no justification to restrict further development within the Precinct, where all standards in Table 24.3 can be complied with.</p>	<p>New rule 24.4.x</p> <p><i>The creation of a new residential building platform which complies with the residential density standards in Rule 24.5.1.</i></p> <p>[Activity status: Controlled]</p>
32	Rule 24.4.25 <i>Residential flat not exceeding 150m² gross floor area that is separated from the principal residential unit by no more than 6 metres, that is not provided for in Rule 24.4.6, and is not contrary to Rule 24.4.8.</i> <i>Note: Residential flats attached to the principal residential unit are covered by Rule 24.4.5.</i>	<p>Oppose</p> <p>It is reasonable that a residential flat that does not exceed 150m² gross floor area and is within 6 metres of a residential unit, which is not outside of an approved building platform, should be enabled as a permitted activity in the Precinct. In the circumstances landscape character and amenity values would be able to be maintained.</p> <p>At a minimum it is illogical for the activity status of a residential flat falling within this rule to be more</p>	<p>Amend Rule 24.4.25</p> <p><i>Residential flat not exceeding 150m² gross floor area that is separated from the principal residential unit by no more than 6 metres, that is not provided for in Rule 24.4.6, and is not contrary to Rule 24.4.8.</i></p> <p><i>Note: Residential flats attached to the principal residential unit are covered by Rule 24.4.5.</i></p> <p>[Activity status: Discretionary Permitted]</p>

	[Activity status: Discretionary]	restrictive than restricted discretionary activity status, given that if this rule was not included in the Chapter the activity would fall generally within the ambit of Rule 24.4.7 which has a restricted discretionary activity status.	
33	Rule 24.4.26 <i>Residential flat not exceeding 150m² gross floor area that is separated from the principal residential unit by more than 6 metres, that is not provided for in Rule 24.4.6, and is not contrary to Rule 24.4.8.</i> [Activity status: Non-complying]	Oppose It is illogical for the activity status of a residential flat falling within this rule to be more restrictive than restricted discretionary activity status, given that if this rule was not included in the Chapter the activity would fall generally within the ambit of Rule 24.4.7 which has a restricted discretionary activity status.	Amend Rule 24.4.26 <i>Residential flat not exceeding 150m² gross floor area that is separated from the principal residential unit by more than 6 metres, that is not provided for in Rule 24.4.6, and is not contrary to Rule 24.4.8.</i> [Activity status: Non-complying Restricted Discretionary]
34	Rule 24.4.29 <i>Clearance, works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 4 metres.</i> <i>Discretion is restricted to:</i> a. <i>The extent of clearance;</i> b. <i>Trimming and works within the root protection zone;</i> c. <i>Replacement planting.</i>	Oppose This rule should be deleted as it is ultra vires in accordance with s76 RMA.	Delete Rule 24.4.29 <i>Clearance, works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 4 metres.</i> <i>Discretion is restricted to:</i> a) <i>The extent of clearance;</i> b) <i>Trimming and works within the root protection zone;</i> c) <i>Replacement planting.</i>
35	Standard 24.5.1.4 <i>Any site in the Wakatipu Basin Rural Amenity Zone located wholly outside the Precinct in respect of which the Computer Freehold Register for the site was issued before 21 March 2019 and with an area less than 80 hectares, a maximum of one residential unit per site.</i>	Oppose The effect of the requirement for sites to be 'located wholly outside of the Precinct' and Rule 24.5.1.3 which requires any unit on a site that is part WBLP and part WBRAZ to be located within the WBLP, may unreasonably limit the use of WBRAZ land in these circumstances of mixed zoning of a site. Reference to sites below 80ha, and the below Standard 24.5.1.5, are deleted in accordance with	Amend Standard 24.5.1.4 <i>Any site in the Wakatipu Basin Rural Amenity Zone located wholly outside the Precinct in respect of which the Computer Freehold Register for the site was issued before 21 March 2019 and with an area less than 80 hectares, a maximum of one residential unit per site.</i> [Non-complying status: Non-complying]

		the relief sought to have no minimum lot density in the WBRAZ.	
36	[Non-complying status: Non-complying] Standard 24.5.1.5 For that part of all other sites in the Wakatipu Basin Rural Amenity Zone wholly located outside of the Precinct, a maximum of one residential unit per 80 hectares net site area. [Non-complying status: Non-complying]	Oppose As above.	Delete Standard 24.5.1.5 For that part of all other sites in the Wakatipu Basin Rural Amenity Zone wholly located outside of the Precinct, a maximum of one residential unit per 80 hectares net site area. [Non-complying status: Non-complying]
37	Rule 24.5.4 - Building Size Where a residential building is constructed within a building platform under Rule 24.4.6, the ground floor area of all buildings must not exceed 500m ² .	Oppose 1000m ² ground floor area is a more suitable maximum size for buildings in the Basin, and is more consistent with the existing residential development of the Basin.	Amend Rule 24.5.4 - Building Size Where a residential building is constructed within a building platform under Rule 24.4.6, the ground floor area of all buildings must not exceed <u>51000m²</u> .
38	Rule 24.5.5 - Building coverage The ground floor area of all buildings not subject to Rule 24.5.4 must not exceed 15% of net site area, or 500m ² ground floor area, whichever is lesser.	Oppose As above	Amend Rule 24.5.5 Building coverage The ground floor area of all buildings not subject to Rule 24.5.4 must not exceed 15% of net site area, or <u>51000m²</u> ground floor area, whichever is lesser.
39	Rule 24.5.7 – Height of buildings Rule 24.5.7.1 The maximum height of buildings shall be 6m. [non-compliance: RD] Rule 24.5.7.2 The maximum height of buildings shall be 8m.	Oppose A maximum building height of 8m as a restricted discretionary activity is appropriate in the Basin. There are circumstances where higher buildings are appropriate and lead to positive design and landscape outcomes. Allowing for an 8m height limit as a restricted discretionary activity provides for flexible planning and promotes positive design outcomes where a taller building is appropriate.	Amend Rule 24.5.7 – Height of buildings 24.5.7 Rule 24.5.7.1 The maximum height of buildings shall be <u>6m</u>. [non-compliance: RD] Rule 24.5.7.2 The maximum height of buildings shall be <u>8m</u>.

	[non-compliance: NC]			[non-compliance: NC]
40	Rule 24.5.8 - Setback from roads <i>The minimum setback of any building from road boundaries shall be 75m in the Precinct and 20m elsewhere in the Rural Amenity Zone.</i> [non-compliance: RD]	Oppose A 75m setback from roads in the Precinct is unworkable for the majority of lots in existence and thus creates an arbitrary standard that cannot be complied with.		Amend Rule 24.5.8 – Setback from roads <i>The minimum setback of any building from road boundaries shall be 7510m in the Precinct and 20m elsewhere in the Rural Amenity Zone.</i> [non-compliance: RD]
41	Rule 24.5.9 - Setback from Queenstown Trail <i>Any building shall be located a minimum of 75m from the boundary of any identified Queenstown Trail Setback as shown on the planning maps.</i> [non-compliance: RD]	Oppose There is no justification for a greater setback from the Queenstown Trail than from roads. As above, a setback of 75m will be unworkable for property owners neighbouring the trail and will result in ineffective use of the rural land source. Further, much of the Queenstown Trail is a Trail as defined and not a 'public place' for the purposes of assessing landscape character and visual amenity effects. Reference to Queenstown Trail 'Setback' is deleted as it is not reasonable to require a setback from a setback.		Amend Rule 24.5.9 Setback from Queenstown Trail <i>Any building shall be located a minimum of 7510m from the boundary of any-identified the Queenstown Trail Setback-as shown on the planning maps.</i> [non-compliance: RD]
42	Rule 24.5.10 - Setback from Escarpment, Ridgeline and River Cliff Features Any building or accessway shall be located a minimum of 50m from the boundary of any Escarpment, Ridgeline or River Cliff Feature shown on the planning maps. [non-compliance: RD]	Oppose A rule regarding setback from these natural features is not necessary, clear, or easily implemented. The features identified are not the Outstanding Natural Features and Outstanding Natural Landscapes protected in Chapter 6. There is no landscape justification for requiring such a setback. If the concern is related to natural hazards it should be addressed in Chapter 28 (Natural Hazards) not Chapter 24.		Delete Rule 24.5.10 - Setback from Escarpment, Ridgeline and River Cliff Features Any building or accessway shall be located a minimum of 50m from the boundary of any Escarpment, Ridgeline or River Cliff Feature shown on the planning maps. [non-compliance: RD]

<p>43</p>	<p>Rule 24.5.13 Farm Buildings <i>Farm buildings</i></p> <p>a. <i>The maximum gross floor area of any farm building shall be 50m².</i></p> <p>b. <i>All exterior surfaces shall be coloured in the range of black, browns, greens or greys (except soffits).</i></p> <p>c. <i>Pre-painted steel and all roofs shall have a reflectance value not greater than 20%.</i></p> <p>d. <i>All other surface finishes shall have a reflectance value of not greater than 30%.</i></p> <p>[non-compliance: RD]</p>	<p>Oppose</p> <p>A maximum gross floor area of 50m² is unreasonably limited. A maximum of 150m² better provides for farming activities while maintaining landscape character and amenity values.</p>	<p>Amend Rule 24.5.13 Farm Buildings</p> <p><i>Farm buildings</i></p> <p>a. <i>The maximum gross floor area of any farm building shall be 150m².</i></p> <p>b. <i>All exterior surfaces shall be coloured in the range of black, browns, greens or greys (except soffits).</i></p> <p>c. <i>Pre-painted steel and all roofs shall have a reflectance value not greater than 20%.</i></p> <p>d. <i>All other surface finishes shall have a reflectance value of not greater than 30%.</i></p> <p>[non-compliance: RD]</p>
<p>44</p>	<p>Rule 24.6 Non-notification of Applications</p> <p><i>Any application for resource consent for controlled or restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited – notified, with the exception of the following ...</i></p> <p>a. <i>Rule 24.5.4 Building Size.</i></p> <p>b. <i>Rule 24.5.5 Building coverage.</i></p> <p>c. <i>Rule 24.5.6 Setback from internal boundaries.</i></p> <p>d. <i>Rule 24.5.7 Height of buildings.</i></p> <p>e. <i>Rule 24.5.8 Setback from roads.</i></p> <p>f. <i>Rule 24.5.10 Setback from</i></p>	<p>Support in part</p> <p>As discussed, a rule regarding setbacks from identified landscape features is not necessary and should be deleted.</p>	<p>Amend Rule 24.6 Non-notification of Applications</p> <p><i>Any application for resource consent for controlled or restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited – notified, with the exception of the following ...</i></p> <p>a. <i>Rule 24.5.4 Building Size.</i></p> <p>b. <i>Rule 24.5.5 Building coverage.</i></p> <p>c. <i>Rule 24.5.6 Setback from internal boundaries.</i></p> <p>d. <i>Rule 24.5.7 Height of buildings.</i></p> <p>e. <i>Rule 24.5.8 Setback from roads.</i></p> <p>f. <i>Rule 24.5.10 Setback from identified landscape features-Escarpment, Ridgeline or River-Cliff Feature.</i></p> <p>g. <i>Rule 24.4.16 Retail sales of farm and garden produce and wine, where the access is onto a State Highway.</i></p>

	<p>identified landscape features Escarpment, Ridgeline or River Cliff Feature. g. Rule 24.4.16 Retail sales of farm and garden produce and wine, where the access is onto a State Highway.</p>		
<p>45</p>	<p>Assessment Matter 24.7.3 Landscape character and visual amenity ... g. The extent to which the development avoids, remedies or mitigates adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of the appropriate setback from such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context. ... j. Whether the proposed development provides an opportunity to maintain landscape character and visual amenity through the registration of covenants requiring open space to be maintained in perpetuity.</p>	<p>Support in part Assessment matter sub-point g should be limited to an assessment of adverse effects on the outstanding elements of ONLs and ONFs, as these elements are what makes ONLF 'outstanding' in the first instance. Adverse effects may occur on other elements of ONLF which will not affect their overall outstanding-ness. Sub-point j should be deleted as openness is not a key element of landscape character and visual amenity in all circumstances within the Basin.</p>	<p>Amend Assessment Matter 24.7.3 Landscape character and visual amenity ... g. The extent to which the development avoids, remedies or mitigates adverse effects on the outstanding features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs. This includes consideration of the appropriate setback from such features as well as the maintenance of views from public roads and other public places to the surrounding ONL and ONF context. ... j. Whether the proposed development provides an opportunity to maintain landscape character and visual amenity through the registration of covenants requiring open space to be maintained in perpetuity.</p>
<p>46</p>	<p>Assessment Matter 24.7.4 Infrastructure and access</p>	<p>Oppose These assessment criteria are duplicated under Assessment Matter 24.7.6 and should be deleted</p>	<p>Delete Assessment Matter 24.7.4 Infrastructure and access</p>

	<p>a. The extent to which the proposal provides adequate on-site wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects.</p> <p>b. The extent to which the proposed access utilises an existing access or provides for a common access in order to reduce visual and environmental effects, including traffic safety, minimising earthworks and vegetation removal.</p>	<p>as the duplication is unnecessary.</p>	<p>a. The extent to which the proposal provides for adequate on-site wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects.</p> <p>b. The extent to which the proposed access utilises an existing access or provides for a common access in order to reduce visual and environmental effects, including traffic safety, minimising earthworks and vegetation removal.</p>
47	<p>Assessment Matter 24.7.5 See above 24.7.3</p>	<p>Oppose As above for 24.7.3</p>	<p>Amendments as above for 24.7.3</p>
48	<p>Assessment Matter 24.7.8 Setback from boundaries, Queenstown Trail, roads and Escarpments, Ridgeline and River Cliff Features Whether the proposal achieves: a. The maintenance of landscape character and visual amenity including reference to the identified elements set out in Schedule 24.8 - Landscape Character Units for the relevant landscape unit. b. The maintenance of views to the surrounding mountain context. c. Adequate privacy, outlook and amenity for adjoining properties.</p>	<p>Oppose Specific rules and an assessment matter regarding setbacks from escarpments, ridgelines and river cliff features is not necessary.</p>	<p>Amend Assessment Matter 24.7.8 Setback from boundaries, Queenstown Trail, and roads and Escarpments, Ridgeline and River Cliff Features Whether the proposal achieves: a. The maintenance of landscape character and visual amenity including reference to the identified elements set out in Schedule 24.8 - Landscape Character Units for the relevant landscape unit. b. The maintenance of views to the surrounding mountain context. c. Adequate privacy, outlook and amenity for adjoining properties.</p>

49	<p>Assessment Matter 24.7.14</p> <p><i>Clearance, works within the root protection zone or significant trimming of exotic vegetation over 4m in height</i></p> <p>a. <i>The degree to which the vegetation contributes to the landscape character and visual amenity values, and the extent to which the clearance or significant trimming would reduce those values.</i></p> <p>b. <i>The potential for buildings and development to become more visually prominent.</i></p> <p>c. <i>The merits of any proposed mitigation or replacement plantings.</i></p> <p>d. <i>The effects on the health and structural stability of the vegetation.</i></p> <p>e. <i>The merit of the removal of identified wilding exotic trees.</i></p> <p>Chapter 27</p>	<p>Oppose</p> <p>Rule 24.4.29 is ultra vires and should be deleted, and as a related assessment matter, Assessment Matter 24.7.14 should also be deleted.</p>	<p>Delete Assessment Matter 24.7.14</p> <p><i>Clearance, works within the root protection zone or significant trimming of exotic vegetation over 4m in height</i></p> <p>a. <i>The degree to which the vegetation contributes to the landscape character and visual amenity values, and the extent to which the clearance or significant trimming would reduce those values.</i></p> <p>b. <i>The potential for buildings and development to become more visually prominent.</i></p> <p>c. <i>The merits of any proposed mitigation or replacement plantings.</i></p> <p>d. <i>The effects on the health and structural stability of the vegetation.</i></p> <p>a. e. <i>The merit of the removal of identified wilding exotic trees.</i></p>
50	<p>Rule 27.5.9</p> <p><i>All subdivision activities, unless otherwise provided for, in the Wakatipu Basin Rural Amenity Zone or the Wakatipu Basin Lifestyle Precinct.</i></p> <p>...</p> <p>[Activity status: RD]</p>	<p>Oppose</p> <p>Controlled default activity status for subdivision in the Wakatipu Basin is sought.</p> <p>It is considered unnecessary and unreasonable to require restricted discretionary consent for subdivision, where such subdivision is subject to and compliant with minimum average lot densities, and when development is subject to various standards to ensure landscape character and visual amenity is maintained or enhanced. Where subdivision and development comply with these standards and minimum average densities, enforcing a restricted discretionary subdivision regime unreasonably restricts the development</p>	<p>Amend Rule 27.5.9</p> <p><i>All subdivision activities, unless otherwise provided for, in the Wakatipu Basin Rural Amenity Zone or the Wakatipu Basin Lifestyle Precinct.</i></p> <p>...</p> <p>[Activity status: RD Controlled]</p>

	rights of landowners and creates unnecessary uncertainty.													
51	<p>Oppose</p> <p>The minimum lot area approach is opposed in the first instance and a discretionary subdivision regime with no minimum lot sizes is preferred.</p> <p>In the alternative, it is considered appropriate to have no minimum lot size in the WBRAZ, in accordance with the approach taken for the Rural Zone and Gibbston Character Zone. In the WBLP a stepped average density approach is proposed, that allows for identification of areas of the WBLP with greater and lesser capacity to absorb development, and achieves variation in subdivision design and layout.</p>	<p>27.6 rules – Standards for Minimum Lot Areas</p> <p>27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.</p> <table border="1" data-bbox="491 1485 880 1921"> <thead> <tr> <th>Zone</th> <th>Minimum Lot Area</th> </tr> </thead> <tbody> <tr> <td>Rural</td> <td>80ha</td> </tr> <tr> <td>Wakatipu Basin Rural Amenity Zone</td> <td>6000m²</td> </tr> <tr> <td>Wakatipu Basin Lifestyle Precinct</td> <td>1.0ha minimum average</td> </tr> </tbody> </table>	Zone	Minimum Lot Area	Rural	80ha	Wakatipu Basin Rural Amenity Zone	6000m ²	Wakatipu Basin Lifestyle Precinct	1.0ha minimum average				
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<p>1. Delete Rule 27.6.1 (as it relates to the Wakatipu Basin) and replace with a discretionary subdivision regime.</p> <p>In the alternative</p> <p>2. Amend 27.6 rules – Standards for Minimum Lot Areas</p> <p>27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.</p>														
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		<p>Support in part</p> <p>The amendments proposed to the assessment matters are intended to ensure provisions are enabling and provide flexibility.</p>												
52		<p>27.9.3 Restricted Discretionary Activity Subdivision Activities</p> <p>27.9.3.3 Assessment Matters in relation to Rule 27.5.9 (Wakatipu Basin Rural Amenity zone and Wakatipu Basin Lifestyle Precinct Subdivision Activities)</p>												
		<p>Amend 27.9.3 Controlled and Restricted Discretionary Activity Subdivision Activities</p> <p>27.9.3.3 Assessment Matters in relation to Rule 27.5.9 (Wakatipu Basin Rural Amenity zone and Wakatipu Basin Lifestyle Precinct Subdivision Activities)</p>												

<p>Subdivision Activities)</p> <p>...</p>	<p>General</p> <p>... The extent to which the subdivision provides for <u>low-impact variation in design that avoids or mitigates adverse effects on the environment</u> maintains or enhances landscape character and <u>visual amenity values of the Wakatipu Basin.</u></p> <p>Subdivision Design</p> <p>... c. The extent to which the location of future buildings, ancillary elements and the landscape treatment complements the existing landscape character, visual amenity values and wider amenity values of the Wakatipu Basin Rural Amenity Zone or Wakatipu Basin Lifestyle Precinct, including consideration of:</p> <p>i. <u>the retention of compatibility with existing vegetation and landform patterns;</u></p> <p>...</p> <p>f. <u>Whether clustering of future buildings or varied allotment sizes as part of subdivision design would offer a better solution for maintaining a sense of openness and spaciousness, or the integration of development with existing landform, vegetation or settlement patterns.</u></p> <p>k. <u>Whether the proposed subdivision provides an opportunity to maintain landscape character and visual amenity through the registration of covenants or consent notices requiring open space to be maintained in perpetuity.</u></p>
<p>...</p>	<p>Delete the Variation and Map 13d and rezone the 'Morven Hill' Land to the ODP Rural Residential Zone or the PDP Stage 1 Rural Residential Zone.</p> <p>In the alternative if the Variation is retained, rezone</p>
<p>53</p>	<p>Planning Maps</p> <p>Planning Maps 13d and 30</p> <p>Oppose Zoning of the Land as Wakatipu Basin Rural Amenity Zone is opposed as this zoning does not reflect the actual established character of the Land and the existing land uses, and fails to recognise</p>

		<p>the capacity of the Land to absorb further appropriate development. It inappropriately limits the building rights of the landholder and does not recognise the social, cultural and economic benefits of rural living development.</p>	<p>the Land to Wakatipu Basin Lifestyle Precinct, Precinct A.</p> <p>Amend Landscape Character Unit 13 to reflect the ability of the Land to absorb effects of further rural living subdivision and development.</p>
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