

## **BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

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**IN THE MATTER** of a hearing on submissions to the Queenstown Lake District Proposed District Plan (Stream 14 – Wakatipu Basin Rezoning)

**ON BEHALF OF** **MORVEN FERRY LIMITED (#2449)**  
**BARNHILL CORPORATE TRUSTEE LIMITED, D.E. & M.E**  
**BUNN & L.A. GREEN (#2509)**

Submitters

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**STATEMENT OF EVIDENCE OF SCOTT FREEMAN**

**(RESOURCE MANAGEMENT PLANNER)**

**11<sup>TH</sup> JUNE 2018**

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## **INTRODUCTION**

- 1 My name is Scott Anthony Freeman and I reside in Queenstown. I am a Director of Southern Planning Group Limited, a Queenstown based resource management planning consultancy. I hold the degree of Bachelor of Planning from the University of Auckland. I have 21 years experience in the field of resource management planning.
- 2 I have previously worked for the Queenstown Lakes District Council and later Civic Corporation Limited from 1997–1999. During this period I was employed as a consents planner responsible for processing a variety of land use and subdivision consents on behalf of the Council.
- 3 Since late 1999, I have been practicing as a resource management planning consultant, primarily within the Queenstown Lakes District. I formed Southern Planning Group in 2003.
- 4 Throughout my professional career, I have been involved in a range of resource consent and policy matters. I have made numerous appearances in front of various district and regional councils and the Environment Court.
- 5 From the variety of working roles that I have performed as described in the preceding paragraphs, I have acquired a sound knowledge and experience of the resource management planning issues that are faced in the Queenstown area and the wider District. I have prepared and overseen numerous subdivision and development proposals for land contained in the rural zones within the Wakatipu Basin.
- 6 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence has been prepared in accordance with that Code and I agree to comply with it. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **SCOPE OF EVIDENCE**

- 7 The purpose of this resource management planning evidence is to assist the Hearings Panel with my expertise in terms of the Submissions 2449 and 2509 that relate to the Stage 2 of the Proposed District Plan ("PDP").
- 8 My evidence will deal with the following matters:
  - a) Site Description and Background Information
  - b) Executive Summary
  - c) Existing Public Trail
  - d) Proposed District Plan Stage 1 Submissions 629 & 626
  - e) Relief sought by Submissions 2509 & 2449
  - f) Analysis
  - g) Conclusion
- 9 In preparing this evidence, I have reviewed the following particular documents that are relevant to my area of expertise:
  - a) The original District Plan Stage 1 Submissions 629 and 626
  - b) QLDC Section 42A Reports compiled respectively by Mr Craig Barr and Mr Marcus Langman.
  - c) Statement of Evidence (Landscape) compiled by Ms Helen Mellsop (dated 28<sup>th</sup> May 2018).
  - d) Statement of Evidence (Traffic and Transportation) compiled by Mr David Smith (dated 28<sup>th</sup> of May 2018).
  - e) Evidence compiled on behalf of the submitters 2449 and 2509 that deal with landscape, traffic engineering, infrastructure servicing, recreation, economic impacts of the Queenstown Trail and farming matters.
- 10 Submissions 2449 and 2509 have sought various amendments to the PDP Stage 2 Chapter 24 (Wakatipu Basin) and related Stage 2 PDP chapters.
- 11 In terms of my evidence, I have been asked to only consider the proposed PDP amendments that relate to the Morven Ferry Road land owned by submitters 2449 and 2509.
- 12 Although my company prepared and lodged the original submissions Stage 1 Submissions 629 & 626 for the subject land, I was not the author of the original planning assessments. However, I agree with the general findings in the original planning assessments.

## **SITE DESCRIPTION & BACKGROUND INFORMATION**

- 13 The proposed change to the PDP is in relation to the proposed rezoning of land located off Morven Ferry Road.

### Subject Landowners

- 14 The land in question is presently owned by three different landowners as outlined below, noting that the land owned by Barnhill Corporate Trustee Limited and D.E Bunn, M.E Bunn and L.A Green is collectively referred to as "Barnhill". Where the reference to "land" is used, this refers to all of the land subject to the submissions (unless otherwise stated).

#### *Barnhill Corporate Trustee Limited*

- 15 Barnhill Corporate Trustee Limited is the registered owner of Lot 2 DP 397602 (4.9440 hectares), Lot 3 DP 397602 (19.7767 hectares) and Lot 4 DP 397602 (38.7756 hectares). The total area of this land is 63.4963 hectares.

#### *D.E Bunn, M.E Bunn and L.A Green*

- 16 D.E Bunn, M.E Bunn and L.A Green is the registered owner of Section 1 SO 455511 (4.8349 hectares) and Lot 2 DP 360119 (10.8743 hectares). The total area of this land is 15.7092 hectares.

#### *Morven Ferry Limited*

- 17 Morven Ferry Limited ("MFL") is the registered owner of Lot 1 DP 411193, Lot 1 DP 300661 and 12 DP 323200. This land is contained within one Certificate of Title and is 54.0880 hectares in area.

#### *Overall Land Areas*

- 18 The total land area owned by the parties listed above is 133.2935 hectares (79.2055 hectares for Barnhill and 54.088 hectares for MFL), although the actual land that is sought to be rezoned is less than this figure, being approximately 67.9 hectares (40.9 hectares for Barnhill and 27 hectares for MFL).

### Existing Residential Development Rights

- 19 The Barnhill land that is legally described as Lots 2-4 DP 397602 does not contain an existing residential dwelling, however, via RM171268, this land has the ability to be subdivided to create 5 allotments (with accompanying building platforms). Such allotments range in size from 9640m<sup>2</sup> to 41.10 hectares. The approved subdivision plan for RM171268 is contained within **Appendix [A]**.
- 20 The Barnhill land that is legally described as Section 1 SO 455511 is vacant and does not hold any residential development rights via a building platform(s).
- 21 The Barnhill land that is legally described as Lot 2 DP 360119 contains an existing residential dwelling.
- 22 The MFL land does not contain a residential dwelling nor any residential development rights via building platforms.

### Operative District Plan Zoning

- 23 Under the Operative District Plan ("ODP") all of the land subject to this report is contained within the Rural General Zone. It is noted that the land sought to be rezoned is not contained within an Outstanding Natural Landscape ("ONL").

### Proposed District Plan – Stage 1

- 24 Under Stage 1 of the PDP as notified on 26 August 2015, all the land was proposed to be contained within the Rural Zone (Rural Landscape Classification). As with the ODP, the land is not contained within an ONL.

## **EXECUTIVE SUMMARY**

- 25 The submissions by Barnhill and MFL, if successful, will result in approximately 67.9 hectares (40.9 hectares for Barnhill and 27 hectares for MFL) being reclassified either as Rural Residential Zone ("RRZ") or in the alternative as the Wakatipu Basin Lifestyle Precinct ("WBLP") (as contained in the PDP - but amended as sought in the submissions) and the Rural Visitor Zone ("RVZ") (as contained in the ODP – but amended).
- 26 Broken down further, the proposed rezoning will provide 41.7 hectares of RRZ/WBLP and 20.2 hectares of land contained within the RVZ.

- 27 Various assessments compiled on behalf of Barnhill and MFL have addressed matters such as economic activity, landscape and visual amenity values, traffic engineering, infrastructure servicing, recreation and the effects of the Queenstown Trail (both positive and negative) on the Barnhill land.
- 28 The Barnhill and MFL land is ideally located in terms of the capacity to absorb additional rural residential development and visitor related development that can appropriately leverage off the Queenstown Trail (and directly benefit users of the trail). I have formed this view due to the location of the land in the context of the wider Wakatipu Basin, its reasonably discrete viewing capacity, topography and location next to the Queenstown Trail.
- 29 Ms Debbie MacColl (as a representative for the Barnhill landowners) has addressed a range of matters in her statement of evidence.
- 30 Ms MacColl has outlined the farming history of the Bunn family in the Morven Ferry Road locality. This history goes back to the early 1950's, with an evolving farming focus from a sheep/beef farm to that of a red deer breeding unit for export meat production.
- 31 Ms MacColl has outlined the significant decline in farming production (and resultant economic costs) since the establishment and use of the public trail through the Barnhill land. The significant decrease in live fawns numbers has been attributed to disturbance from people and dogs using the public trail, combined with the lack of rabbit control near or beside the trail.
- 32 Ms MacColl has addressed the then 2009 National Government's \$50 million economic stimulus in the form of building cycle trails throughout New Zealand. Ms MacColl has outlined various statistics in terms of the growth of cycle trail use (in particular in the Queenstown locality) and the proposed cycle way expansions within Central Otago. The cycle trails in the vicinity of Morven Ferry Road have had a substantial increase in patronage use since first established.
- 33 Ms MacColl has outlined that the junction of the public trails on Morven Ferry Road is ideally suited in terms of the establishment of a café and associated visitor accommodation facilities for users of the trail. This area is also ideally located to provide a rural accommodation option for visitors to Queenstown, as opposed to the more typical urban accommodation options such as hotels, motels and managed apartments. In this regard, the recreational evidence compiled by Dr Shayne Galloway has also confirmed the suitability and appropriateness of using this land due to the presence of the trail junction.

- 34 Ms MacColl has noted (via first-hand experience of living rurally in the Wakatipu Basin), that rural living areas are part of the social framework of the Wakatipu Basin – increasingly so over the last 20 years. Rural living areas cater for families who want a different living environment when compared to an urban context, i.e. more space and privacy. As Ms MacColl further notes, rural living areas are firmly established in the Wakatipu Basin, adding colour, shape and character, principally through excellent planting – such planting adding rather than detracting from the landscape.
- 35 Mr Ben Espie compiled two Landscape and Visual Assessment Reports for both Barnhill and MFL for the PDP Stage 1 submissions (629 and 626). For the Stage 2 submissions, Mr Espie has compiled a Statement of Evidence that addresses the Wakatipu Basin Land Use Planning Study, the previous Landscape and Visual Assessment Reports, the views expressed by Ms Mellsop in her Statement of Evidence and further submissions.
- 36 From his assessments, Mr Espie has concluded that areas such as the land provide an opportunity to absorb development that will not sully the character and amenity of the broader Wakatipu Basin. While the land will change from a predominantly pastoral aesthetic to that of a combined pastoral appearance with dwellings and domestic plantings, the location will still retain a rural character. This ‘character’ will be different, however, the overall landscape and visual amenity values of the area will still be maintained. In Mr Espie’s view, the landscape effects will be limited to a relatively infrequently accessed part of the Wakatipu Basin, and as such, will not affect the broader Wakatipu Basin.
- 37 Mr Jason Bartlett compiled a Traffic Assessment for the submitters as part of the PDP Stage 1 submissions (629 and 626). Mr Bartlett has compiled a Statement of Evidence for the Stage 2 submissions. This evidence addresses the existing surrounding road network (including traffic movements), potential traffic generation/access options as a result of the proposed rezoning, transportation effects and upgrades to the local road network. Mr Bartlett has formed the view that with upgrades to the nearby roading network, that the proposed increased in vehicular traffic from the rezoned land can be accommodated within this network. In short, there are solutions to the traffic issues raised by Mr Bartlett. Mr Bartlett has also addressed the issue of cumulative traffic effects as raised by Mr David Smith in his Statement of Evidence (on behalf of the Council).
- 38 Mr James Hadley compiled a preliminary assessment of natural hazard risks and infrastructure servicing feasibility for the PDP Stage 1 submissions (629 and 626).

Mr Hadley has prepared a Statement of Evidence that addresses natural hazards and infrastructure servicing for the Stage 2 submissions, and concludes that it is feasible for the proposed rezoning to proceed in terms of these matters.

- 39 Two Preliminary Site Investigation ("PSI") have been compiled for the Barnhill and MFL land that I have reviewed and comment on below.

#### **EXISTING PUBLIC TRAIL**

- 40 A public trail runs through both the Barnhill and MFL land. The public trail enables access from the Kawarau River (labelled the Twin Rivers Trail) to Morven Ferry Road. The public trail then continues to the east of Morven Ferry Road (labelled the Arrow River Bridges Trail), which enables access from Morven Ferry Road to the Edgar Bridge and then to the Gibbston Valley. Both the Twin Rivers Trail and the Arrow River Bridges Trail form part of the wider Queenstown Trail.

- 41 Easement Instruments 9271861.9 and 9271861.8 are registered on the subject Certificates of Title for the Barnhill and MFL land. The easement instruments are contained within **Appendix [B]**. The subject easements are in favour of the Queenstown Lakes District Council and provide for a 'right of way' (Pedestrian and Cycle Way). The public trail running through the Barnhill and MFL land was developed after the 11<sup>th</sup> of December 2007.

- 42 The easement instruments explicitly recognise that, while this part of the Queenstown Trail is open to public use, it is a 'Trail' and is excluded from the definition of 'Public Place' and from 'Public Place' assessment criteria under the ODP and PDP.

- 43 Clause 1.3 in both easement instruments (which is replicated in the ODP and PDP) states that a 'Public Place' is defined as:

*Means every public thoroughfare, park, reserve, lake, river to place to which the public has access with or without the payment of a fee, and which is under the control of the District Council, or other agencies. Excludes any trail as defined in this Plan.*

- 44 Clause 1.5 (which is also replicated in the ODP and PDP) within the easement instrument states that a 'Trail' is defined as:

*Means any public access route (excluding (a) roads and (b) public access easements created by the process of tenure review under the Crown Pastoral*



*Land Act) legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities.*

45 Accordingly, the part of the Queenstown Trail that runs through the land it is not classified as a Public Place under either the ODP or PDP.

#### **PDP STAGE 1 SUBMISSIONS 629 & 626**

46 Barnhill and MFL lodged submissions on Stage 1 of the PDP in relation to the land that is subject to this evidence. The Barnhill submission is referenced 629, while the MFL submission is referenced 626. Brief descriptions of the two submissions are outlined below.

47 The Barnhill submission sought that portions of the Barnhill land be rezoned to a mixture of the Rural Residential Zone (4000m<sup>2</sup> minimum allotment size) and RVZ (both zones from the ODP).

48 Specifically, the Barnhill submission sought the imposition of the following:

- Rural Residential Zone – West ("RRZ-W"), being 14.7 hectares located to the west of Morven Ferry Road, with an approximate yield of 24 allotments (at 4000m<sup>2</sup> in size).
- Rural Residential Zone – East ("RRZ-E"), being 6 hectares located to the east of Morven Ferry Road, with an approximate yield of 10 allotments (at 4000m<sup>2</sup> in size).
- Rural Visitor Zone, being 1.5 hectares that directly adjoins the western side of Morven Ferry Road.
- Rural Visitor Zone - Restricted ("RVZ-R"), being 18.7 hectares that directly adjoins the western side of Morven Ferry Road.

49 The MFL submission sought the imposition of the Rural Residential Zone on 27 hectares of land, to the west of Morven Ferry Road. The approximate yield for the MFL land would be 37 allotments (at 4000m<sup>2</sup> in size).

50 It is noted that the calculations on the potential number of rural-residential allotments has factored in losing 20% to 30% of the overall subdivision area for roading and servicing. Based on this broad calculation, there will be the potential to develop approximately 71 allotments within the proposed RRZ/WBLP areas on the land.

51 The proposed zone map that was submitted as part of the submissions is contained in **Appendix [C]** of my evidence.

#### **RELIEF SOUGHT BY SUBMISSIONS 2509 & 2449**

52 In terms of Stage 2 of the PDP, via Chapter 24 (Wakatipu Basin), the Council is seeking to impose the Wakatipu Basin Rural Amenity Zone ("WBRAZ") on the land.

53 The proposal sought via submissions 2509 and 2449 to Stage 2 an alternative zoning outcome for the land. The proposed zoning structure for the land is contained within **Appendix [D]**.

54 The identical summary of relief sought in submissions 2509 and 2449 is as follows:

- *That the Variation be refused in its entirety, in particular as it pertains to the land the subject of this Submission, and that this be replaced with the relief sought in the Submitter's submission on Stage 1; or*
- *If the Variation is to be retained, that the Submitter's land be rezoned as a mix of Wakatipu Basin Lifestyle Precinct (within those areas previously requested to be rezoned Rural Residential in Stage 1) and Rural Visitor Zone, subject to further specific amendments to the provisions for a Morven Ferry subzone (included in Appendices 1 and 2), and as reflected in the zoning plan included as Appendix 3.*
- *Seek alternative densities to what was notified for the Wakatipu Basin Lifestyle Precinct for the proposed Morven Ferry subzone by providing for a 4,000m<sup>2</sup> average density over the identified land;*
- *Specific amendments are included in the Landscape Classification Units relevant to Morven Ferry which better reflect the potential of this area to absorb the effects of future subdivision and development;*
- *Those parts of the Submitter's land not requested to be rezoned be amended in accordance with Appendix 1 and 2 attached as relevant to the Wakatipu Basin Rural Amenity Zone;*
- *The Submitter further seeks any alternative or consequential changes/relief as necessary or appropriate for the Submitter to pursue in order to address the matters and outcomes identified in this Submission.*

- 55 If the Chapter 24 Wakatipu Basin Variation is retained the submitters have sought the WBLP to be imposed on the land, with a 4,000m<sup>2</sup> minimum lot subdivision regime. The average density of 4000m<sup>2</sup> is no longer being sought.
- 56 The proposed RVZ location and area on the Barnhill land is the same under the stage 1 and stage 2 submissions, however, it is proposed to further modify the ODP provisions for the RVZ, to take into account concerns raised in the Council evidence (in particular Ms Mellsop's).
- 57 The amendments that accompany the proposed rezoning are as follows:
- a) That Planning Map 30 (and other relevant Planning Maps) include the subject land within the WBLP and RVZ.
  - b) The imposition of a 15m internal building setback within the WBLP from Lot 1 DP 411193 (amending Rule 24.5.2)
  - c) The imposition of a 6m internal building setback within the WBLP (amending Rule 24.5.2)
  - d) That the following amendments are proposed for the RVZ:
    - i. The inclusion of references to the proposed Morven Ferry Road RVZ within Section 12.3 of the ODP.
    - ii. Adding the words 'or proposed' within Objective 12.3.4.
    - iii. The introduction of a new rule that classifies buildings within the Morven Ferry Road RVZ as a Restricted Discretionary Activity. (Rule 12.4.3.3A(i))
    - iv. The introduction of a new rule that specifies a maximum building footprint of 300m<sup>2</sup> within the Morven Ferry Road RVZ, with the exception of one viticultural building with a maximum building footprint of 500m<sup>2</sup> to be located within Area B. (Rule 12.4.3.3A(ii))
    - v. The inclusion of the Morven Ferry Road RVZ within Rule 12.4.3.3(ii) that governs airports within the RVZ.
    - vi. A restriction on residential activities within the Morven Ferry Road RVZ, with the exception of one on-site managers' residence

and workers accommodation (for staff that work within the Morven Ferry Road RVZ). (Rule 12.4.3.3(va)).

- vii. Amending Rule 12.4.4(v) to exclude the production of wine within the Morven Ferry Road RVZ.
- viii. The addition of a 'non-notification' clause for buildings located within the Morven Ferry Road RVZ. (Rule 12.4.4(ii))
- ix. A maximum 8m height limit for buildings within the Morven Ferry Road RVZ, with the exception of one viticultural building with a maximum building height of 10m. to be located within Area B. (12.4.5.2(i)(d))
- x. The specification of a maximum building coverage for Area A (1500m<sup>2</sup> ground floor area) and Area B (3000m<sup>2</sup> ground floor area) within the Morven Ferry Road RVZ (Rule 12.4.5.2(vi))
- xi. The specification of a minimum building setback of 35m from Morven Ferry Road for land contained within the Morven Ferry Road RVZ.
- xii. Amending Assessment Matter 12.5.2(viii) by adding 'Restricted Discretionary' to the control over buildings and one new assessment matter (12.5.2(viii)(f)).
- xiii. Adding a new Assessment Matter (12.5.2(xx)(b)) that deals with increased building coverage in the Morven Ferry Road RVZ.
- xiv. Adding a new Assessment Matter (12.5.2(xxi)(a)) that deals with residential activities within the Morven Ferry Road RVZ

e) That Rule 27.5.1 within Chapter 27 (Section 42A report) be amended to provide a separate category for the Morven Ferry Road WBLP, with a specified minimum allotment size of 4000m<sup>2</sup>. Breaching this minimum allotment size will render a subdivision a non-complying activity.

58 Mr Espie has provided an assessment of the subject Landscape Classification Unit from the PDP that relates to the land. This assessment has been relied upon in this report.

59 It is noted that the ODP Rural Visitor Zone has not been included in either Stages 1 or 2 of the PDP. It is understood that from a minute from the Hearings Panel,

that if a piece of land is included in Stage 1 of the PDP (and has a Stage 1 PDP zoning applied to it), then a person is entitled to lodge a submission seeking the rezoning of that land, and further, there is nothing preventing such a person from seeking an ODP zone through the PDP process. However, the Hearings Panel clearly articulated that if an ODP zone was sought by a submitter, then the submitter would need to show how the ODP provisions fit within the overall strategic directions chapters of the PDP – and unaltered ODP provisions would face difficulties meeting the stated goals of the PDP.

- 60 The proposition of the RVZ is the same in terms of the original Barnhill submission in terms of location and land area, however, it is proposed to further modify the ODP provisions for the RVZ (as detailed above). These amendments (and assessments) in my view leads to a zoning framework that can adhere to the outcomes sought to be achieved via the Strategic Directions of the PDP.
- 61 The amended RVZ provisions are contained within **Appendix [E]**.

## **ANALYSIS**

### **PDP Strategic Chapters**

- 62 An assessment of the proposal against the relevant higher order strategic objectives and policies is included within the Section 32 evaluation attached in **Appendix [F]**.
- 63 The proposal is considered to be consistent with the objectives and policies within Chapter 3 (Strategic Direction) and the policies within Chapter 6 (Landscapes and Rural Character). The proposal is also considered to give effect to the amended objective and policies within the ODP RVZ.

### **Chapter 3 – Strategic Directions**

- 64 Chapter 3 sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the District's special qualities. The principle role of Chapter 3 (and Chapters 4-6) is to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan.
- 65 Chapter 3 identifies a number of 'special qualities' which are to managed on a sustainable basis, and with reference to the submissions 2509 and 2449, the applicable special qualities include:

- *Dramatic alpine landscapes free of inappropriate development;*

- *A district providing a variety of lifestyle choices;*
  - *An innovative and diversifying economy based around a strong visitor industry.*
- 66 Chapter 3 identifies a number of 'issues' that need to be addressed to enable the special qualities as identified in this chapter. Of relevant to submissions 2509 and 2449, the following issues are applicable:
- *Issue 1: Economic prosperity and equity, including strong and robust town centres, requires economic diversification to enable the social and economic wellbeing of people and communities.*
  - *Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes.*
  - *Issue 4: The District's natural environment, particularly its outstanding landscapes, has intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic value to the District.*
- 67 My analysis against the above special qualities and issues are dealt with below and in my Section 32 analysis.
- 68 The rezoning will alter the present rural characteristics and visual appearance of the land through the future provision of built form (both residential and visitor accommodation/commercial based) and the trappings associated with such development (i.e. roads, services, amenity plantings). A largely pastoral aesthetic will change to a mixture of this aesthetic combined with built form and a relatively treed visual appearance, particularly within the land to be developed for rural residential purposes. Via the resource consent process, the Council will have ultimate control over the final subdivision design and outcome, thereby mitigating the effects of future development.
- 69 In my opinion, a variety of key factors assist in enabling future development to occur that can avoid being classified as 'inappropriate' in a rural setting. Such factors include the general remoteness of the land (in the context of the Wakatipu Basin – a dead end road), the reasonably low degree of visibility (again in the wider context of the Wakatipu Basin) and topography, with the latter factor assisting with hiding future built form from low lying areas. Further assisting the proposed RVZ is the location of the land in the immediate vicinity of a key junction of the Queenstown Trail – obvious positive synergies can occur between users of the trail and appropriate visitor accommodation/commercial activities within the RVZ. Further as Mr Espie notes, the effects of the rezoning will be restricted to an

infrequently accessed part of the Wakatipu Basin. From a visual perspective, Mr Espie considers that the proposed relief will not be discordant with a pleasant rural landscape, in a relatively hidden part of the Wakatipu Basin.

- 70 The proposed WBLP will assist with the provision of further lifestyle living opportunities in an appropriate area within the Wakatipu Basin – a type of living arrangement with a clear increasing demand. As Ms MacColl has noted from her observations, the Rural Residential Zones within the ODP are now almost fully sold out – with buyers seeking a rural lifestyle without the onerous demands of maintaining a large piece of rural land.
- 71 The rezoning through the imposition of the RVZ will also assist in diversifying an existing land use (farming) with an alternative land use that can take advantage of the public trails that meander through this portion of Morven Ferry Road. This diversification will have the potential to provide an alternative income stream for the owners of the Barnhill land, while also enhancing the experiences of users of the public trail and the wider community. Further, an alternative ‘rural’ accommodation experience can be provided for visitors to the area.
- 72 Strategic Objective 3.2.1 promotes the development of a prosperous, resilient and equitable economy in the District (with this objective addressing Issue 1 listed above). Of relevance to the proposed RVZ on the Barnhill land, Objectives 3.2.1.1, 3.2.1.6 and 3.2.1.8 respectfully state:

*The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District. (3.2.1.1)*

*Diversification of the District’s economic base and creation of employment opportunities through the development of innovative and sustainable enterprises. (3.2.1.6)*

*Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained. (3.2.1.8)*

- 73 The imposition of the RVZ will assist with providing a long term resilient approach to the use of a portion of the Barnhill land. This zoning will assist with the transition from an economically disadvantaged farming activity, to a growing activity (‘cycle’ tourism) in the Wakatipu Basin (and further afield).

- 74 As Mr Espie has noted in his Statement of Evidence, that not all visitor accommodation facilities can be based in an urban environment. There are many such examples throughout the District. The RVZ is strategically located to ensure an easy interaction with the public trails, which in turn will assist with increasing the positive experiences of trail users (i.e. the ability to ride, stop and have a coffee to enjoy the scenery). The RVZ will also provide an alternative 'rural' accommodation for visitors to the area. This point is also acknowledged in the evidence provided by Dr Galloway.
- 75 Objective 3.2.1.1 also prescribes 'well-designed' visitor industry facilities. Ms Mellsop notes in evidence that the unaltered ODP RVZ provisions could lead to an inappropriate development outcome for this land. I have taken in account these concerns and the RVZ provisions have been strengthened and the potential development capacity reduced (to the level intended by the landowners) so as to provide the Council with appropriate controls over future development within the RVZ.
- 76 The resource consent process will enable the Council to effectively deal (and control) the details of any development proposed within the RVZ.
- 77 Strategic Objective 3.2.5 seeks the retention of the District's distinctive landscapes, with the supporting objectives stating:
- The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration. (3.2.5.1)*
- The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values. (3.2.5.2)*
- 78 In relation to Objective 3.2.5.1, there will be sufficient distance between the land to be developed within the WBLP and RVZ and the nearby ONL's and/or ONF's to assist with avoiding adverse effects on the landscape and visual amenity values of the nearby ONL's and/or ONF's. That said, and as Mr Espie notes in his Statement of Evidence, there are many examples within the Wakatipu Basin of existing/proposed lifestyle living zones that are immediate adjacent to an ONL or ONF. In my view, the co-location of these existing rural living areas next to an ONL or ONF have not reduced the appreciation of the ONL/ONF's (nor adversely affected such).



- 79 In my view, Objective 3.2.5.2 is an important consideration for the proposed rezoning, in particular for the land to be contained within the WBLP. In the view of Mr Espie and I, the Barnhill and MFL land is an 'area' with the potential to absorb considerable change without materially detracting from the present values of this area. As listed above, the factors which assisting in avoiding 'material detraction' include the general isolation of the land, low visual connections to the wider Wakatipu Basin, and topography which will assist with visual mitigation at close viewing quarters. In Mr Espie's view, the activities will generally be inconspicuous. Allied to these factors will be the additional site specific controls that Council can duly impose through any resource consent process to subdivide and/or develop the land.
- 80 Strategic Objective 3.2.6 seeks that the District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety. As stated above, the RVZ will enable a long term approach to diversifying the land uses undertaken on the Barnhill land – which in turn will directly assist the owners of the Barnhill land, and indirectly, other downstream businesses and individuals partaking in visitor accommodation or commercial activities on the site.
- 81 Strategic Policy 3.3.1 seeks to make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations (where such is consistent with objectives and policies for the relevant zone). Visitor accommodation and low key commercial activities within the RVZ will provide an enhanced attraction for the visitor accommodation industry for the Queenstown area. The RVZ will allow a different user experience for visitors when compared to more standard urban accommodation options (i.e. hotels, motels, apartments).
- 82 The relevant Strategic Policies that deal with Rural Activities state:

*Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values. (3.3.21)*

*Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for rural living developments. (3.3.22)*

*Identify areas on the District Plan maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas. (3.3.23)*

*Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character. (3.3.24)*

*Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (3.3.25)*

- 83 In relation to 3.3.21, persons staying within the RVZ or persons frequenting a café in this zone (for instance), will have the opportunity to directly experience a rural setting, which is a different experience to the bustling environment of say central Queenstown (an excellent example in this regard is the Amisfield winery). Well designed visitor facilities in my opinion, can provide an enhancement and greater appreciation of the rural environment and vistas.
- 84 In terms of Policy 3.3.22, in the opinions of Mr Espie and I, the proposed WBLP is a well located development area which is entirely appropriate for rural living purposes. In this regard, it is considered that the land can absorb appropriate change, which in turn (in my opinion) leads to Policy 3.3.23 being redundant for this rezoning process.
- 85 From a cumulative effects perspective (dealing specifically with Policy 3.3.24), the combination of the potential number of allotments within the WBLP, even taking into account the generally low scale development within the RVZ and other existing/consented development, will in my opinion lead to an area that is still rural in character. The context will change in character, function and appearance, however, this context will still provide a rural setting, (and the future development will compliment that setting). In my view, a co-ordinated and well planted subdivision will assist in enhancing the amenity qualities of the area.
- 86 The proposed non-residential activities (Policy 3.3.25) to be undertaken within the RVZ will have a functional link to locate in the chosen position – to take advantage of persons using the public trails. The amendment of the RVZ to cater for this zone in this area recognises the ‘locational’ restraints (i.e. a rural setting).

87 The relevant Strategic Policies that deal with Landscapes state:

*Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration. (3.3.30)*

*Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded. (3.3.32)*

88 As stated above, the proposed rezoning can enable development that will not lead to an outcome whereby such development is contrary to Policy 3.3.30.

89 Again, as stated above, the land has the ability to absorb development, without materially degrading from the landscape character and visual amenity values of the area.

#### Chapter 6 – Landscape & Rural Character

90 The purpose of Chapter 6 is to provide greater detail as to how the landscape, particularly outside of urban settlements, will be managed in order to implement the strategic objectives and policies within Chapter 3.

91 It is understood from assessing Mr Barr's Section 42A Report for Chapter 24, that there is an apparent gap (or no obvious link) between Chapter 6 and Chapter 24<sup>1</sup>, i.e. there is no direct reference to Chapter 24 in Chapter 6. In order to resolve the process and structural issues in terms of the apparent gap, Mr Barr has recommended amendments to Chapter 6 as the most appropriate way (from a material and structural perspective) to ensure Chapter 24 implements Chapter 6 and achieves Chapter 3.<sup>2</sup>

92 Mr Barr has recommended the following policy '6.3.XA' that specific to Chapter 24:

*6.3.XA: Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature,*

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<sup>1</sup> Section 42A Report (para 38.4) – Chapter 24

<sup>2</sup> Section 42A Report (para 38.19) – Chapter 24

*Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).*

93 Mr Barr also recommends adding the following policies to Chapter 6:

***Managing Activities in the Wakatipu Basin Rural Amenity Zone***

- 1.3.34 Avoid urban development and subdivision to urban densities in the rural zones. (3.2.2.1, 3.2.5.1, 3.2.5.2, 3.3.13-15, 3.3.23, 3.3.30, 3.3.32). [Identical to PDP Policy 6.3.4]*
- 3.3.35 Enable continuation of the contribution low-intensity pastoral farming on large landholdings makes to the District's landscape character. (3.2.1.7, 3.2.5.1, 3.2.5.2, 3.3.20). [Identical to PDP Policy 6.3.7]*
- 3.3.36 Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.30, 3.3.32). [Identical to PDP Policy 6.3.8]*
- 3.3.37 Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land. (3.2.1.7, 3.2.4.1, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.20, 3.3.30, 3.3.32). [Identical to PDP Policy 6.3.9]*
- 3.3.38 Ensure that subdivision and development adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s). (3.2.5.1, 3.3.30). [Identical to PDP Policy 6.3.10 except reference to activities occurring in the ONL and RCL removed]*
- 6.3.39 Encourage any landscaping to be ecologically viable and consistent with the established character of the area. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.30, 3.3.32). [Identical to PDP Policy 6.3.11]*
- 6.3.40 Require that proposals for subdivision or development for rural living take into account existing and consented subdivision or development in assessing the potential for adverse cumulative*

*effects. (3.2.1.8, 3.2.5.2, 3.3.23, 3.3.32). [Identical to PDP Policy 6.3.21 except reference to Rural Zone removed]*

- 6.3.41 *Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads. (3.2.1.1, 3.2.1.7, 3.2.5.2, 3.3.21, 3.3.24-25, 3.3.32). [Identical to PDP Policy 6.3.22]*
- 4.3.42 *Ensure incremental changes from subdivision and development do not degrade landscape quality or character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.21, 3.3.24, 3.3.32). [Identical to PDP Policy 6.3.23]*
- 6.3.43 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases. (3.2.1.9, 3.2.5.2, 3.3.25, 3.3.32). [Identical to PDP Policy 6.3.24]*
- 6.3.44 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised. (3.2.1.9, 3.2.5.2, 3.3.25, 3.3.32). [Identical to PDP Policy 6.3.25]*
- 6.3.45 *Avoid adverse effects on visual amenity from subdivision, use and development that:*
- a. *is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
  - b. *forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads. (3.2.1.1, 3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.30, 3.3.32). [Identical to PDP Policy 6.3.26]*
- 6.3.46 *Avoid planting and screening, particularly along roads and boundaries 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). [Identical to PDP Policy 6.3.27]*
- 6.3.47 *Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where it will minimise disruption to natural landforms and to rural character.*

(3.2.1.1, 3.2.1.8, 3.3.21, 3.3.24, 3.3.32). [Identical to PDP Policy 6.3.29]

- 94 It would appear that provisions 3.3.38 and 6.3.40 from Mr Barr's Section 42A report are worded differently to the recommended provisions (Appendix 3) to this report. Provision 3.3.38 in Appendix 3 contains a reference to subdivision and development within an ONL (the Section 42A report provision does not), while provision 6.3.40 in Appendix 3 refers to the 'Rural Zone', while this provision within the Section 42A report does not contain this reference. It is assumed that the subject provisions in the Section 42A report are the correct recommended provisions by Mr Barr.
- 95 The following discussion will address the recommended (and applicable) policies that directly relate to the WBRAZ from Mr Barr.
- 96 The proposed rezoning will not lead to urban development and subdivision to urban densities (Policy 1.3.34).
- 97 The land to be rezoned will be located in reasonably close proximity to an ONF (Arrow River)(Policy 3.3.38). However, through separation and topography, combined with standard resource consent mitigation methods (i.e. structural plantings), the development of the WBLP to the east of Morven Ferry Road can be undertaken in a manner that will in my opinion lead to adverse effects that are less than minor on the nearby ONF.
- 98 For any resource consent application to subdivide the land within the proposed WBLP, consideration will be given to Policies 6.3.39, 6.3.40, 6.3.41, 4.3.42, 6.3.45, 6.3.46 and 6.3.47. Via the resource consent process, the Council will have control over the location of future buildings (and associated design controls), access and other standard mitigation measures such as landscaping and earthworks.

#### **Chapter 24 – Wakatipu Basin**

- 99 As an alternative relief, the submissions have sought the imposition of the WBLP on portions of the Barnhill and MFL land. Amendments have been requested to the objectives and policies of Chapter 24. In my view, the requested amendments strike an appropriate balance between dealing with landscape matters and the issue of additional rural living within the Wakatipu Basin. That said, I consider the relief sought in the submissions can withstand scrutiny via the notified Chapter 24 and Mr Barr's provisions in the Section 42A Report.
- 100 On the basis that the submitters are seeking the imposition of the WBLP, it is appropriate to address the applicable objectives and policies within Chapter 24

(Wakatipu Basin). Chapter 24 applies to the WBRAZ and the WBLP. The WBLP is a sub-zone of the WBRAZ.

- 101 The purpose of Chapter 24 is to protect, maintain and enhance the particular character and amenity of the rural landscape which distinguishes the Wakatipu Basin from other parts of the District that are zoned rural. A primary focus of Chapter 24 is on protecting, maintaining and enhancing rural landscapes and amenity values while noting that productive farming is not a dominant activity in the Wakatipu Basin.
- 102 To achieve the purpose of the WBRAZ, a minimum lot size of 80 hectares is required if a 'complying' subdivision is proposed, while the WBLP provides limited opportunities for subdivision via a minimum lot size of 6000m<sup>2</sup>, together with an average lot size of 1 hectare. The WBLP is in effect an amalgam of the ODP Rural Lifestyle and Rural Residential Zone.
- 103 Under 24.1, the following is stated:

*Within the Zone, variations in landscape character support higher levels of development in identified Wakatipu Basin Lifestyle Precinct areas. The Precinct provides for rural residential living opportunities within areas where additional development can be absorbed without detracting from the landscape and visual amenity values of the Precinct and the wider landscape character and amenity values of the Zone and its surrounding landscape context.*

- 104 Under the notified version of Chapter 24, the land is not identified as forming part of the WBLP. The views expressed in this evidence (and based on the opinions of Mr Espie) is that the land has the capacity to provide for an increased intensity of rural residential living, which in turn will not detract from the WBLP (as a whole) and the wider landscape character and amenity values of the WBRAZ and surrounding landscape context.
- 105 Clearly, there will be a change to the immediate rural character and visual amenity qualities of this setting through future development occurring within the proposed WBLP (and RVZ), however, it is considered that no adverse effects will occur on the wider WBLP in the Wakatipu Basin, or on the Wakatipu Basin itself. This view is formed on the basis of the reasonably isolated nature of the land, both physically and visually, from the wider Wakatipu Basin. The change in appearance in this location will in my opinion create a different rural aesthetic, however this change in appearance will still assist with maintaining or even enhancing the qualities of the area.

- 106 Chapter 24 anticipates that a wide range of supportive activities that rely on and seek to locate within the rural landscape are contemplated within the WBRAZ. Such activities include rural living at low densities, recreation, commercial and tourism activities, combined with farming and farming related activities.
- 107 Objective 24.2.1 addresses both the WBRAZ and the WBLP. This objective seeks that landscape and amenity values are protected, maintained and enhanced. A number of policies that implement Objective 24.2.1 are relevant to the submissions, such consisting of:

*Implement minimum and average lot sizes within the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct to protect landscape character and visual amenity values. (24.2.1.1)*

*Ensure subdivision and developments are designed (including accessways, services, utilities and building platforms) to minimise modification to the landform, and maintain and enhance the landscape character and visual amenity values. (24.2.1.2)*

*Ensure that subdivision and development maintains and enhances the Wakatipu Basin landscape character and visual amenity values identified for the landscape character units as described in Schedule 24.8. (24.2.1.3)*

*Maintain and enhance the landscape character and visual amenity values associated with the Zone and Precinct and surrounding landscape context by controlling the colour, scale, form, coverage, location (including setbacks from boundaries and from Identified Landscape Features) and height of buildings and associated infrastructure, vegetation and landscape elements. (24.2.1.4)*

*Require all buildings to be located and designed so that they do not compromise the qualities of adjacent or nearby Outstanding Natural Features and Outstanding Natural Landscapes, or of identified landscape features. (24.2.1.5)*

*Ensure non-residential activities avoid adverse effects on the landscape character and visual amenity values. (24.2.1.6)*

*Ensure land use activities protect, maintain and enhance the range of landscape character and visual amenity values associated with the Zone, Precinct and wider Wakatipu Basin area. (24.2.1.8)*



*Provide for activities that maintain a sense of openness and spaciousness in which buildings are subservient to natural landscape elements (24.2.1.9)*

- 108 The discussion on the proposed minimum allotment size for the subject WBLP (being 4000m<sup>2</sup>) will be addressed below in the context of Policy 24.2.1.1.
- 109 In terms of Policy 24.2.1.2, input from professionals (i.e. planners, surveyors, landscape architect, engineers), as well as direct control by the Council over the resource consent process, will ensure appropriate subdivision design outcomes that minimise modifications to landforms and maintain and enhance the landscape character and visual amenity values of the subject site and wider landscape.
- 110 In terms of Policy 24.2.1.3, Mr Espie has addressed the amendments to the applicable Landscape Character Units that apply to the land. Mr Espie considers that a 'low' capacity to absorb development within the Landscape Character Unit 18 – Morven Ferry Foothills, is not justified. Mr Espie considers that the term 'moderate-low' should apply to this unit. In Mr Espie's view, development can occur on the land in a way that appropriately maintains the landscape character and visual amenity values of Landscape Unit 18.
- 111 The matters addressed in Policy 24.2.1.4 can be properly dealt with via the resource consent process.
- 112 In terms of Policy 24.2.1.5, the location of the WBLP and the future control over allotments and building locations, will ensure that there are no adverse effects on adjacent ONL's or ONF's, in terms of compromising such landforms.
- 113 With regard to Policy 24.2.1.8, through the location of future development (and controls placed in any planning approvals), the landscape character and visual amenity values associated with the area will be maintained, if not enhanced.
- 114 In terms of Policy 24.2.1.9, through the location of future built form (and design controls) and a sizeable area of the land remaining within the WBLP, there will be some maintenance of openness and spaciousness. Future built form can be developed in a manner which leads to such being subservient in the landscape.
- 115 Objective 24.2.2 deals with both the WBRAZ and the WBLP in terms of compatibility non-residential activities. There are four policies that implement this objective that are relevant to the submissions, such being:

*Support commercial, recreation and tourism related activities where these activities protect, maintain or enhance the landscape character and visual amenity values. (24.2.2.1)*

*Ensure traffic, noise and the scale and intensity of non-residential activities do not adversely impact on the landscape character and visual amenity values or affect the safe and efficient operation of the roading and trail network or access to public places. (24.2.2.2)*

*Restrict the type and intensity of non-residential activities to those which are compatible in visual amenity terms and in relation to other generated effects (e.g. traffic, noise, and hours of operation) with surrounding uses and the natural environment. (24.2.2.3)*

*Ensure traffic generated by non-residential development does not individually or cumulatively compromise road safety or efficiency. (24.2.2.4)*

116 On the assumption that the RVZ is imposed on a portion of the land, Objective 24.2.2 and the supporting policies will not be relevant to the non-residential activities being undertaken from within the RVZ. Any future non-residential activities to be undertaken within the WBLP will need to address the above provisions.

117 Objective 24.2.4 deals with both the WBRAZ and the WBLP. This objective seeks to ensure that subdivision and land use development maintains and enhances water quality, ecological quality, and recreational values while ensuring the efficient provision of infrastructure. Of relevance to the submissions are the following policies that implement this objective:

*Ensure development does not generate servicing and infrastructure costs that fall on the wider community. (24.2.4.4)*

*Ensure development infrastructure is self-sufficient and does not exceed capacities for infrastructure servicing. (24.2.4.5)*

118 As noted by the Statement of Evidence compiled by Mr Hadley, the infrastructure servicing of the rezoned land will need to be undertaken separately from the Council (with costs falling on the developer).

119 Objective 24.2.5 (and its supporting policies) only apply to the WBLP. This objective seeks the maintenance and enhancement of the landscape character and visual amenity values in the WBLP, combined with enabling rural residential living activities. The relevant policies that are applicable to the submissions are:

*Provide for rural residential subdivision, use and development only where it protects, maintains or enhances the landscape character and visual amenity*

*values as described within the landscape character unit as defined in Schedule 24.8. (24.2.5.1)*

*Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained. (24.2.5.3)*

*Implement minimum and average lot size standards in conjunction with building coverage and height standards so that the landscape character and visual amenity qualities of the Precinct are not compromised by cumulative adverse effects of development. (24.2.5.4)*

*Maintain and enhance a distinct and visible edge between the Precinct and the Zone. (24.2.5.5)*

- 120 In terms of Policy 24.2.5.1, well designed subdivisions with strong consideration of building locations, access, structural planting, avoidance of planting in key viewing area, together with controls over future built form, will lead to development scenarios that can either maintain or enhance landscape and visual amenity values associated with the setting.
- 121 In relation to Policy 24.2.5.4, the proposed minimum allotment size regime for the WBLP will be addressed below.
- 122 In terms of Policy 24.2.5.5, a visible and distinctive edge will remain between the proposed WBLP and the adjoining WBRAZ.

### **ODP Rural Visitor Zone**

- 123 As stated above, the original Barnhill submission sought to rezone 20.2 hectares of land to the ODP RVZ. The submission promoted additional (or more restrictive) controls to be placed within the RVZ (when compared to the ODP provisions) in order to control future development and land use activities within this zoning framework. Such controls dealt with building height, site coverage and road setbacks.

- 124 What was envisaged in terms of land use within the RVZ land was a particularly low density of tourist/visitor accommodation, in the form of a camping area, a bed and breakfast operation, accommodation villas, café and bike hire.<sup>3</sup>
- 125 Ms Mellsop in her Statement of Evidence (paragraphs 7.51 and 7.52) raises concerns in relation to the development potential for the RVZ.
- 126 The RVZ does allow for (at the extreme) visitor accommodation buildings to be built to 12m in height, while buildings used for commercial, recreation and residential activities can be built to 8m in height. On the assumption that all rules are adhered to, buildings to these respective heights will be processed as a controlled activity under the RVZ. Irrespective of the activity status, in my opinion, visitor accommodation buildings built to the height of 12m on the Barnhill land will be inappropriate and out of context, hence why a 12m height limit was not pursued in the original Barnhill submission.
- 127 Taking on board the comments from Ms Mellsop and the minute from the Hearings Panel (as addressed above), it is proposed to further refine the RVZ provisions for the Barnhill land.
- 128 This refinement includes greater control over buildings in terms of location, function, size and scale. Importantly, the status of buildings within the RVZ is now a Restricted Discretionary activity, which means the Council has the ability to either notify or decline an inappropriate proposal. There is also the ability to approve buildings on a non-notified basis.
- 129 The maximum building coverage for the RVZ - Area B has been reduced considerably, down from 9350m<sup>2</sup> to 3000m<sup>2</sup> (over an approximate 18.7 hectares). Plus, a maximum building coverage has now been imposed for the RBZ Area A, being 1500m<sup>2</sup>.
- 130 A maximum building footprint of 300m<sup>2</sup> is also proposed for the RVZ, together with a maximum height limit of 8m (see additional comments below). These controls will ensure that the bulk of built form is reasonably discrete across the land.
- 131 Previously, a 35m road setback was imposed from Morven Ferry Road within Area B of the RVZ. This setback has been extended to include Area A within the RVZ.

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<sup>3</sup> Paragraph 5: Barnhill Corporate Trustee Limited – Vivian & Espie Landscape & Visual Effects Assessment Report – 16<sup>th</sup> October 2015 (Submission 626) AND Economic Overview Firgrove Farm – 20<sup>th</sup> October 2015 (paragraph 2.3).

- 132 The exception to the maximum building footprint of 300m<sup>2</sup> and maximum building height limit of 8m, is the potential provision of a 10m high building (with a 500m<sup>2</sup> building footprint) that will be utilised for the production of wine – specifically within Area B of the RVZ. The additional bulk for this building takes on board the functional requirements for the wine making process. Despite the reference in the revised RVZ provisions for a larger viticultural building, the Council will have the ability to exert significant control over the location, scale and height of this building. In my view, a well-designed and located winery building can successfully be developed within Area B of the RVZ. Conversely, the Council has the ability to ‘knock-back’ and inappropriate winery building.
- 133 It is noted that the RVZ Rule 12.4.3.4 has been amended so as to confirm that the production of wine has been excluded from this rule
- 134 Under the ODP RVZ, residential activities are a permitted activity. The approach for the amended RVZ provisions is to acknowledge that some residential use in the form of workers accommodation is appropriate for this RVZ, owing to its location – it is logical to house workers close to the source of work. However, it is considered that unfettered residential use within the RVZ will be inappropriate.
- 135 Various existing ODP RVZ Assessment Matters have been altered or new Assessment Matters created in order to deal with the above amendments
- 136 While the actual land area of the RVZ is large, it is considered that the further refinement of the OPD RVZ provisions as outlined above, will lead to a zoning regime that will enable a reasonably low-density of development that can be utilised for non-residential activities. An abundance of open space will still prevail. Plus, with the refined zoning regime, there is greater control (or restriction) over built form and certain activities within the RVZ. This approach means that the Council has the ability to ensure only appropriate development occurs within the RVZ, such development taking on board the attributes and values of the Morven Ferry Road setting.
- 137 As noted by Dr Galloway, the development of appropriate activities within the RVZ will assist with increasing the amenity values of the trail that passes through the vicinity of Morven Ferry Road. The trail in itself provides amenity values to users of the trail, however, such amenity values will be increased through the provision of facilities such as accommodation, provision of refreshments and better parking options. Trail users moving through the Barnhill land are in effect caged in via the side deer fence arrangement. If and when the deer farming

operation ceases, the removal of the deer fences will remove this caged impression created via the deer fences.

- 138 It is acknowledged that Chapter 3 (in particular Policy 3.3.21) and Chapter 24 (Objective 24.2.2 and supporting policies) acknowledge and/or support appropriate non-residential activities in the WBRAZ and WBLP. One view could be to dispense with the RVZ proposal and instead require a landowner to apply for resource consent(s) under the WBRAZ (or WBLP) zoning framework for non-residential activities. My view is that would be an inefficient approach - the establishment of an appropriate zone (the amended RVZ) will signal to the District Plan administrators, surrounding landowners and the actual affected landowners, that non-residential activities are appropriate for the land, subject to a rigorous resource consent process. Relying on the WBRAZ is an option, however, this will lead to greater risks and uncertainty associated with the resource consent process under this zoning framework.

#### **Allotment Sizes – 4000m<sup>2</sup>**

- 139 The submitters have sought the WBLP to be imposed on the land, with a 4,000m<sup>2</sup> minimum lot subdivision regime on the identified subject land. The average density of 4000m<sup>2</sup> is no longer being sought as outlined above.
- 140 The proposed subdivision approach of a 4000m<sup>2</sup> will result in an increased density of rural residential activities (buildings, associated structures, amenity plantings, lawns). As Mr Espie notes, subdivision at this scale in a rural area will generally end up with a heavy treed appearance over time. Various examples of this residential density exist in within the Wakatipu Basin, with a prime example being at the northern end of Lake Hayes. In this regard, I disagree with Ms Mellsop that subdivision to 4000m<sup>2</sup> in area will not retain any 'real' rural amenity in the area of proposed rezoning to WBLP. A treed approach with copious rural outlooks (both looking in, out and around the rural residential area) will still give the distinct appearance of being rural. This rural outlook may not be the traditional rural appearance of working pastoral paddocks, but it is still rural nonetheless. It is simply a different aesthetic that a viewer will experience. The area at the north of Lake Hayes contains a significant number of dwellings, however, in my mind, this area is still rural.
- 141 The key issue is whether it is appropriate to impose a 4000m<sup>2</sup> minimum allotment size regime or the current position of Council, being a minimum allotment size of 6000m<sup>2</sup>, together with a 1 hectare average allotment size.
- 142 As the land is a 'greenfields' situation and an area that both Mr Espie and I consider has higher absorption capabilities from landscape and planning

perspectives, I form the view that it is more appropriate to concentrate rural residential development in this location via a smaller minimum allotment size (and without the higher average allotment size), being 4000m<sup>2</sup>. This allotment size is not new to the Wakatipu Basin, as the ODP Rural Residential Zone (with a 4000m<sup>2</sup> minimum) has existed since the release of the decisions in 1998 for the 1995 Proposed District Plan.

- 143 The Council via Chapter 24 are seeking to increase the density of rural-residential development within the existing ODP Rural Lifestyle Zone (the opposite is occurring with the ODP Rural Residential Zone). I agree with the approach of intensifying the existing Rural Lifestyle Zone, however, there will be issues with a maximum uptake of rural 'infill'. Allotment sizes, existing dwelling placements, topography and nearby landowners will present issues for further subdivision in the Rural Lifestyle Zone. On the assumption that the WBLP is acceptable for the land, the infill issues outlined do not affect the land. The subdivision and development of the land is in effect is a clean slate, therefore in my view, it is more appropriate to maximise the potential of rural living on the land, especially as it is considered that the land has appropriate absorption capacities.
- 144 A 6000m<sup>2</sup> minimum allotment size, together with a 1 hectare average allotment size, would reduce the potential number of allotments on the land. In my opinion, there will be no material difference in terms of adverse effects on the landscape character and visual amenity of the locality and wider Wakatipu Basin through the imposition of a 4000m<sup>2</sup> minimum allotment size regime when compared to the notified approach for Chapter 24. As stated above, it is appropriate to locate rural residential development of this stature in locations that can absorb this level of development.

### **Infrastructure Servicing & Geotechnical Matters**

- 145 As outlined above, Mr Hadley compiled the preliminary assessment of natural hazard risks and infrastructure servicing feasibility for the PDP Stage 1 submissions. The specific infrastructure servicing matters addressed by Mr Hadley dealt with potable water supply, wastewater disposal and stormwater disposal.
- 146 Following investigations, Mr Hadley concluded that the land sought to be rezoned (and potential development densities) via the PDP Stage 1 submissions could feasibly be serviced with potable water, wastewater/stormwater disposal solutions which would satisfy the Council standards. Further, Mr Hadley concluded that there were no natural hazards impediments that would preclude the development of the land.

- 147 In a Statement of Evidence (dated 11<sup>th</sup> June 2018), Mr Hadley has compared the previous engineering assessments against the slightly revised PDP Stage 2 submissions were the land.
- 148 Mr Hadley has confirmed that due to there being no change in the location of the land to be rezoned, that the previous natural hazards remains valid, i.e. there are no natural hazards that could prevent the rezoning of the land.
- 149 Due to the reduction in development potential within the revised RVZ, Mr Hadley considers that the now proposed rezoning will have less demand from a servicing perspective, when compared to PDP Stage 1 submission development scenarios.
- 150 Based on the above, Mr Hadley considers that the present rezoning scenario for the land can be properly established to the Council standards, noting that the cost to establish and maintain such infrastructure will not be carried by the Council.

### **Transportation Matters**

- 151 Mr Jason Bartlett compiled a Traffic Assessment as part of the PDP Stage 1 submissions (629 and 626) and a Statement of Evidence (dated 11<sup>th</sup> June 2018) that deals with the same topic.
- 152 Mr Bartlett notes that the land to be rezoned can be accessed State Highway 6 via either Morven Ferry Road or Arrow Junction Road. Both of these roads presently do not meet the Council's minimum standards for the extent of existing traffic that uses such roads.
- 153 For the most part, Mr Bartlett considers that existing carriageway widths of Morven Ferry Road or Arrow Junction Road are capable of supporting the additional traffic flow resulting from the anticipated level of development on the land to be rezoned.
- 154 However, Mr Bartlett notes the following transportation matters will need to be addressed when development of the zone proceeds:
- a) The accesses could be formed from the land to Morven Ferry Road, noting that the MFL would have a legal width less than the required Council standard.
  - b) That Morven Ferry Road (past the intersection of Arrow Junction Road) which adjoins the Barnhill land will need to be widened in width.



- c) That the intersection of Morven Ferry Road and Arrow Junction Road be upgraded in a manner that encourages traffic to use Morven Ferry Road, as opposed to Arrow Junction Road.

- 155 From a physical transportation perspective, the land to be rezoned can be accommodated within an upgraded localised roading network and any local transport effects from the proposed re-zoning can be minimised and managed in a manner which is entirely appropriate. In effect, there are solutions to the transportation matters raised by Mr Bartlett.
- 156 Mr Bartlett has also addressed the Statement of Evidence from Mr David Smith in terms of Mr Smith's concerns regarding cumulative traffic effects of additional traffic using the Shotover Bridge, based on land being rezoned to the east of Shotover Bridge. As Mr Bartlett notes, Mr Smith opposes all submissions that propose to rezone land to the east of the Shotover River, based on cumulative traffic effects (i.e. the existing bridges will not be able to effectively cater for the increased traffic).
- 157 As Mr Bartlett notes, Mr Smith has not specifically addressed the actual traffic effects/generation for the proposed rezoning (or other submissions seeking rezoning to the east of the Shotover River).
- 158 Mr Smith's evidence highlights the key role that long term planning and infrastructure performs in identifying required infrastructure upgrades in advance and further, securing the necessary funding to allow the infrastructure upgrading to occur.
- 159 In my opinion, infrastructure capacity is one consideration of a vast number of considerations in the strategic planning of the District. In the majority of instances there are options in solving infrastructure capacity issues, however it is the cost which is the barrier. I agree with Mr Bartlett, that providing for land to be rezoned/developed through the PDP process provides a clear indication of the future planning environment, which in turn will guide the development of future transportation infrastructure, allowing for better predictions and business cases for improved transportation infrastructure upgrades.

**Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011**

- 160 Two Preliminary Site Investigation ("PSI") have been compiled for the Barnhill and MFL land. The first PSI was compiled by Insight Engineering for the Barnhill land, while the second PSI was compiled by Envira Consulting Limited for the MFL. Both PSI's are contained within **Appendix [G]**.
- 161 The purpose of the PSI's are to assess whether the Resource Management (*National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*) Regulations ("NES") apply to the site, according to criteria specified in NES Rule 5.

Barnhill Land

- 162 Following an assessment of background information and on-site observations, Insight Engineering concludes that four activities on the MFE Hazardous Activities and Industrial List ("HAIL") have been identified on the site. Such activities include:

Category A1 – Agrichemicals including commercial premises used by spray contractors for filling, storing or washing out tanks for agrichemical application.

Category A11 – Pest control including the premises of commercial pest control operators or any authorities that carry out pest control where bulk storage or preparation of pesticide occurs, including preparation of poisoned baits or filling or washing of tanks for pesticide application.

Category A17 – Storage tanks or drums for fuel, chemicals or liquid waste.

Category G5 – Waste disposal to land.

- 163 From the PSI, the HAIL activities are illustrated below (within Lot 4).



- 164 Insight Engineering notes that the majority of the site has been used to grow crops and provide pasture for sheep and deer. Sheep dipping was carried out at a property located towards the east of the site, being the property located at 297 Morven Ferry Road.
- 165 The approach in dealing with the HAIL activities is to promote Consent Notice conditions for the land contained within the Barnhill (via future resource consent(s)), which will prevent residential use of the subject land, unless the following requirements are adhered to:
- A Detailed Environmental Site Investigation (DSI) of the potentially contaminated area within proposed Lot 4, identified by Insight Engineering in the Preliminary Environmental Investigation titled *"Preliminary Environmental Site Investigation for proposed five lot subdivision at Morven Ferry Road, Arrow Junction"* reference number 17023, November 2017, must be completed by a suitably qualified environmental practitioner.
  - Minimum laboratory analytes must include a suite of common heavy metals (As, Cd, Cr, Cu, Hg, Pb, Ni and Zn), polycyclic aromatic hydrocarbons (PAHs), dioxins and semi-volatile organic compounds (SVOCs) in the waste incineration area and suite of heavy metals specifically associated with tyres (Cd, Pb and Zn) in the tyre stockpile area.
  - The investigation must conclude whether the soil contamination exceeds or does not exceed the applicable standard in NES Regulation 7.
  - If the soil contamination exceeds the applicable standard in NES Regulation 7, a remediation strategy or ongoing management strategy must be formulated pursuant to NES Regulation 10. The remedial or management approach should be agreed with Council prior to

implementation and the site management plan or site validation report, or both, should be provided to council as soon as is practicable.

- 166 Given the overall PSI assessment and the promoted Consent Notice conditions for Lot 4, Insight Engineering consider it highly unlikely that there will be risk to human health associated with the proposed subdivision and eventual residential use of the subject land.

#### MFL Land

- 167 Envira Consulting Limited has occurred the existing and previous land uses on the MFL, and has concluded that while subject to the NES, the use of the site for pastoral farming activities is unlikely to present a risk to human health, and further, that no additional testing is required.

### **CONCLUSION**

- 168 The information and Statement of Evidence submitted on behalf of Barnhill and MFL has demonstrated the acceptability of the proposed rezoning from planning, landscape, recreation and civil/traffic engineering perspectives.
- 169 Ms MacColl has outlined the history her family has with the Barnhill land, together with the evolving nature of farming on the land, and the positive and negative effects of the public trail.
- 170 From a planning perspective, the collective rezoning of the Barnhill and MFL land has been compiled on a comprehensive basis through a careful analysis of the ability of the land to absorb future development, such development being of a residential and non-residential nature.
- 171 The proposed rezoning provides an excellent opportunity via the amended RVZ to provide a framework that will connect positively with the public trails, and to provide a rural accommodation for visitors to the area. This zoning is a logical outcome for land that adjoins a key junction in the Queenstown Trail. The RVZ will provide a range of benefits, namely to trail users, the general public and to the landowners.
- 172 The proposed WBLP will allow an area of land to be developed for rural-residential purposes, without adversely affecting the landscape and visual amenity qualities of the wider Wakatipu Basin. The location of the proposed WBLP enables acceptability and in turn, additional rural living allotments can be provided to meet the increasing demand for such living in the Wakatipu Basin.

173 Overall, the proposed rezoning will enable alternative (and acceptable) land uses to be undertaken from land that is uneconomic from a farming perspective.

A handwritten signature in black ink, appearing to read 'Scott Freeman', with a stylized, cursive flourish.

Scott Freeman

**11<sup>th</sup> June 2018**

**APPENDIX A**

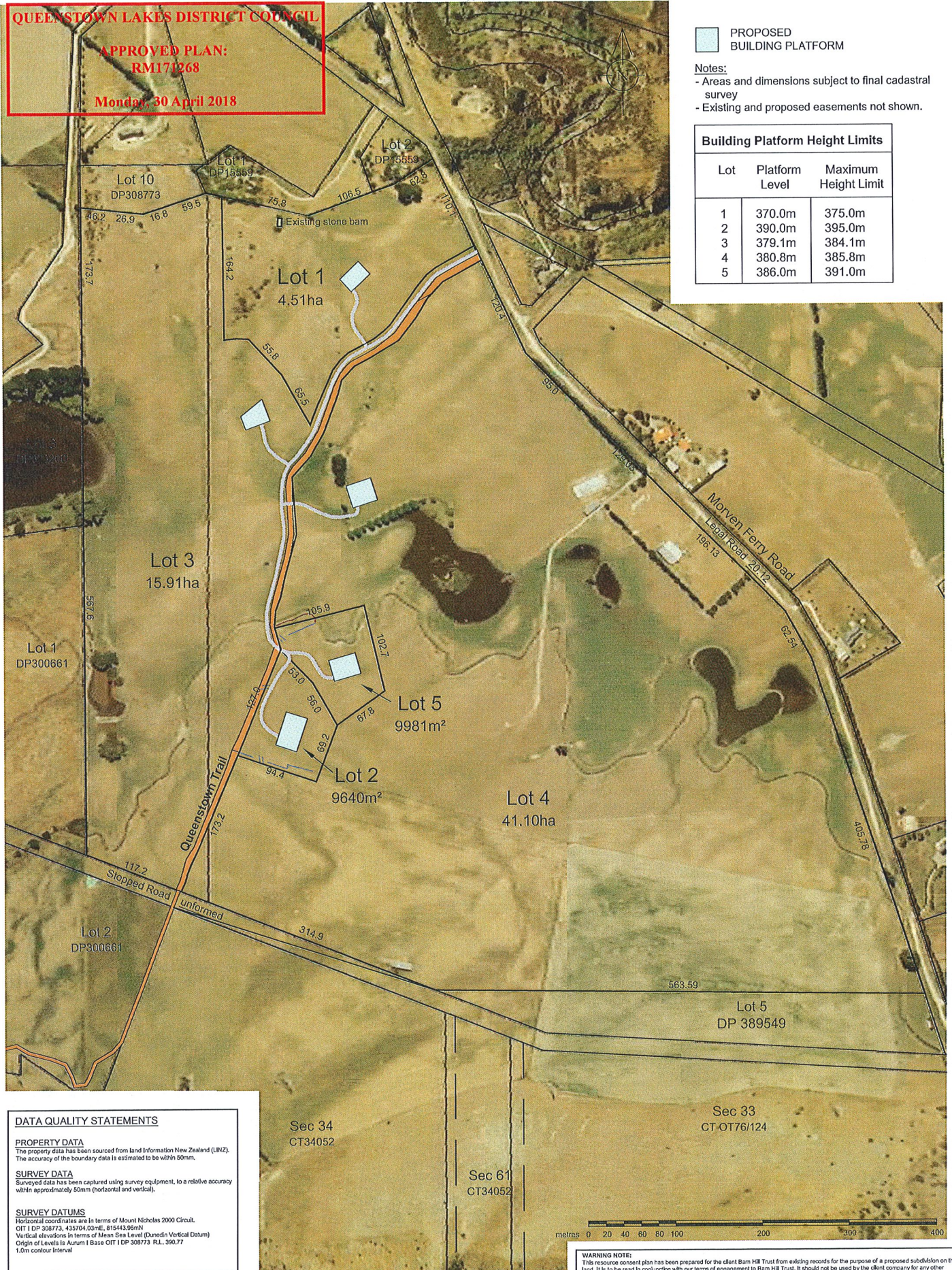
**SUBDIVISION PLAN – RM1711268**

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM171268**  
**Monday, 30 April 2018**

PROPOSED BUILDING PLATFORM

Notes:  
 - Areas and dimensions subject to final cadastral survey  
 - Existing and proposed easements not shown.

Building Platform Height Limits		
Lot	Platform Level	Maximum Height Limit
1	370.0m	375.0m
2	390.0m	395.0m
3	379.1m	384.1m
4	380.8m	385.8m
5	386.0m	391.0m



**DATA QUALITY STATEMENTS**

**PROPERTY DATA**  
 The property data has been sourced from Land Information New Zealand (LINZ). The accuracy of the boundary data is estimated to be within 50mm.

**SURVEY DATA**  
 Surveyed data has been captured using survey equipment, to a relative accuracy within approximately 50mm (horizontal and vertical).

**SURVEY DATUMS**  
 Horizontal coordinates are in terms of Mount Nicholas 2000 Circuit, OT 1 DP 308773, 435704.03mE, 81543.96mN  
 Vertical elevations in terms of Mean Sea Level (Dunedin Vertical Datum)  
 Origin of Levels is Aurum 1 Base OT 1 DP 308773 RL. 290.77  
 1.0m contour interval

**WARNING NOTE:**  
 This resource consent plan has been prepared for the client Barn Hill Trust from existing records for the purpose of a proposed subdivision on the land. It is to be read in conjunction with our terms of engagement to Barn Hill Trust. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

REV.	DATE:	REVISION DETAILS:	BY:
C	19-9-17	Bdys revised	BM
B	14-7-17	Bdys revised	BM
A	6-7-17	Initial release	BM

**TITLE:**  
**SUBDIVISION CONCEPT PLAN FOR LOTS 1, 2, 3, 4 & 5 BEING A PROPOSED SUBDIVISION OF LOTS 2, 3 & 4 DP 397602 MORVEN FERRY ROAD for BARN HILL TRUST**

DATE: 14 July 2017  
 BY: B McLeod  
 Scale 1:4000  
 Original Plan A3  
 DRAWING & ISSUE No. 3015.7R.1C

**AURUM SURVEY**  
 PO Box 2493  
 Wakatipu 9349  
 Ph 03 442 3466  
 Fax 03 442 3469  
 Email admin@ascl.co.nz

**APPENDIX B**

**EASEMENT INSTRUMENTS 9271861.9 & 9271861.8**





Instrument No. 9271861.8  
 Status Registered  
 Date & Time Lodged 25 Feb 2013 10:27  
 Lodged By Jack, Andrew Bryce  
 Instrument Type Easement Instrument



**Affected Computer Registers**    **Land District**

441856                                      Otago

**Annexure Schedule:** Contains 9 Pages.

### Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

I certify that the Mortgagee under Mortgage 8708516.2 has consented to this transaction and I hold that consent

### Signature

Signed by Andrew Bryce Jack as Grantor Representative on 25/02/2013 10:22 AM

### Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

### Signature

Signed by Andrew Bryce Jack as Grantee Representative on 25/02/2013 10:22 AM

**\*\*\* End of Report \*\*\***

**Form B**

**Easement instrument to grant easement or *profit à prendre*, or create land covenant**

(Sections 90A and 90F Land Transfer Act 1952)

**Grantor**

MORVEN FERRY LIMITED

**Grantee**

QUEENSTOWN LAKES DISTRICT COUNCIL

**Grant of Easement or *Profit à prendre* or Creation of Covenant**

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

**Schedule A**

*Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way (Pedestrian and Cycle Way)	"P" DP 454102	Lot 2 DP 300661 CT 441856	In Gross

Form B - continued

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**Easements or profits à prendre rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby [~~varied~~] [~~negated~~] [added to] or [~~substituted~~] by:

[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]

[the provisions set out in Annexure Schedule 1 ]

Form L

Annexure Schedule

Page 1 of 7 Pages

*Insert instrument type***Easement Instrument***Continue in additional Annexure Schedule, if required***1. Definitions**

In this Instrument unless the context otherwise requires:

- 1.1 "Easement Area" means:
- (a) That part of the Servient Land described in Schedule A of this Instrument and marked "P" on DP 454102 over which an easement in gross has been granted to the Grantee.
- 1.2 "District Plan" means the Queenstown Lakes District Plan.
- 1.3 "Public Place" means every public thoroughfare, park, reserve, lake, river or place to which the public has access with or without the payment of a fee, and which is under the control of the District Council, or other agencies. Excludes any Trail as defined below.
- 1.4 "Right of Access" means the rights granted by clause 2.1(a).
- 1.5 "Trail" means any public access route (excluding (a) roads and (b) public access easements created by the process of tenure review under the Crown Pastoral Land Act) legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities.
- 1.6 "Servient Land" means the land owned by the Grantor and described in Schedule A of this Instrument.
- 1.7 "Grantee" means the Queenstown Lakes District Council and includes tenants, agents, contractors and invitees and any employee or contractor of the Queenstown Lakes District Council and for the purposes of clause 2.1 includes any member of the public.
- 1.8 "Grantor" means the owner, its successors and assigns of the Servient Land described in Schedule A of this Instrument and includes the Grantors tenants and invitees.

**2. Right of Access**

- (a) The Grantor and the Grantee and its invitees, contractors, employees and anyone else (including the public generally) authorised by the Grantee will have the full, free and unrestricted right, liberty and privilege to go, pass and to re-pass over and along the Easement Area at any time, by bicycle, on foot or any other form of human powered transportation. The rights created by this instrument will continue in perpetuity unless surrendered by the Grantee.

## Form L

## Annexure Schedule

Page 2 of 7 Pages

*Insert instrument type*

Easement

*Continue in additional Annexure Schedule, if required*

(b) Such Right of Access shall entitle the Grantee to make the Easement Area available to such organisations, groups or professional bodies as the Grantee deems appropriate for competitive, charitable, professional or fund raising events, occasions or concessions subject to the terms of this instrument.

2.2 The Grantee and its invitees, contractors and employees will have the full, free, and unrestricted right, liberty and privilege at any time to:

(a) establish, form, construct, repair, inspect, maintain, replace, upgrade and operate a pedestrian footpath and a cycleway (and any associated equipment, structure and fixtures) on the Easement Area; and

(b) enter onto the Easement Area and the adjoining land of the Grantor with or without vehicles, plant, equipment and implements for the purposes of:  
 (i) undertaking the matters set out in clause 2.2(a); or  
 (ii) providing medical or other assistance to any person using the Easement Area.

2.3 The Grantee will maintain the Easement Area and will ensure that all reasonable care is taken to avoid damage to the Easement Area.

### 3. Grantees Rights

3.1 The Grantee may dig up the Easement Area for all or any of the purposes referred to above and if necessary may deposit soil, aggregate, and/or any other material upon the Grantor's land immediately adjoining the Easement Area provided that all work will be carried out expeditiously and on completion the surface of any land adjacent to the Easement Area that is affected will immediately be restored as nearly as possible to its former state and condition at the Grantee's sole cost.

3.2 In exercising any rights under this instrument, the Grantee will not unduly interfere with any other lawful use of the Grantor's land and will, except in case of emergency, give reasonable notice to the Grantor of the Grantee's intention to carry out any works.

### 4. Assignment

4.1 The Grantee shall not transfer or assign its interest under this Instrument to any other entity without the prior written approval of the Grantor. The Grantee shall only be entitled to transfer or assign its interest under this Instrument where such transfer or assignment is for the better management of or the provision of funding relating to the use of the Easement Area and provided such transferee or assignee maintains the Easement Area for public use;

## Form L

Annexure Schedule

Page 3 of 7 Pages

*Insert instrument type*

Easement

*Continue in additional Annexure Schedule, if required*

4.2 The Grantee may engage a third party to manage the use of the Easement Area provided such third party maintains the Easement Area for public use. For the avoidance of doubt any transfer or assignment agreed to by the Grantor shall be on the basis that any transferee or assignee accepts that the Easement Area is a Trail and is excluded from the definition of Public Place and from Public Place assessment criteria under the District Plan.

**5. Grantors Covenants**

5.1 The Grantor will not do nor suffer nor permit to be done any act, matter, or thing whereby the Grantee's rights hereunder may be interfered with or affected and in particular (but not to restrict the generality of this clause) the Grantor will not construct, erect or place (or suffer or permit the same) on the Easement Area any building or structure, or do anything else which may reduce the soil and general stability of the Easement Area.

5.2 The Grantor will not grant any rights or interest in the Easement Area to any other person which conflict with the rights granted by this instrument.

5.3 The Grantor will take reasonable steps to ensure that the Easement Area is free from hazards arising from the Servient Land (excluding the Easement Area) which may pose a risk to users of the Easement Area or the Easement Area itself including taking reasonable steps to prevent spray drift, tree felling, dangerous animals, motor bikes or other vehicles, firearms or other equipment or hazards which may pose such a risk on or near the Easement Area.

**6. Grantees Covenants**

6.1 The Grantee will use reasonable efforts to keep the Easement Area free of litter and obstructions.

6.2 The Grantee will establish, and use reasonable endeavours to ensure compliance with, rules relating to the use of the Easement Area. The rules will prohibit deviating from the Easement Area, littering, animals (excluding domestic animals), camping, the use of motor vehicles, carrying dangerous goods or firearms and lighting fires.

**7. Reconstruction**

7.1 If the Easement Area or any part of it is destroyed or damaged by land slip, erosion or natural disaster, the Grantor and the Grantee will consider whether it is reasonable to reconstruct and

## Form L

Annexure Schedule

Page 4 of 7 Pages

*Insert instrument type*

Easement

*Continue in additional Annexure Schedule, if required*

reposition the Easement Area, or that part of it which is destroyed or damaged, along the closest reasonably practicable route. If the parties agree then the Grantor will do all things necessary and the Grantee will provide such assistance as is necessary to register a surrender and replacement easement instrument against the title(s) to the Land to record the repositioned Easement Area. The Grantee will pay the reasonable cost of reconstructing the Easement Area and registering the necessary instruments.

**8. Term**

8.1 The Easement created by this Instrument is to be in perpetuity.

**9. Temporary Suspension**

9.1 The Grantee (not being a member of the public) may, at any time in exercise of its powers, temporarily close all or part of the Easement Area for such period as it considers necessary.

**10. Dispute Resolution**

10.1 If a dispute arises between the Grantor and Grantee (not being a member of the public) concerning the rights, management and operation created by this Instrument the parties are to enter into negotiations in good faith to resolve it.

10.2 If the dispute is not resolved within fourteen (14) days of written notice by one party to the other it is to be referred to mediation.

10.3 If the dispute is not resolved within twenty one (21) days or such other period as agreed in writing between the parties after the appointment of a mediator, the parties must submit the arbitration of an independent arbitrator appointed jointly by the parties or, if one cannot be agreed within fourteen (14) days, to an independent arbitrator appointed by the President for the time being of the local branch of the New Zealand Law Society in which the Servient Land is situated.

10.4 The arbitration is to be determined in accordance with the Arbitration Act 1996 and its amendments or any enactment passed in substitution.

**11. Notice**

11.1 A notice to be given under this Instrument by one party to the other is to be in writing and must:

(a) Be hand delivered to the receiving party; or

Form L

Annexure Schedule

Page 5 of 7 Pages

*Insert instrument type*

Easement

*Continue in additional Annexure Schedule, if required*

- (b) Be sent by ordinary post to the receiving party; or
- (c) Be sent by facsimile to the receiving party.

11.2 If clause 11.1(b) applies the notice will be deemed to be received by the receiving party on such date on which the ordinary post would be delivered.

11.3 If clause 11.1(c) applies the notice will be deemed to have been received on the day on which it is dispatched or, if dispatched after 5.00pm, on the next day after the date of dispatch.

**12. Special Easement Terms**

12.1 The standard easement terms contained above must be read subject to any special easement terms set out below.

12.2 The Grantee (not being a member of the public) has the right:

- (a) To mark the Easement Area as appropriate
- (b) To erect and maintain signs informing the public of their rights and responsibilities in relation to the Easement Area.
- (c) To erect, construct and maintain fences, cattle stops, gates, stiles, stairs and walkways and any other means of access to and over the Easement Area as deemed appropriate in the sole discretion of the Grantee to facilitate the terms of this Instrument or to protect the Servient Land.
- (d) For the purposes of undertaking the matters set out in clauses 12.2(a), (b) and (c), the Grantee may access the Easement Area over such tracks, roads, accessways or other routes over the Grantor's land as may be reasonable in the circumstances provided that the Grantor may impose reasonable conditions on such access (except in emergency) but may not unreasonably restrict access to the Easement Area.

12.3 The Grantee acknowledges and agrees that:

- (a) subject to clause 12.2(c), the Grantee will only establish, form and construct equipment, structures and fixtures on the Easement Area that are essential to the construction of a pedestrian footpath and a cycleway. For the avoidance of doubt the Grantee will not establish, form or construct any seating, shelter or similar structure on the Easement Area.



## Form L

Annexure Schedule

Page 6 of 7 Pages

*Insert instrument type*

Easement

*Continue in additional Annexure Schedule, if required*

- (b) the Easement Area is located in an area that may be susceptible to natural erosion and the Grantor is not responsible and is not required to take any action in respect of such erosion to the Easement Area.
- (c) for the purposes of undertaking the matters set out in clause 2.2(b), 3, 12.2(a), (b) and (c), the Grantee must (except in an emergency) give the Grantor reasonable notice and the Grantee must comply with the Grantor's reasonable conditions regarding such access (including the access times and routes over the Servient Land to access the Easement Area).
- (d) it will immediately make good and repair (at its cost) any damage caused to the Grantor's Land from the Grantee exercising its rights under this instrument.
- (e) that the Easement Area is a Trail and is excluded from the definition of Public Place and from the Public Place assessment criteria under the District Plan. For the avoidance of doubt, Queenstown Lakes District Council as the original grantee specifically acknowledges this clause notwithstanding any assignment under clause 4 above.
- (f) that the Grantor has no liability to contribute to construction or maintenance of the Easement Area.
- (g) that the Grantor has no liability resulting from the use of the Easement Area by the general public.

**13. Conflict**

- 13.1 Where there is a conflict between the provisions of this instrument, the Fourth Schedule to the Land Transfer Regulations 2002 and the Fifth Schedule to the Property Law Act 2007, any modifications in this instrument will prevail.

**14. Local Government Act**

- 14.1 The parties agree that the Grantee will "control" the Easement Area for the purposes of the Local Government Act 1974.

**15. Public Liability**

- 15.1 The Grantee will obtain and maintain such public legal liability insurance for no less than \$1,000,000, for any one accident whereby the Grantor shall be indemnified against all actions, suits, claims, demands, proceedings, losses, damages, compensation sums of

Form L

Annexure Schedule

Page 7 of 7 Pages

*Insert instrument type*

Easement

*Continue in additional Annexure Schedule, if required*

money, costs, charges and expenses to which the Grantor shall or may be liable as a result of the Grantor entering into this Instrument.

A copy of such insurance cover shall be delivered to the Grantor if so requested by the Grantor.

15.2 Subject to the Grantor complying with clause 5 thereof the Grantee shall indemnify the Grantor in respect of any claim loss or liability in respect of the use of the Easement Area or as a result of the Grantor entering into this Instrument.



Instrument No. 9271861.9  
 Status Registered  
 Date & Time Lodged 25 Feb 2013 10:27  
 Lodged By Jack, Andrew Bryce  
 Instrument Type Easement Instrument

**Affected Computer Registers    Land District**

389548	Otago
389549	Otago
389550	Otago

**Annexure Schedule:** Contains 9 Pages.

**Grantor Certifications**

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

I certify that the Mortgagee under Mortgage 8669481.2 has consented to this transaction and I hold that consent

**Signature**

Signed by Andrew Bryce Jack as Grantor Representative on 25/02/2013 10:22 AM

**Grantee Certifications**

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

**Signature**

Signed by Andrew Bryce Jack as Grantee Representative on 25/02/2013 10:23 AM

\*\*\* End of Report \*\*\*

## Form B

**Easement instrument to grant easement or *profit à prendre*, or create  
land covenant**

(Sections 90A and 90F Land Transfer Act 1952)

## Grantor

BARNHILL CORPORATE TRUSTEE LIMITED

## Grantee

QUEENSTOWN LAKES DISTRICT COUNCIL

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

## Schedule A

*Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right of Way (Pedestrian and Cycle Way)	"Q" DP 454102	Lot 4 DP 397602 CT 389548	In Gross
	"R" DP 454102	Lot 3 DP 397602 CT 389549	
	"S" and "T" DP 454102	Lot 2 DP397602 CT 389550	

Form B - continued

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**Easements or profits à prendre rights and powers (including terms, covenants and conditions)**

*Delete phrases in [ ] and insert memorandum number as required; continue in additional Annexure Schedule, if required*

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~varied~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]

[the provisions set out in Annexure Schedule 1 ]

## Annexure Schedule 1

2003/5038EF  
Approved  
Registrar General of Land

Dated

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## Easement Instrument

*Continue in additional Annexure Schedule if required***1. Definitions**

In this Instrument unless the context otherwise requires:

- 1.1 "Easement Area" means:
- (a) That part of the Servient Land described in Schedule A of this Instrument and marked "Q", "R", "S", "T" on DP 454102 over which an easement in gross has been granted to the Grantee.
- 1.2 "District Plan" means the Queenstown Lakes District Plan.
- 1.3 "Public Place" means every public thoroughfare, park, reserve, lake, river or place to which the public has access with or without the payment of a fee, and which is under the control of the District Council, or other agencies. Excludes any Trail as defined below.
- 1.4 "Right of Access" means the rights granted by clause 2.1(a).
- 1.5 "Trail" means any public access route (excluding (a) roads and (b) public access easements created by the process of tenure review under the Crown Pastoral Land Act) legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities.
- 1.6 "Servient Land" means the land owned by the Grantor and described in Schedule A of this Instrument.
- 1.7 "Grantee" means the Queenstown Lakes District Council and includes tenants, agents, contractors and invitees and any employee or contractor of the Queenstown Lakes District Council and for the purposes of clause 2.1 includes any member of the public.
- 1.8 "Grantor" means the owner, its successors and assigns of the Servient Land described in Schedule A of this Instrument and includes the Grantors tenants and invitees.

**2. Right of Access**

- (a) The Grantor and the Grantee and its invitees, contractors, employees and anyone else (including the public generally) authorised by the Grantee will have the full, free and unrestricted right, liberty and privilege to go, pass and to re-pass over and along the Easement Area at any time, by bicycle, on foot or any other form of human powered transportation. The rights created by this instrument will continue in perpetuity unless surrendered by the Grantee.

**If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.**

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**Easement Instrument***Continue in additional Annexure Schedule if required*

- (b) Such Right of Access shall entitle the Grantee to make the Easement Area available to such organisations, groups or professional bodies as the Grantee deems appropriate for competitive, charitable, professional or fund raising events, occasions or concessions subject to the terms of this instrument.
- 2.2 The Grantee and its invitees, contractors and employees will have the full, free, and unrestricted right, liberty and privilege at any time to:
- (a) establish, form, construct, repair, inspect, maintain, replace, upgrade and operate a pedestrian footpath and a cycleway (and any associated equipment, structure and fixtures) on the Easement Area; and
- (b) enter onto the Easement Area and the adjoining land of the Grantor with or without vehicles, plant, equipment and implements for the purposes of:
- (i) undertaking the matters set out in clause 2.2(a); or
- (ii) providing medical or other assistance to any person using the Easement Area.
- 2.3 The Grantee will maintain the Easement Area and will ensure that all reasonable care is taken to avoid damage to the Easement Area.
3. **Grantees Rights**
- 3.1 The Grantee may dig up the Easement Area for all or any of the purposes referred to above and if necessary may deposit soil, aggregate, and/or any other material upon the Grantor's land adjoining the Easement Area provided that all work will be carried out expeditiously and on completion the surface of any land adjacent to the Easement Area that is affected will immediately be restored as nearly as possible to its former state and condition at the Grantee's sole cost.
- 3.2 In exercising any rights under this instrument, the Grantee will not unduly interfere with any other lawful use of the Grantor's land and will, except in case of emergency, give reasonable notice to the Grantor of the Grantee's intention to carry out any works.
4. **Assignment**
- 4.1 The Grantee shall not transfer or assign its interest under this Instrument to any other entity without the prior written approval of the Grantor. The Grantee shall only be entitled to transfer or assign its interest under this Instrument where such

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## Easement Instrument

*Continue in additional Annexure Schedule if required*

transfer or assignment is for the better management of or the provision of funding relating to the use of the Easement Area and provided such transferee or assignee maintains the Easement Area for public use;

- 4.2 The Grantee may engage a third party to manage the use of the Easement Area provided such third party maintains the Easement Area for public use. For the avoidance of doubt any transfer or assignment agreed to by the Grantor shall be on the basis that any transferee or assignee accepts that the Easement Area is a Trail and is excluded from the definition of Public Place and from Public Place assessment criteria under the District Plan.

**5. Grantors Covenants**

- 5.1 The Grantor will not do nor suffer nor permit to be done any act, matter, or thing whereby the Grantee's rights hereunder may be interfered with or affected and in particular (but not to restrict the generality of this clause) the Grantor will not construct, erect or place (or suffer or permit the same) on the Easement Area any building or structure, or do anything else which may reduce the soil and general stability of the Easement Area.
- 5.2 The Grantor will not grant any rights or interest in the Easement Area to any other person which conflict with the rights granted by this instrument.
- 5.3 The Grantor will take reasonable steps to ensure that the Easement Area is free from hazards arising from the Servient Land (excluding the Easement Area) which may pose a risk to users of the Easement Area or the Easement Area itself including taking reasonable steps to prevent spray drift, tree felling, dangerous animals, motor bikes or other vehicles, firearms or other equipment or hazards which may pose such a risk on or near the Easement Area.

**6. Grantees Covenants**

- 6.1 The Grantee will use reasonable efforts to keep the Easement Area free of litter and obstructions.
- 6.2 The Grantee will establish, and use reasonable endeavours to ensure compliance with, rules relating to the use of the Easement Area. The rules will prohibit deviating from the Easement Area, littering, animals (excluding domestic animals), camping, the use of motor vehicles, carrying dangerous goods or firearms and lighting fires.

**7. Reconstruction**

- 7.1 If the Easement Area or any part of it is destroyed or damaged by land slip, erosion or natural disaster, the Grantor and the Grantee will consider whether it is reasonable to reconstruct and

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## Easement Instrument

*Continue in additional Annexure Schedule if required*

reposition the Easement Area, or that part of it which is destroyed or damaged, along the closest reasonably practicable route. If the parties agree then the Grantor will do all things necessary and the Grantee will provide such assistance as is necessary to register a surrender and replacement easement instrument against the title(s) to the Land to record the repositioned Easement Area. The Grantee will pay the reasonable cost of reconstructing the Easement Area and registering the necessary instruments.

**8. Term**

8.1 The Easement created by this Instrument is to be in perpetuity.

**9. Temporary Suspension**

9.1 The Grantee (not being a member of the public) may, at any time in exercise of its powers, temporarily close all or part of the Easement Area for such period as it considers necessary.

**10. Dispute Resolution**

10.1 If a dispute arises between the Grantor and Grantee (not being a member of the public) concerning the rights, management and operation created by this Instrument the parties are to enter into negotiations in good faith to resolve it.

10.2 If the dispute is not resolved within fourteen (14) days of written notice by one party to the other it is to be referred to mediation.

10.3 If the dispute is not resolved within twenty one (21) days or such other period as agreed in writing between the parties after the appointment of a mediator, the parties must submit the arbitration of an independent arbitrator appointed jointly by the parties or, if one cannot be agreed within fourteen (14) days, to an independent arbitrator appointed by the President for the time being of the local branch of the New Zealand Law Society in which the Servient Land is situated.

10.4 The arbitration is to be determined in accordance with the Arbitration Act 1996 and its amendments or any enactment passed in substitution.

**11. Notice**

11.1 A notice to be given under this Instrument by one party to the other is to be in writing and must:

(a) Be hand delivered to the receiving party; or

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## Easement Instrument

*Continue in additional Annexure Schedule if required*

- (b) Be sent by ordinary post to the receiving party; or
  - (c) Be sent by facsimile to the receiving party.
- 11.2 If clause 11.1(b) applies the notice will be deemed to be received by the receiving party on such date on which the ordinary post would be delivered.
- 11.3 If clause 11.1(c) applies the notice will be deemed to have been received on the day on which it is dispatched or, if dispatched after 5.00pm, on the next day after the date of dispatch.
- 12. Special Easement Terms**
- 12.1 The standard easement terms contained above must be read subject to any special easement terms set out below.
- 12.2 The Grantee (not being a member of the public) has the right:
- (a) To mark the Easement Area as appropriate
  - (b) To erect and maintain signs informing the public of their rights and responsibilities in relation to the Easement Area.
  - (c) To erect, construct and maintain fences, cattle stops, gates, stiles, stairs and walkways and any other means of access to and over the Easement Area as deemed appropriate in the sole discretion of the Grantee to facilitate the terms of this Instrument or to protect the Servient Land.
  - (d) For the purposes of undertaking the matters set out in clauses 12.2(a), (b) and (c), the Grantee may access the Easement Area over such tracks, roads, access-ways or other routes over the Grantor's land as may be reasonable in the circumstances provided that the Grantor may impose reasonable conditions on such access (except in emergency) but may not unreasonably restrict access to the Easement Area.
- 12.3 The Grantee acknowledges and agrees that:
- (a) subject to clause 12.2(c), the Grantee will only establish, form and construct equipment, structures and fixtures on the Easement Area that are essential to the construction of a pedestrian footpath and a cycleway. For the avoidance of doubt the Grantee will not establish, form or construct any seating, shelter or similar structure on the Easement Area.

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**Easement Instrument***Continue in additional Annexure Schedule if required*

- (b) the Easement Area is located in an area that may be susceptible to natural erosion and the Grantor is not responsible and is not required to take any action in respect of such erosion to the Easement Area.
- (c) for the purposes of undertaking the matters set out in clause 2.2(b), 3, 12.2(a), (b) and (c), the Grantee must (except in an emergency) give the Grantor reasonable notice and the Grantee must comply with the Grantor's reasonable conditions regarding such access (including the access times and routes over the Servient Land to access the Easement Area).
- (d) it will immediately make good and repair (at its cost) any damage caused to the Grantor's Land from the Grantee exercising its rights under this instrument.
- (e) that the Easement Area is a Trail and is excluded from the definition of Public Place and from the Public Place assessment criteria under the District Plan. For the avoidance of doubt, Queenstown Lakes District Council as the original grantee specifically acknowledges this clause notwithstanding any assignment under clause 4 above.
- (f) that the Grantor has no liability to contribute to construction or maintenance of the Easement Area.
- (g) that the Grantor has no liability resulting from the use of the Easement Area by the general public.

**13. Conflict**

- 13.1 Where there is a conflict between the provisions of this instrument, the Fourth Schedule to the Land Transfer Regulations 2002 and the Fifth Schedule to the Property Law Act 2007, any modifications in this instrument will prevail.

**14. Local Government Act**

- 14.1 The parties agree that the Grantee will "control" the Easement Area for the purposes of the Local Government Act 1974.

**15. Public Liability**

- 15.1 The Grantee will obtain and maintain such public legal liability insurance for no less than \$1,000,000, for any one accident whereby the Grantor shall be indemnified against all actions, suits, claims,

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**Easement Instrument**

*Continue in additional Annexure Schedule if required*

Demands, proceedings, losses, damages, compensation sums of money, costs, charges and expenses to which the Grantor shall or may be liable as a result of the Grantor entering into this Instrument.

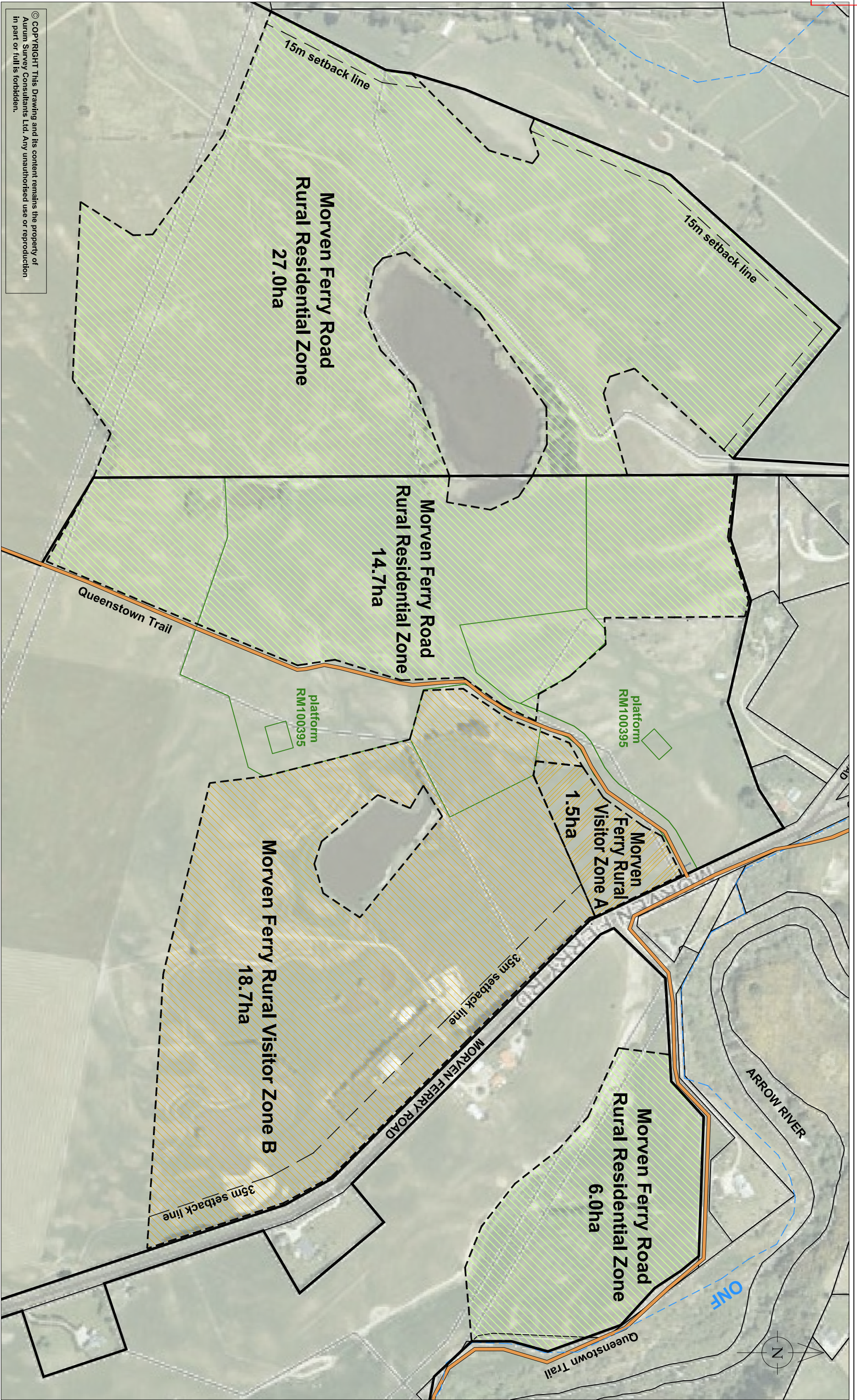
A copy of such insurance cover shall be delivered to the Grantor if so requested by the Grantor.

- 15.2 Subject to the Grantor complying with clause 5 thereof the Grantee shall indemnify the Grantor in respect of any claim loss or liability in respect of the use of the Easement Area or as a result of the Grantor entering into this Instrument.

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**APPENDIX C**

**STAGE 1 SUBMISSIONS (629 & 626) – PROPOSED ZONING  
MAP**




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**Legend**

-  Morven Ferry Rural Visitor Zone A
-  Morven Ferry Rural Visitor Zone B
-  Morven Ferry Road Rural Residential Zone
-  Queenstown Trail
-  Outstanding Natural Feature boundary (from District Plan review)

**PROPOSED ZONE PLAN  
MORVEN FERRY ROAD  
WAKATIPU BASIN**

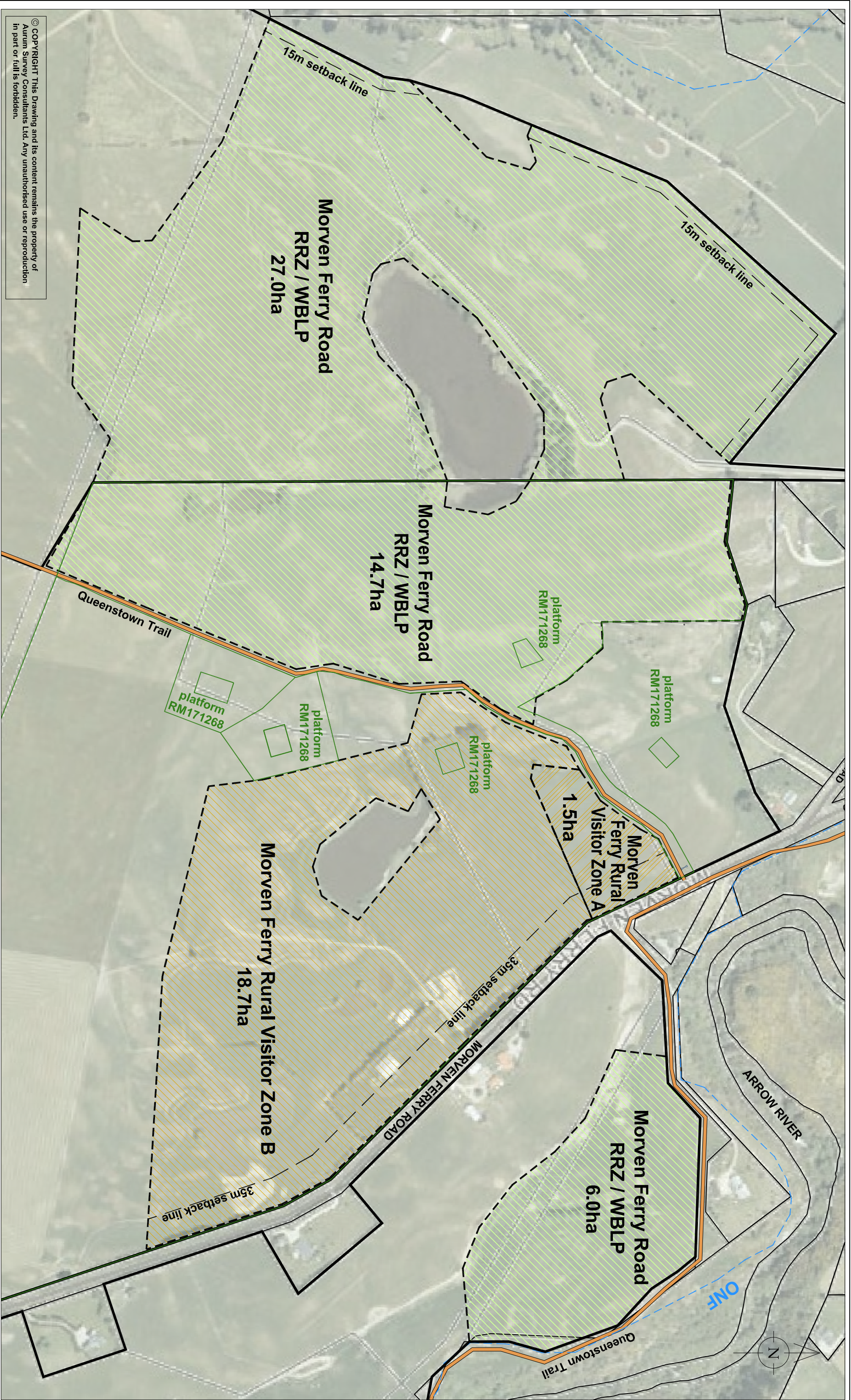
DATE: 22 Oct 2015  
BY: Bruce McLeod  
Scale: 1:4000  
Original Plan A3  
DRAWING & ISSUE No. 3015-53A-1A



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**APPENDIX D**

**STATE 2 SUBMISSIONS (2509 & 2449) – PROPOSED  
ZONING MAP**



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**Legend**

-  Morven Ferry Rural Visitor Zone A
-  Morven Ferry Rural Visitor Zone B
-  Morven Ferry Road Rural Residential Zone / Wakatipu Basin Lifestyle Precinct
-  Queenstown Trail
-  Outstanding Natural Feature boundary (from District Plan review)

REV.	DATE:	REVISION DETAILS:	BY:
A	22/01/15	Initial release	BM
B	22/05/18	RM171268 Platform Updates	KB
C	06/01/18	Setback line extension	BM
D	11/06/18	Labels	BM

**PROPOSED ZONE PLAN  
MORVEN FERRY ROAD  
WAKATIPU BASIN**

DATE: 11 June 2018  
 BY: BM & KB  
 Scale: 1:4000  
 Original Plan A3  
 DRAWING & ISSUE No. 3015-53A-1D



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**APPENDIX E**

**REVISED RURAL VISITOR ZONE PROVISIONS**

## 12.3 Rural Visitor Zones

### Cecil Peak, Walter Peak, Cardrona, Blanket Bay, Arthurs Point, Arcadia Station, Windermere, **Morven Ferry Road**

#### 12.3.1 Resources and Activities

The Rural Visitor Zones contain **or have the potential to contain** important recreation and visitor facilities, including accommodation and other visitor attractions.

Significant physical resources in terms of buildings and facilities exist or are proposed in all the zones both as attractions in their own right or as facilities which serve the visitor industry and surrounding rural or recreation activities. This is particularly the case in respect of those facilities at Cardrona located on the Crown Range Road.

The most distinguishing feature of the Visitor Zones is their compact size, **(or development potential)** general self-sufficiency and distance from the main urban centres.

#### 12.3.2 Values

The rural visitor areas make an important contribution to the economic well being of the District. They provide employment opportunities, retention of local heritage values and resources, as well as operate as a significant part of the visitor industry. Cardrona, Walter Peak and Arcadia Station contain heritage elements in terms of their buildings. These portray special values through their architecture and as part of the District's farming and visitor heritage.

#### 12.3.3 Resource Management Issues

##### **i** **Extent of the rural visitor areas**

Queenstown-Lakes District Council – DISTRICT PLAN (September 2013)

The visitor areas are effectively part of the wider rural environment and as such their relationship with the rural area, its resources and amenities is important. It is appropriate they receive recognition in the District Plan where this will provide a mechanism to ensure an acceptable level of amenity, within the rural visitor area and in the surrounding rural areas. In some cases the zoning provisions for the visitor areas have been carried over from the Transitional District Plan with regard to additional considerations in respect of natural hazards, servicing, access and general amenity. The major issues identified are:

- ii **Avoiding, remedying or mitigating the adverse effect of rural visitor activities on the rural areas**
- iii **Adequate servicing having regard to the important natural values and water areas in close proximity**
- iv **Avoiding natural hazards**
- v **Consideration to alternative access modes given location and isolation**
- vi **Windermere - proximity to Wanaka Airport**

#### 12.3.4 Objectives and Policies

##### **Objectives**

***Provision for the ongoing operation of the existing **or proposed** visitor areas recognising their operational needs and avoiding, remedying or mitigating adverse effects on landscape, water quality and natural values. Scope for extension of activities in the Rural Visitor Zones.***

##### **Policies:**

- 1 ***To recognise the existing and proposed visitor and recreation facilities in the rural visitor areas and to provide for their continued operation and expansion.***

- 2 *To ensure development, existing and new, has regard to the landscape values which surround all the rural visitor areas.*
- 3 *To ensure expansion of activities occur at a scale, or at a rate, consistent with maintaining the surrounding rural resources and amenities.*
- 4 *To recognise the heritage values of the Rural Visitor Zones and in particular the buildings at Walter Peak, Cardrona and Arcadia Station.*
- 5 *To ensure sewage disposal, water supply and refuse disposal services are provided which avoid, remedy or mitigate adverse effects on the water or other environmental qualities, on and off the site.*
- 6 *Within the Windermere Rural Visitor Zone minimise the potential for reverse sensitivity effects on Wanaka Airport by requiring compliance with an acoustic treatment performance standard for any new, altered or extended visitor accommodation or permanent residential accommodation approved within the Outer Control Boundary shown on the planning maps.*

## Implementation Methods

The objectives and associated policies will be implemented through a number of methods including:

### i District Plan

- (a) The identification of specific zones for the rural visitor areas.
- (b) Zone rules applying to protection of the natural environment and landscape values and external appearance of buildings.
- (c) District wide rules relating to subdivision, transport and heritage.

## Explanation and Principal Reasons for Adoption

Visitor and recreation activities are already established at Cecil Peak, Walter Peak, Cardrona, Arthurs Point, Blanket Bay, **Morven Ferry Road** and Arcadia Station. These visitor areas provide a different level of amenity and experience and relate closely to the surrounding rural resources and heritage values. They are consistent with the open space rural environment even if not involved in traditional rural pursuits. Some visitor areas also involve traditional rural activities as part of the visitor experience.

Accommodation and ancillary facilities are seen as a logical adjunct to recreation and visitor activity but the scale and location of these, particularly buildings, structures, access, earthworks and plantings need to be managed to protect the surrounding rural resources, and visual impact.

In addition, Arthurs Point includes and adjoins residential activities. The Visitor Zoning in this area recognises its strategic location and potential for future development. Arthurs Point is part of a significant landscape with high visual amenity, and it is essential the scale and location of activities, particularly buildings, be managed to protect the surrounding scenic resources.

A number of physical constraints will impact on all visitor areas, including servicing, natural hazards and access. A combination of these factors will mean limitations on the location and scale of recreation and visitor developments.

In the case of Windermere the zone is located in close proximity to Wanaka Airport and the plan seeks to address the issue of reverse sensitivity.

## 12.3.5 Environmental Results Anticipated

- (i) Retention of predominant rural character of the surrounding areas while providing the potential for consolidated areas to be utilised for visitor facilities.
- (ii) Provision of a range of accommodation and recreation buildings while ensuring the quality of the local environment is maintained.
- (iii) The visual appearance of recreation facilities which complement the rural locations in which they are situated.
- (iv) Exclusion of activities which cause adverse environmental effects, through the use of performance standards.
- (v) Maintenance of the water quality of the surrounding lakes and rivers.
- (vi) Protection of traffic safety on local roads and State Highways.
- (vii) At Windermere
  - Unimpeded operation and development of Wanaka Airport.
  - Visitor accommodation activities located outside the airport 'outer control boundary'.
  - Buildings accommodating noise sensitive activities insulated and orientated to minimise effects of airport noise.
  - Short term accommodation with permanent residential accommodation limited to on-site custodial management.

## 12.4 Rural Visitor Zone Rules

### 12.4.1 Zone Purpose

The purpose of the Rural Visitor Zone is to complement the existing range of visitor accommodation opportunities in the District and provide for increased opportunity for people to experience the rural character, heritage and amenity of the rural area. The Zone provides for a range of accommodation, entertainment, cultural and recreational activities.

The Rural Visitor Zone applies to areas of land which are recognised as having visitor interest, are isolated from town centres and can make a significant contribution to the range of accommodation and activities available within the District.

### 12.4.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. If the provisions of the District Wide Rules are not met then consent will be required in respect of that matter:

- (i) Heritage Protection - Refer Section 13
- (ii) Transport - Refer Section 14
- (iii) Subdivision, Development and Financial Contributions - Refer Section 15
- (iv) Hazardous Substances - Refer Section 16
- (v) Utilities - Refer Section 17
- (vi) Signs - Refer Section 18
- (vii) Relocated Buildings and Temporary Activities - Refer Section 19
- (viii) Earthworks - Refer Section 22

### 12.4.3 Activities

#### 12.4.3.1 Permitted Activities

Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Discretionary, Non-Complying or Prohibited** Activity, shall be a **Permitted Activity**.

#### 12.4.3.2 Controlled Activities

The following Activities shall be **Controlled Activities** provided they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Site** and **Zone** Standards. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

- i **Structure Plan**  
Showing the locations where activities are to be undertaken, landscaping, open space and details of the density of development.
- ii **Parking, Loading and Access**  
In respect of the location and design of access points and their impact on the safety and efficiency of surrounding road network, and the number of parking spaces to be provided.
- iii **Buildings**
  - (a) All Buildings in respect of:
    - i the coverage, location, external appearance of the buildings and associated earthworks, access and landscaping, to avoid or mitigate adverse effects on landscape and visual amenity values, nature conservation values and the natural character of the rural environment; and
    - ii the provision of water supply, sewage treatment and disposal, electricity and telecommunication services.
  - (b) Any building other than accessory buildings, to be used for the purposes of a residential activity, visitor accommodation, commercial or recreational activity, in respect of the avoidance or mitigation of danger

or damage from natural hazards, including earthquakes, slope instability, erosion and deposition.

**iv Landscaping**

Where the Council shall limit the exercise of its control to the location, design or impact on the visual amenity, rural landscapes and species to be used.

**v Commercial Recreation Activities**

**vi Visitor Accommodation**

Activities (v) and (vi) above are controlled in respect of the following matters:

- (a) Access
- (b) Flood Risk
- (c) Hours of Operation
- (d) Landscaping
- (e) Screening of Outdoor Storage Areas
- (f) Setback from Roads

accessways and construction of buildings

- (e) Access, parking and traffic generation
- (f) Infrastructure servicing
- (g) Natural hazards

**ii Maximum Building Footprint within the Morven Ferry Rural Visitor Zone**

With the exception of one viticultural building with a maximum building footprint of 500m<sup>2</sup> located within Area B, the maximum building footprint shall be 300m<sup>2</sup> per building, with discretion being restricted to:

- (a) Building location, character, scale and dominance.

**12.4.3.3 Discretionary Activities**

The following Activities shall be **Discretionary Activities** provided they are not listed as a **Prohibited or Non-Complying Activity** and they comply with all the relevant **Zone Standards**:

- i Commercial and Retail Activities**
- ii Airports**

**12.4.3.3A Restricted Discretionary Activities**

**I Buildings within the Morven Ferry Rural Visitor Zone, with discretion being restricted to:**

- (a) Building location, coverage, scale and form
- (b) External appearance, including materials and colours
- (c) Landscaping
- (d) Earthworks, including any future earthworks associated with

- In the Cecil Peak, Cardrona, Blanket Bay, Arthurs Point and Arcadia Station and **Morven Ferry Road** Rural Visitor Zones, the take-off or landing of aircraft other than for emergency landings, and rescues or fire-fighting.
- iii Development and Buildings on Sections 46 and 47 Block I Cardrona Survey District as contained in CT 13D/248.
  - iv Visitor Accommodation – Windermere only  
Visitor accommodation activity located within the outer control boundary - Wanaka Airport.
  - v Residential Activities – Windermere only  
Residential units for the purpose of on-site custodial management located within the outer control boundary - Wanaka Airport.
  - va **Residential activities within the Morven Ferry Rural Visitor Zone, with the exception of one on-site managers residence and workers accommodation for on-site staff that work within a visitor accommodation activity undertaken within the zone.**
  - vi Any Activity which is not listed as a **Non-Complying or Prohibited Activity** and complies with all the **Zone** Standards but does not comply with one or more of the **Site** Standards shall be a **Discretionary Activity** with the exercise of the Council's discretion being restricted to the matter(s) specified in the standard(s) not complied with.
- v **Industrial and Service Activities, except for the production of wine within the Morven Ferry Road Rural Visitor Zone**
  - vi **Residential activity - Windermere only** except for one residential unit per site for the purpose of onsite custodial management.

## 12.4.3.4 Non-Complying Activities

The following shall be **Non-Complying Activities**, provided they are not listed as a **Prohibited Activity**:

- i **Farming Activities**
- ii **Factory Farming**
- iii **Forestry Activities**
- iv **Mining Activities**

- vii Any activity which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone Standards**, shall be a **Non-Complying Activity**.

## 12.4.3.5 Prohibited Activities

The following shall be **Prohibited Activities**:

- (i) Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.

## 12.4.4 Non-Notification of Applications

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

- (i) All applications for **Controlled Activities**.
- (ii) Buildings that are subject to Rule 12.4.3.3A

## 12.4.5 Standards – Activities

### 12.4.5.1 Site Standards

#### i Setback from Roads and Neighbours

No building or structure shall be located closer than 6m to the zone boundary and in addition the following minimum setback distances shall apply:

- (a) Buildings for Residential Accommodation - 10m
- (b) Buildings for Visitors Accommodation - 20m

#### ii Glare

- (a) All fixed lighting shall be directed away from adjacent roads and properties.
- (b) Any building or fence constructed or clad in metal, or material with reflective surfaces, shall be painted or otherwise coated with a non-reflective finish.
- (c) No activity shall result in a greater than 3.0 lux spill (horizontal and vertical) of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.

#### iii Servicing

- (a) All services are to be reticulated underground.
- (b) Effluent disposal shall be reticulated to a Council approved system.

#### iv Deleted

## 12.4.5.2 Zone Standards

#### i Building Height

The maximum height of buildings and other structures shall be:

- (a) Visitor's Accommodation - 12m
- (b) Commercial, Recreation and Residential Activities - 8m
- (c) All Other Buildings and Structures - 7m
- (d) The maximum height of all buildings within the Morven Ferry Rural Visitor Zone shall be 8m, with the exception that one viticultural building can be constructed to 10m in height, to be located within Area B.



## ii Atmospheric Emissions

- (a) Within any premises the best practicable means shall be adopted to minimise the emission of smoke.
- (b) Feature open fireplaces are permitted in communal areas in buildings. In all other cases open fireplaces are not permitted, other than Council approved log burners. There shall be no other solid fuel fires.

## iii Noise

- (a) Sound from non-residential activities measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 shall not exceed the following noise limits at any point within this zone:
  - (i) daytime (0800 to 2000 hrs) 50 dB  $L_{Aeq(15\ min)}$  night-time
  - (ii) (2000 to 0800 hrs) 40 dB  $L_{Aeq(15\ min)}$  night-time (2000 to 0800 hrs) 70 dB  $L_{AFmax}$
- (b) Sound from non-residential activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.
- (c) The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.
- (d) The noise limits in (a) shall not apply to sound from sources outside the scope of NZS 6802:2008. Sound from these sources shall be assessed in accordance with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan.

## iv Nature and Scale of Activities

- (a) No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.
- (b) All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building.

## v Fire Fighting

A fire fighting reserve of water shall be maintained at all times. The storage shall meet the Fire Service Code of Practice 1965.

## vi Refuse Management

All refuse shall be collected and disposed in a Council approved landfill site. There shall be no landfill sites situated within the Zone.

## vii Airport Noise - New buildings or alterations or additions to existing buildings within the outer control boundary - Wanaka Airport

The construction of, alteration, or addition to any building containing an activity sensitive to aircraft noise shall 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 Table 1 of Appendix 13. 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 Table 1 of Appendix 13.

## vi Building Coverage within the Morven Ferry Rural Visitor Zone

The maximum building coverage within the Morven Ferry Rural Visitor Zone shall be:

- (a) Area A: 1500m<sup>2</sup> ground floor area
- (b) Area B: 3000m<sup>2</sup> ground floor area

## vii Road Setback within Morven Ferry Rural Visitor Zone

- (a) No building or structure shall be located closer than 35m to Morven Ferry Road

## 12.5 Resource Consents - Assessment Matters - Resort Zones and Rural Visitor Zones

### 12.5.1 General

- (i) The following Assessment Matters are methods included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.
- (ii) In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant *Assessment Matters* set out in Clause 12.5.2 below.
- (iii) In the case of *Controlled and Discretionary Activities*, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s) only, the assessment matters taken into account shall be those relevant to that/these standard(s).
- (iv) In the case of *Controlled Activities*, the assessment matters shall only apply in respect to *conditions* that may be imposed on a consent.
- (v) Where an activity is a *Discretionary Activity* because it does not comply with one or more relevant Site Standards, but is also specified as a *Controlled Activity* in respect of other matter(s), the Council shall also apply the relevant assessment matters for the Controlled Activity when considering the imposition of conditions on any consent to the discretionary activity.

### 12.5.2 Assessment Matters

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters:

#### i Controlled Activity - Parking, Loading and Access

Conditions may be imposed to ensure:

- (a) The level of parking provision is appropriate having regard to standards for similar activities as set out in Rule 14, Transport.
- (b) The design, location and access is safe.

#### ii Controlled and Discretionary Activities - Buildings - Resort Zones

- (a) For buildings and other structures in the Village area:
  - (i) The extent to which an historic building design theme is to be followed, in keeping with buildings already established within the Village.
  - (ii) The extent to which external above ground building cladding and roofing materials are predominantly local stone, plaster rendered for a stonelike appearance, timber weatherboards, and slate or corrugated iron roofs.
  - (iii) The extent to which predominant colours are to be creams, greys and earth tones and a variety of trim colours may be considered.
- (b) For buildings in the residential areas:
  - (i) The extent to which buildings within residential areas follow a unified design theme based on the gable roofed form.
  - (ii) The extent to which buildings are carefully sited within areas of established trees in order to reduce their visual prominence as seen from surrounding public roads.
  - (iii) The extent to which all external above ground cladding is restricted to local stone, plaster rendered for a stone-like appearance and timber weatherboards.
  - (iv) The extent to which all roofing materials are slate and corrugated iron.

- (v) The extent to which predominant colours within this area are to be grey through to earth tones in harmony with their landscape setting. A variety of trim colours may be considered.
- (c) For facilities within the recreation area:
  - (i) External appearance of buildings are to be appropriate to their function and use.
  - (ii) Natural materials and colours are to be used.
- (d) For resort services within the service area:
  - (i) External appearance of buildings are to be appropriate to their function and use.
  - (ii) Where practical an historic agricultural building design theme will be followed.
- (e) For other buildings and structures which are to be erected:
  - (i) All other buildings and structures are to be screened by landform and/or tree planting so as not to be visibly prominent from surrounding public roads.
  - (ii) Predominant colours are to be greys and earth tones.
- (f) For buildings within the Homesite and Lodge Activity Areas (HS and L Activity Areas) in the Jacks Point Zone:
  - (i) The extent to which each building meets the following external cladding criteria:

South elevation: Not less than 75% local stone  
East Elevation: Not less than 50% local stone  
West elevation: Not less than 50% local stone
  - (ii) The extent to which all external above ground cladding is restricted to local stone, plaster rendered for a stone like appearance, and timber weatherboards.
  - (iii) The use of non-reflective glazing and/or eaves to minimise reflection of light off glass.
  - (iv) The extent to which all colours will be predominantly within the shades of browns, greys and earth tones.
  - (v) The use of local grasses, tussocks, shale (local schist chip) and slate as the predominant roofing materials.
  - (vi) The extent to which all earthworks ensure that the line and form of the landscape is maintained and, in addition, methods for remedial earthworks and planting.
  - (vii) The extent to which any building and/or domestic curtilage area has been designed and/or located in a manner complementary to the topography of the site.
  - (viii) The extent to which the bulk, location and design of any building within a Tablelands Homesite is subservient to the surrounding landscape and does not compromise the visual amenity values of the Zone and surrounding area.
  - (ix) The extent to which wetland areas (including waterways) within and adjacent to the site are to be protected and enhanced.
  - (x) The extent to which exterior lighting can be minimised to avoid adverse effects on amenity values.
  - (xi) The extent to which earthworks and/or landscaping is necessary to ensure that buildings do not have an adverse visual effect on landscape and visual amenity values.

- (xii) The extent to which any proposed access ways is subservient to the natural topography of the site.
  - (xiii) The extent to which the proposed development complies with any relevant Council approved development controls and design guidelines.
  - (g) In the Hanley Downs part of the zone within the Peninsula Hill Landscape Protection Area and the O/S part of the Tablelands, where consent is sought for a change in activity, or for additional non-farm buildings, and a farm building has already been consented:
    - (i) where resource consent for a farm building has been obtained but that consent has not been implemented, when considering the environment as might be modified by the unimplemented consent, the unimplemented consent shall not be used as justification for the activity sought, except for the purpose of considering any cumulative adverse effects; and
    - (ii) where resource consent for a farm building has been obtained and that consent has been implemented, the existence of that farm building shall not be used as justification for the activity sought and particular regard shall be had to the cumulative effects of allowing that activity.
- iii Controlled Discretionary and Non-Complying Activities - Airports**
- (a) The extent to which noise from aircraft is/will:
    - (i) Compatible with the character of the surrounding area;
    - (ii) Adversely affect the pleasant use and enjoyment of the surrounding environment by residents and visitors;
    - (iii) Adversely affect the quality of the experience of people partaking in recreational and other activities.
  - (b) The cumulative effect of a dispersed number of airports.
  - (c) Convenience to and efficient operation of existing airports.
  - (d) The visual effect of airport activities.
  - (e) The frequency and type of aircraft activities.
  - (f) Assessment of helicopter noise pursuant to NZS 6807: 1994, excluding the levels contained in Table 1 of Section 4.2.2 to the intent that the levels specified in Table 1 do not override the noise limits specified in Rule 12.4.5.2.iii(a).
- iv Structure Plan - Resort Zones**
- (a) The extent to which the siting of the building is inconsistent with the Structure Plan and the impact it would have on the open and rural character.
  - (b) The effect the siting of the building would have on the consistent design theme and visual amenity of the Zone both from within and outside the Zone boundaries.
- v Setback from Roads and Internal Boundaries**
- (a) The extent to which the intrusion towards the internal boundary or road setback is necessary to enable more efficient, practical and/or pleasant use of the remainder of the site.
  - (b) Any adverse effects of the proximity or bulk of the building, in terms of visual dominance by buildings. The outlook from adjoining sites, buildings or roads, which is out of character with the local environment.
  - (c) Any adverse effects on adjoining sites of reduced privacy through overlooking or being in close proximity to neighbouring buildings.

- (d) The ability to mitigate any adverse effects of the proposal on adjoining sites.
- (e) Any adverse effects of the proximity or bulk of the building, in terms of the loss of the historic character of the area.

**vi Controlled Activity and Discretionary Activity – Commercial Recreation, Visitor Accommodation, Commercial and Retail Activities - Rural Visitor Zone**

- (a) The extent to which the activity will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding rural area.
- (b) Any adverse effects of the proposed activity in terms of:
  - (i) Noise, vibration and lighting from vehicles entering and leaving the site or adjoining road.
  - (ii) Loss of privacy.
  - (iii) Levels of traffic congestion or reduction in levels of traffic safety which are inconsistent with the classification of the adjoining road.
  - (iv) Pedestrian safety in the vicinity.
  - (v) Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities.
- (c) The ability to mitigate any adverse effects of additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.

- (d) The extent to which activity is an integral and necessary part of, or closely associated with, other activities being undertaken on the site.
- (e) The extent to which the commercial activity could practically be undertaken within an urban area.
- (f) Any adverse effects of any buildings for the activities and its associated earthworks, access, parking and landscaping.
- (g) The extent to which visitor accommodation will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding rural area.
- (h) Any potential adverse effects of the activity on the quality of ground and/or surface waters.
- (i) The extent to which any recreational activity will reduce opportunities for passive recreation, enjoyment of peace and tranquillity.

**vii Natural Hazards**

Conditions may be imposed having regard to the following:

- (a) The likelihood of the proposed activity, including an addition to any residential unit, being threatened by any natural hazard.
- (b) The quantity of assets that will be vulnerable to any natural hazard as a result of the establishment of the proposed activity.
- (c) The degree to which on or off-site construction or remedial works will mitigate the degree to which the site will be threatened by a natural hazard.
- (d) The extent to which the construction of the building will result in increased slope instability, erosion or deposition for other sites in the vicinity.

- (e) The degree to which the construction of the building will mitigate against any damage or danger as a result of the occurrence of a natural hazard.
- (f) The ability of buildings to be relocated and the possible destination for the relocated building.

**viii Controlled and Restricted Discretionary Activities - Building External Appearance- Rural Visitor Zone**

- (a) External, above ground cladding and roofing materials are to be predominantly local stone, plaster rendered for a stonelike appearance, timber weatherboards and slate or corrugated iron roofs.
- (b) Predominant colours within the Zone are to be creams, greens, greys, browns and earth tones.
- (c) Buildings are to follow a unified design theme based on a pitched roof of 20°
- (d) The topography of the site, its vegetative cover and the opportunity to minimise the visual impacts of any buildings or structures.
- (e) The degree to which any buildings and other structures are visible from public roads and other sites adjoining the Zone, and proposals to integrate such buildings and structures into their landscape settings to ensure all new buildings are in character with existing historic buildings.
- (f) Within the Morven Ferry Rural Visitor Zone, the location, size and scale of buildings in terms of potential adverse effects on public places.

**ix Landscaping - Controlled Activity, Rural Visitor Zone**

- (a) The level of landscaping required to ensure the development does not visually detract from the environment.
- (b) Whether landscaping is required in the context of the location, or whether there is adequate existing vegetation to ensure any development will blend in with the surrounding environment, having regard to the external appearance of buildings.

**x Vegetation (Jacks Point Zone)**

- (a) The height to which the proposed tree or shrub will grow, and its characteristics.
- (b) The potential for the tree or shrub to adversely affect indigenous and/or endemic vegetation.
- (c) The number of exotic trees or shrubs to be planted and their relative spacing.
- (d) Whether such planting would result in an unnatural appearance in this general locality and whether such planting (taking into account the effect at maturity) will blend with the predominant vegetative pattern.
- (e) Public amenity values and view shafts.

**xi Earthworks - Controlled Activity (Jacks Point Zone)**

- (a) The extent to which sediment/erosion control techniques will mitigate effects upon stormwater and overland flows.
- (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
- (c) The time period within which the earthworks will be completed.
- (d) The slope of the site.
- (e) The location of the earthworks.
- (f) The extent to which the earthworks and methods take into account the sensitivity of the landscape.
- (g) The proposed rehabilitation of the site.
- (h) The extent to which the natural ground levels will be altered.
- (i) The purpose of the earthworks.



- (j) Whether the proposed earthworks represent the best available alternative.
- (k) The extent to which the earthworks are necessary to give effect to the intent of the Zone.

## xii Earthworks

### 1. Environmental Protection Measures

- (a) The extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
- (d) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.
- (e) Whether appropriate measures to control dust emissions are proposed.
- (f) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

### 2. Effects on landscape and visual amenity values

- (a) Whether the scale and location of any cut and fill will adversely affect:
  - the visual quality and amenity values of the landscape;

- the natural landform of any ridgeline or visually prominent areas;
- the visual amenity values of surrounding sites.

- (b) Whether the earthworks will take into account the sensitivity of the landscape.
- (c) The potential for cumulative effects on the natural form of existing landscapes.
- (d) The proposed rehabilitation of the site.

### 3. Effects on adjacent sites:

- (a) Whether the earthworks will adversely affect the stability of neighbouring sites.
- (b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
- (c) Whether cut, fill and retaining are done in accordance with engineering standards.

### 4. General amenity values

- (a) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
- (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
- (c) Whether natural ground levels will be altered.

### 5. Impacts on sites of cultural heritage value:

- (a) Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgment Area, and whether tangata whenua have been notified.
  - (b) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.
- xiii Golf Course Development - Discretionary Activity (Jacks Point Zone)**
- (a) Whether the proposed golf course assists in achieving the community's aspirations for the Jacks Point Zone.
  - (b) The potential for the proposed golf course to compromise other recreational and community activities within the Jacks Point Zone; and
  - (c) Whether an additional golf course is likely to assist in providing for the economic, social and cultural wellbeing of the wider community.
- xiv Controlled Activity - Outline Development Plan (Jacks Point Zone)**
- (a) For Residential (R) Activity Area Outline Development Plans:
    - (i) The extent to which the proposed Outline Development Plan achieves the policies of the zone.
    - (ii) The effect of setbacks on adjoining properties in terms of dominance of buildings, loss of privacy, access to sunlight and daylight and access to views.
    - (iii) The ability to provide adequate opportunities for garden and tree planting around buildings.
    - (vi) Pedestrian safety.
  - (v) The extent to which imaginative, efficient and comprehensive design solutions are applied to encourage a layout that will establish an individual theme or site specific response within each Residential (R) Activity Area.
  - (vi) The extent to which pedestrian walkways provide convenient and logical connections to other Residential (R), Village (V), Open Space (OS) and Golf (G) Activity Areas.
  - (vii) The extent to which existing watercourses and wetlands in the vicinity are protected and enhanced.
  - (viii) The extent to which 'green engineering' solutions can be applied to stormwater runoff.
  - (ix) The extent to which the subdivision and development design encourages efficient use of solar energy and takes advantage of northerly aspects.
  - (x) The extent to which the subdivision and development design minimises the potential for pedestrian and traffic conflicts.
  - (xi) The extent to which the subdivision and development design is consistent with the topography of the particular Residential (R) Activity Area.
  - (xii) The methods used to manage the boundary between the Activity Area and the surrounding Open Space (OS) and/or Golf (G) Activity Area.
  - (xiii) The extent to which visitor parking is provided for, in a manner which does not compromise the amenity values of the Zone.
  - (xiv) The extent to which the subdivision layout provides for areas of open space for use by the local community, particularly families and children.
  - (xv) The extent to which the Design Guidelines proposed to apply to buildings will achieve the policies of the Zone.

- (xvi) The extent to which the Design Guidelines proposed to apply to buildings will achieve an integrated character and/or design theme for the area subject to the Outline Development Plan.
- (b) For Village (V) Activity Area Outline Development Plans:
- (i) The extent to which the proposed Outline Development Plan achieves the policies of the zone.
  - (ii) The effect of setbacks on adjoining properties in terms of dominance of buildings, loss of privacy, access to sunlight and daylight and access to views.
  - (iii) The ability to provide adequate opportunities for garden and tree planting around buildings.
  - (iv) Pedestrian safety.
  - (v) The extent to which imaginative, efficient and comprehensive design solutions are applied to encourage a layout that will establish an individual theme or site specific response within the Village (V) Activity Area.
  - (vi) The extent to which pedestrian walkways provide convenient and logical connections to other Residential (R), Village (V), Open space (OS) and Golf (G) Activity Areas.
  - (vii) The extent to which existing watercourses and wetlands in the vicinity are protected and enhanced.
  - (viii) The extent to which 'green engineering' solutions can be applied to stormwater runoff.
  - (ix) The extent to which the subdivision and development design encourages efficient use of solar energy and takes advantage of northerly aspects.
  - (x) The extent to which the subdivision and development design minimises the potential for pedestrian and traffic conflicts.
  - (xi) The extent to which the subdivision and development design is consistent with the topography of the particular Village (V) Activity Area.
  - (xii) The methods used to manage the boundary between the Village (V) Activity Area and the surrounding Open Space (OS) and/or Golf (G) Activity Area.
  - (xiii) The extent to which visitor parking is provided for, in a manner which does not compromise the amenity values of the Zone.
  - (xiv) The extent to which the subdivision layout provides for areas of open space for use by the local and wider community.
  - (xv) The extent to which the Design Guidelines proposed to apply to buildings will achieve the policies of the Zone.
  - (xvi) The extent to which the Design Guidelines proposed to apply to buildings will achieve an integrated character and/or design theme for the area subject to the Outline Development Plan.
- xv Nature and Scale of Activities (Jacks Point Zone)**
- (a) The extent to which the proposed activity will result in levels of traffic generation of pedestrian activity, which is incompatible with the nature and scale of surrounding area and the intent of the Zone.
  - (b) Any potential adverse effects of increased levels of vehicle and pedestrian activity in terms of noise, vibration disturbance, and loss of privacy, which is inconsistent with the surrounding environment.
  - (c) The extent to which the proposed activity is integral and necessary and/or desirable within the Zone.

- (d) The extent to which the character of the site remains consistent with the surrounding environment.

## **xvi Discretionary Activity - Mining (Jacks Point Zone)**

- (a) The extent to which mining activities will adversely affect:
  - (i) amenity values
  - (ii) recreational values
  - (iii) nature conservation values
  - (iv) landscape and visual amenity values
  - (v) historical, cultural or known archaeological artefacts or sites
  - (vi) life supporting capacity of soils, water and air.
  - (vii) public access to and along the lake, river or waterway.
- (b) The extent to which screening is provided to ensure that the potential adverse visual effects of the activity are no more than minor.
- (c) The ability of the proposal to rehabilitate the site during and after mining.
- (d) The ability of the company to:
  - (i) provide a contingency plan for early mine closure
  - (ii) adequately monitor operations and the effects of the receiving environment.

- (e) The necessity of the company to provide a bond to Council reviewed annually, for the purpose of rehabilitating operation areas in the event of non-compliance with terms and conditions of any consent, premature closure or abandonment of the mine.

## **xvii Health and Education Services (Jacks Point Zone)**

- (a) Whether the provision of health and education services within the Zone compromise the provision of health and education services in other areas of Wakatipu basin.
- (b) The extent to which health and education services within the Zone assist in the sustainable development of the Jacks Point Zone as a community; and
- (c) The extent to which health and education services within the Zone do not exacerbate potential adverse effects on the environment such as excessive traffic generation and noise pollution.

## **xviii Outdoor Swimming Pools (Jacks Point Zone)**

- (a) The extent to which earthworks and landscaping are necessary to mitigate the potential adverse effects of any proposed swimming pool;
- (b) The extent to which the colour of the pool and fencing is subservient to and does not detract from the surrounding landscape values; and
- (c) The extent to which the pool and any associated features are consistent with any Council approved development controls and design guidelines that apply to the area.

## **xix Building Height**

- (a) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will

facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.

**xx Site Coverage**

- (a) With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District.
- (b) The potential effects upon landscape, visual amenity and public places through exceeding the maximum site coverage within the Morven Ferry Rural Visitor Zone.

**xxi Residential Activities**

- (a) The extent, scale and necessity of providing on-site workers accommodation to support activities within the Morven Ferry Rural Visitor Zone.

**APPENDIX F**

**SECTION 32 ANALYSIS**

# **Section 32 Evaluation**

## **Morven Ferry Limited (2449)**

### **Barnhill Corporate Trustee Limited, D. E. & M. E Bunn & L.A. Green (2509)**

#### **1. Purpose of this Report**

Section 32 of the Resource Management Act 1991 (the Act) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives.

Accordingly, this report provides an analysis of the key issues, objectives and policy response and the proposed methods that are proposed in relation to the proposed zoning for land located off Morven Ferry Road, Wakatipu Basin, Queenstown. This analysis is an updated assessment from the original analysis contained within the Stage 1 PDP submissions 629 & 626, noting that many portions of the original analysis are still relevant.

As required by section 32 of the RMA, this report addresses the following:

- a) An overview of the applicable Statutory Policy Context
- b) Description of the Non-Statutory Context (strategies, studies and community plans) which have informed proposed provisions
- c) Description of the Resource Management Issues which provide the driver for proposed provisions
- d) An Evaluation against Section 32(1)(a) and Section 32(1)(b) of the Act, that is:
  - Whether the objectives are the most appropriate way to achieve the RMA's purpose (s32(1)(a)).
  - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (S32(1)(b)), including:
    - identifying other reasonably practicable options for achieving the objectives,

- assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
  - summarising the reasons for deciding on the provisions.
- e) A level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (s32(1)(c))
- f) Consideration of Risk

## **2. Background**

The proposed change to the Proposed District Plan (PDP) is in relation to the proposed rezoning of land located off Morven Ferry Road.

### Subject Landowners

The land in question is presently owned by three different landowners as outlined below, noting that the land owned by Barnhill Corporate Trustee Limited and D.E Bunn, M.E Bunn and L.A Green is collectively referred to as "Barnhill". Where the reference to "land" is used, this refers to all of the land subject to the submissions.

#### *Barnhill Corporate Trustee Limited*

Barnhill Corporate Trustee Limited is the registered owner of Lot 2 DP 397602 (4.9440 hectares), Lot 3 DP 397602 (19.7767 hectares) and Lot 4 DP 397602 (38.7756 hectares). The total area of this land is 63.4963 hectares.

#### *D.E Bunn, M.E Bunn and L.A Green*

D.E Bunn, M.E Bunn and L.A Green is the registered owner of Section 1 SO 455511 (4.8349 hectares) and Lot 2 DP 360119 (10.8743 hectares). The total area of this land is 15.7092 hectares.

#### *Morven Ferry Limited*

Morven Ferry Limited ("MFL") is the registered owner of Lot 1 DP 411193, Lot 1 DP 300661 and 12 DP 323200. This land is contained within one Certificate of Title and is 54.0880 hectares in area.



### *Overall Land Areas*

The total land area owned by the parties listed above is 133.2935 hectares (79.2055 hectares for Barnhill and 54.088 hectares for MFL), although the actual land that is sought to be rezoned is less than this figure, being approximately 67.9 hectares (40.9 hectares for Barnhill and 27 hectares for MFL).

### *Existing Residential Development Rights*

The Barnhill land that is legally described as Lots 2-4 DP 397602 does not contain an existing residential dwelling, however, via RM171268, this land has the ability to be subdivided to create 5 allotments (with accompanying building platforms). Such allotments range in size from 9640m<sup>2</sup> to 41.10 hectares.

The Barnhill land that is legally described as Section 1 SO 455511 is vacant and does not hold any residential development rights via a building platform(s).

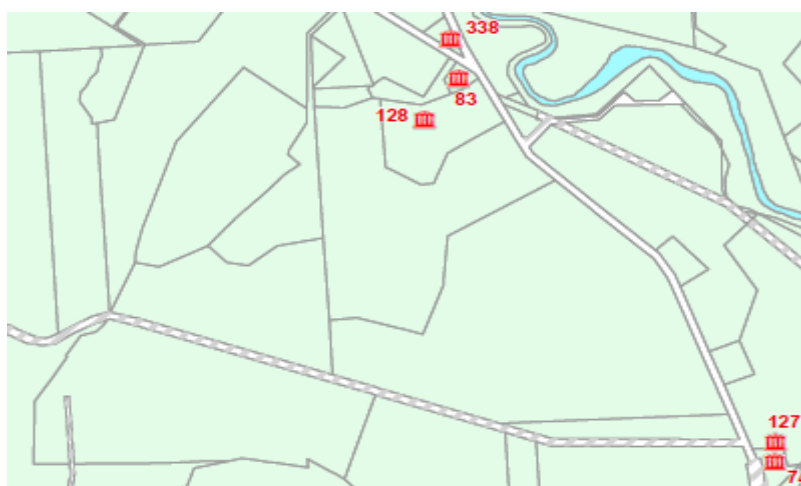
The Barnhill land that is legally described as Lot 2 DP 360119 contains an existing residential dwelling.

The MFL land does not contain a residential dwelling nor any residential development rights via building platforms

### Operative District Plan Zoning

Under the Operative District Plan ("ODP") all of the land subject to this report is contained within the Rural General Zone. It is noted that the land sought to be rezoned is not contained within an Outstanding Natural Landscape ("ONL").

The relevant planning map (#30) from the ODP is illustrated below:



## Proposed District Plan – Stage 1

Under Stage 1 of the Proposed District Plan ("PDP") as notified on 26 August 2015, all the land was proposed to be contained within the Rural Zone (Rural Landscape Classification). As with the ODP, the land is not contained within an ONL. The relevant planning map (#30) from the PDP Stage 1 is



## Public Trail

A public trail runs through both the Barnhill and MFL land. The public trail enables access from the Kawarau River (labelled the Twin Rivers Trail) to Morven Ferry Road. The public trail then continues to the east of Morven Ferry Road (labelled the Arrow River Bridges Trail), which enables access from Morven Ferry Road to the Edgar Bridge and then to the Gibbston Valley. Both the Twin Rivers Trail and the Arrow River Bridges Trail form part of the wider Queenstown Trail.

Easement Instruments 9271861.9 and 9271861.8 are registered on the subject Certificates of Title for the Barnhill and MFL land. The subject easements are in favour of the Queenstown Lakes District Council and provide for a 'right of way' (Pedestrian and Cycle Way). The public trail running through the Barnhill and MFL land was developed after the 11<sup>th</sup> of December 2007.

The easement instruments explicitly recognise that, while this part of the Queenstown Trail is open to public use, it is a 'Trail' and is excluded from the definition of 'Public Place' and from 'Public Place' assessment criteria under the ODP and PDP.

Clause 1.3 in both easement instruments (which is replicated in the ODP and PDP) states that a 'Public Place' is defined as:

*Means every public thoroughfare, park, reserve, lake, river to place to which the public has access with or without the payment of a fee, and which is under the control of the District Council, or other agencies. Excludes any trail as defined in this Plan.*

Clause 1.5 (which is also replicated in the ODP and PDP) within the easement instrument states that a 'Trail' is defined as:

*Means any public access route (excluding (a) roads and (b) public access easements created by the process of tenure review under the Crown Pastoral Land Act) legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities.*

Accordingly, the part of the Queenstown Trail that runs through the land it is not classified as a Public Place under either the ODP or PDP.

### **3. The Proposal**

In terms of Stage 2 of the PDP, via Chapter 24 (Wakatipu Basin), the Council is seeking to impose the Wakatipu Basin Rural Amenity Zone ("WBRAZ") on the land.

The proposal is seeking via submissions 2509 and 2449 to Stage 2 of the PDP an alternative zoning outcome for the land.

The identical summary of relief sought in submissions 2509 and 2449 is as follows:

- *That the Variation be refused in its entirety, in particular as it pertains to the land the subject of this Submission, and that this be replaced with the relief sought in the Submitter's submission on Stage 1; or*
- *If the Variation is to be retained, that the Submitter's land be rezoned as a mix of Wakatipu Basin Lifestyle Precinct (within those areas previously requested to be rezoned Rural Residential in Stage 1) and Rural Visitor Zone, subject to further specific amendments to the provisions for a Morven Ferry subzone (included in Appendices 1 and 2), and as reflected in the zoning plan included as Appendix 3.*
- *Seek alternative densities to what was notified for the Wakatipu Basin Lifestyle Precinct for the proposed Morven Ferry subzone by providing for a 4,000m<sup>2</sup> average density over the identified land;*
- *Specific amendments are included in the Landscape Classification Units relevant to Morven Ferry which better reflect the potential of this area to absorb the effects of future subdivision and development;*

- *Those parts of the Submitter's land not requested to be rezoned be amended in accordance with Appendix 1 and 2 attached as relevant to the Wakatipu Basin Rural Amenity Zone;*
- *The Submitter further seeks any alternative or consequential changes/relief as necessary or appropriate for the Submitter to pursue in order to address the matters and outcomes identified in this Submission.*

On the basis of the Chapter 24 Wakatipu Basin Variation remaining, the submitters have sought the Wakatipu Basin Lifestyle Precinct ("WBLP") to be imposed on the land, with a 4,000m<sup>2</sup> minimum lot subdivision regime on the identified subject land. The average density of 4000m<sup>2</sup> is no longer sought.

The RVZ location and area on the Barnhill land is the same under the stage 1 and stage 2 submissions, however, it is proposed to further modify the ODP provisions for the RVZ, when compared to the submissions, to take into account concerns raised in the Council evidence.

The amendments that accompany the proposed rezoning are as follows:

- a) That Planning Map 30 (and other relevant Planning Maps) include the subject land within the WBLP and RVZ.
- b) The imposition of a 15m internal building setback within the WBLP from Lot 1 DP 411193 (amending Rule 24.5.2)
- c) The imposition of a 6m internal building setback within the WBLP (amending Rule 24.5.2)
- d) That the following amendments are proposed for the RVZ:
  - i. The inclusion of references to the proposed Morven Ferry Road RVZ within Section 12.3 of the ODP.
  - ii. Adding the words 'or proposed' within Objective 12.3.4.
  - iii. The introduction of a new rule that classifies buildings within the Morven Ferry Road RVZ as a Restricted Discretionary Activity. (Rule 12.4.3.3A(i))
  - iv. The introduction of a new rule that specifies a maximum building footprint of 300m<sup>2</sup> within the Morven Ferry Road RVZ, with the exception of one viticultural building with a maximum building footprint of 500m<sup>2</sup> to be located within Area B. (Rule 12.4.3.3A(ii))

- v. The inclusion of the Morven Ferry Road RVZ within Rule 12.4.3.3(ii) that governs airports within the RVZ.
  - vi. A restriction on residential activities within the Morven Ferry Road RVZ, with the exception of one on-site managers' residents and workers accommodation (for staff that work within the Morven Ferry Road RVZ). (Rule 12.4.3.3(va)).
  - vii. Amending Rule 12.4.4(v) to exclude the production of wine within the Morven Ferry Road RVZ.
  - viii. The addition of a 'non-notification' clause for buildings located within the Morven Ferry Road RVZ. (Rule 12.4.4(ii))
  - ix. A maximum 8m height limit for buildings within the Morven Ferry Road RVZ, with the exception of one viticultural building with a maximum building height of 10m to be located within Area B. (12.4.5.2(i)(d))
  - x. The specification of a maximum building coverage for Area A (1500m<sup>2</sup> ground floor area) and Area B (3000m<sup>2</sup> ground floor area) within the Morven Ferry Road RVZ. (Rule 12.4.5.2(vi))
  - xi. The specification of a minimum building setback of 35m from Morven Ferry Road for land contained within the Morven Ferry Road RVZ.
  - xii. Amending Assessment Matter 12.5.2(viii) by adding 'Restricted Discretionary' to the control over buildings and one new assessment matter (12.5.2(viii)(f)).
  - xiii. Adding a new Assessment Matter (12.5.2(xx)(b)) that deals with increased building coverage in the Morven Ferry Road RVZ.
  - xiv. Adding a new Assessment Matter (12.5.2(xxi)(a)) that deals with residential activities within the Morven Ferry Road RVZ.
- e) That Rule 27.5.1 within Chapter 27 (Section 42A report) be amended to provide a separate category for the Morven Ferry Road WBLP, with a specified minimum allotment size of 4000m<sup>2</sup>. Breaching this minimum allotment size will render a subdivision a non-complying activity.

The expert evidence of Mr Espie (Landscape), Mr Hadley (Civil Engineering) and Mr Bartlett (Traffic Engineering) has been relied upon in terms of compiling this report.

It is noted that Mr Espie has provided an assessment of the subject Landscape Classification Unit from the PDP that relates to the land. This assessment has been relied upon in this report.

#### **4. Statutory Context**

Section 32(1)(a) of the Resource Management Act (the Act) requires that a section 32 evaluation examine the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act.

The purpose of the Act requires an integrated planning approach and direction:

##### *5 Purpose*

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –*
  - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the Act to achieve the sustainable management of natural and physical resources.

The District's landscapes and natural environment are highly recognised and valued and the potential effect upon these are required to be addressed via sections 6 and 7 of the Act.

Section 31 of the Act provides the basis for objectives, policies and methods within a District Plan to manage the effects of use, development or protection of land and associated natural and physical resources of the District.

Consequently, a balanced and strategic approach is required to manage future growth while still promoting the sustainable management of the values landscape, nature conservation, productive land and infrastructure resources.

#### **5. Regional Planning Documents**

##### Operative Regional Policy Statement 1998

Section 74 of the Act requires that a District Plan "give effect to" any operative Regional Policy Statement (RPS).

The operative RPS contains a number of objectives and policies of relevance to this plan change, specifically Objectives 5.4.1 to 5.4.4 (Land) and related policies which, in broad terms promote the sustainable management of Otago's land resource by:

- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;
- Avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource;
- Protect outstanding natural features and landscapes from inappropriate subdivision, use and development.

Objectives 9.4.1 to 9.4.3 (Built Environment) and related policies are also of relevance. Objective 9.4.1 seeks to promote the sustainable management of Otago's built environment in order to meet the present and reasonable foreseeable needs of the community and to provide for amenity values and to conserve and enhance environmental and landscape quality.

Objectives 9.4.2 and 9.4.3 seeks to avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources, and to promote the sustainable management of infrastructure.

These objectives and policies highlight the importance of the rural resource both in terms of the productive resources of the rural area and the protection of the District's outstanding natural features and landscapes.

#### Proposed Regional Policy Statement 2015

Section 74 of the Act requires that a District Plan must "have regard to" any proposed policy statement.

The Proposed RPS (PRPS) was notified for public submissions on 23 May 2015. Decisions on submissions were released on 1 October 2016. The majority of the provisions of the Decisions Version have been appealed and mediation is currently taking place. Accordingly, limited weight can be provided to the Decisions Version of the Proposed RPS. However, the provisions of the Proposed RPS are relevant in highlighting the direction given toward local authorities managing land use activities in terms of the protection and maintenance of landscape, infrastructure, hazards and urban development.

The following objectives and their associated policies of the PRPS (decisions version 1 October 2016) are considered to be of relevance to the proposed change to the zoning of the land:

- 1.1 Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago.*
- 3.1 The values of Otago's natural and physical resources are recognised, maintained and enhanced.*
- 3.2 Otago's significant and highly values natural resources are identified, and protected or enhanced.*

*5.4 Adverse effects of using and enjoying Otago's natural and built environment are minimised.*

The evaluation of the proposed zoning change has had regard to the PRPS.

## **6. Proposed District Plan**

The PDP's strategic objectives and policies are contained within Chapters 3 – 6, with the provisions within Chapters 3 (Strategic Direction) and in Chapter 6 (Landscapes and Rural Character) being of most relevance to the proposed zoning on the land.

The discussion below will address the Council's decision version of the PDP Chapters 3 and 6 and the Section 42A Report as compiled by Mr Barr (Chapter 24 – Wakatipu Basin), where applicable and stated.

### Chapter 3 – Strategic Directions (Decisions Version)

Chapter 3 sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the District's special qualities. The principle role of Chapter 3 (and Chapters 4-6) is to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan.

Chapter 3 identifies a number of 'special qualities' which are to be managed on a sustainable basis, and with reference to the submissions 2509 and 2449, the applicable special qualities include:

- *Dramatic alpine landscapes free of inappropriate development;*
- *A district providing a variety of lifestyle choices;*
- *An innovative and diversifying economy based around a strong visitor industry.*

Chapter 3 identifies a number of 'issues' that need to be addressed to enable the retention of special qualities as identified in this chapter. Of relevance to submissions 2509 and 2449, the following issues are applicable:

- *Issue 1: Economic prosperity and equity, including strong and robust town centres, requires economic diversification to enable the social and economic wellbeing of people and communities.*
- *Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes.*
- *Issue 4: The District's natural environment, particularly its outstanding landscapes, has intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic value to the District.*



Strategic Objective 3.2.1 promotes the development of a prosperous, resilient and equitable economy in the District (with this objective addressing Issue 1 listed above). Of relevance to the proposed RVZ on the Barnhill land are Objectives 3.2.1.1, 3.2.1.6 and 3.2.1.8 which state:

*The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District. (3.2.1.1)*

*Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises. (3.2.1.6)*

*Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngai Tahu values, interests and customary resources, are maintained. (3.2.1.8)*

Strategic Objective 3.2.5 seeks the retention of the District's distinctive landscapes, with the supporting objectives stating:

*The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration. (3.2.5.1)*

*The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values. (3.2.5.2)*

Strategic Objective 3.2.6 seeks that the District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.

Strategic Policy 3.3.1 seeks to make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations (where such is consistent with objectives and policies for the relevant zone).

The relevant Strategic Policies that deal with Rural Activities state:

*Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values. (3.3.21)*

*Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for rural living developments. (3.3.22)*

*Identify areas on the District Plan maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas. (3.3.23)*

*Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character. (3.3.24)*

*Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (3.3.25)*

The relevant Strategic Policies that deal with landscapes state:

*Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration. (3.3.30)*

*Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded. (3.3.32)*

## Chapter 6 – Landscape & Rural Character

The purpose of Chapter 6 is to provide greater detail as to how the landscape, particularly outside of urban settlements, will be managed in order to implement the strategic objectives and policies within Chapter 3.

It is understood from assessing Mr Barr's Section 42A Report for Chapter 24, that there is an apparent gap (or no obvious link) between Chapter 6 and Chapter 24<sup>1</sup>, i.e. there is no direct reference to Chapter 24 in Chapter 6. In order to resolve the process and structural issues in terms of the apparent gap, Mr Barr has recommended amendments to Chapter 6 as the most appropriate way (from a material and structural perspective) to ensure Chapter 24 implements Chapter 6 and achieves Chapter 3<sup>2</sup>

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<sup>1</sup> Section 42A Report (para 38.4) – Chapter 24

<sup>2</sup> Section 42A Report (para 38.19) – Chapter 24

Mr Barr has recommended the following policy '6.3.XA' that specific to Chapter 24:

6.3.XA: *Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, 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. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).*

Mr Barr also recommends adding the following policies to Chapter 6:

***Managing Activities in the Wakatipu Basin Rural Amenity Zone***

- 3.3.34 *Avoid urban development and subdivision to urban densities in the rural zones. (3.2.2.1, 3.2.5.1, 3.2.5.2, 3.3.13-15, 3.3.23, 3.3.30, 3.3.32). [Identical to PDP Policy 6.3.4]*
- 3.3.35 *Enable continuation of the contribution low-intensity pastoral farming on large landholdings makes to the District's landscape character. (3.2.1.7, 3.2.5.1, 3.2.5.2, 3.3.20). [Identical to PDP Policy 6.3.7]*
- 3.3.36 *Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.30, 3.3.32). [Identical to PDP Policy 6.3.8]*
- 3.3.37 *Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land. (3.2.1.7, 3.2.4.1, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.20, 3.3.30, 3.3.32). [Identical to PDP Policy 6.3.9]*
- 3.3.38 *Ensure that subdivision and development adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s). (3.2.5.1, 3.3.30). [Identical to PDP Policy 6.3.10 except reference to activities occurring in the ONL and RCL removed]*
- 6.3.39 *Encourage any landscaping to be ecologically viable and consistent with the established character of the area. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.30, 3.3.32). [Identical to PDP Policy 6.3.11]*
- 6.3.40 *Require that proposals for subdivision or development for rural living take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects. (3.2.1.8, 3.2.5.2, 3.3.23, 3.3.32). [Identical to PDP Policy 6.3.21 except reference to Rural Zone removed]*

- 6.3.41 *Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads. (3.2.1.1, 3.2.1.7, 3.2.5.2, 3.3.21, 3.3.24-25, 3.3.32). [Identical to PDP Policy 6.3.22]*
- 6.3.42 *Ensure incremental changes from subdivision and development do not degrade landscape quality or character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.21, 3.3.24, 3.3.32). [Identical to PDP Policy 6.3.23]*
- 6.3.43 *Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases. (3.2.1.9, 3.2.5.2, 3.3.25, 3.3.32). [Identical to PDP Policy 6.3.24]*
- 6.3.44 *In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised. (3.2.1.9, 3.2.5.2, 3.3.25, 3.3.32). [Identical to PDP Policy 6.3.25]*
- 6.3.45 *Avoid adverse effects on visual amenity from subdivision, use and development that:*
- a. *is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
  - b. *forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads. (3.2.1.1, 3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.30, 3.3.32). [Identical to PDP Policy 6.3.26]*
- 6.3.46 *Avoid planting and screening, particularly along roads and boundaries 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). [Identical to PDP Policy 6.3.27]*
- 6.3.47 *Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where it will minimise disruption to natural landforms and to rural character. (3.2.1.1, 3.2.1.8, 3.3.21, 3.3.24, 3.3.32). [Identical to PDP Policy 6.3.29]*

It would appear that provisions 3.3.38 and 6.3.40 from Mr Barr's Section 42A report are worded differently to the recommended provisions (Appendix 3) to this report. Provision 3.3.38 in Appendix 3 contains a reference to subdivision and development within an ONL (the Section

42A report provision does not), while provision 6.3.40 in Appendix 3 refers to the 'Rural Zone', while this provision within the Section 42A report does not contain this reference. It is assumed that the subject provisions in the Section 42A report are the correct recommended provisions by Mr Barr.

Should the Rural Visitor Zone be imposed on the site, it is considered that the Chapter 6 provisions that deal with managing activities within this zone can be adhered to.

## **Chapter 24 – Wakatipu Basin**

As an alternative relief, the submissions have requested WBLP on portions of the Barnhill and MFL land. As such, it is appropriate to address the applicable objectives and policies within Chapter 24 (Wakatipu Basin). Chapter 24 applies to the WBRAZ and the WBLP. The WBLP is a sub-zone of the WBRAZ.

The purpose of Chapter 24 is to protect, maintain and enhance the particular character and amenity of the rural landscape which distinguishes the Wakatipu Basin from other parts of the District that are zoned rural. A primary focus of Chapter 24 is on protecting, maintaining and enhancing rural landscapes and amenity values while noting that productive farming is not a dominant activity in the Wakatipu Basin.

To achieve the purpose of the WBRAZ, a minimum lot size of 80 hectares is required if a 'complying' subdivision is proposed, while the WBLP provides limited opportunities for subdivision via a minimum lot size of 6000m<sup>2</sup>, together with an average lot size of 1 hectare.

Under 24.1, the following is stated:

*Within the Zone, variations in landscape character support higher levels of development in identified Wakatipu Basin Lifestyle Precinct areas. The Precinct provides for rural residential living opportunities within areas where additional development can be absorbed without detracting from the landscape and visual amenity values of the Precinct and the wider landscape character and amenity values of the Zone and its surrounding landscape context.*

Under the notified version of Chapter 24, the land is not identified as forming part of the WBLP. The view expressed in this report (relying on the opinion of Mr Espie) is that the land has the capacity to provide for an increased intensity of rural residential living, which in turn will not detract from the WBLP (as a whole) and the wider landscape character and amenity values of the WBRAZ and surrounding landscape context.

Chapter 24 anticipates that a wide range of supportive activities that rely on and seek to locate within the rural landscape are contemplated within the WBRAZ. Such activities include rural living at low densities, recreation, commercial and tourism activities, combined with farming and farming related activities.

Objective 24.2.1 addresses both the WBRAZ and the WBLP. This objective seeks that landscape and amenity values are protected, maintained and enhanced. A number of policies that implement Objective 24.2.1 are relevant to the submissions:

*Implement minimum and average lot sizes within the Wakatipu Basin Rural Amenity Zone and the Wakatipu Basin Lifestyle Precinct to protect landscape character and visual amenity values. (24.2.1.1)*

*Ensure subdivision and developments are designed (including accessways, services, utilities and building platforms) to minimise modification to the landform, and maintain and enhance the landscape character and visual amenity values. (24.2.1.2)*

*Ensure that subdivision and development maintains and enhances the Wakatipu Basin landscape character and visual amenity values identified for the landscape character units as described in Schedule 24.8. (24.2.1.3)*

*Maintain and enhance the landscape character and visual amenity values associated with the Zone and Precinct and surrounding landscape context by controlling the colour, scale, form, coverage, location (including setbacks from boundaries and from Identified Landscape Features) and height of buildings and associated infrastructure, vegetation and landscape elements. (24.2.1.4)*

*Require all buildings to be located and designed so that they do not compromise the qualities of adjacent or nearby Outstanding Natural Features and Outstanding Natural Landscapes, or of identified landscape features. (24.2.1.5)*

*Ensure non-residential activities avoid adverse effects on the landscape character and visual amenity values. (24.2.1.6)*

*Ensure land use activities protect, maintain and enhance the range of landscape character and visual amenity values associated with the Zone, Precinct and wider Wakatipu Basin area. (24.2.1.8)*

*Provide for activities that maintain a sense of openness and spaciousness in which buildings are subservient to (24.2.1.9)*

Objective 24.2.2 deals with both the WBRAZ and the WBLP. There are four policies that implement this objective that are relevant to the submissions:

*Support commercial, recreation and tourism related activities where these activities protect, maintain or enhance the landscape character and visual amenity values. (24.2.2.1)*

*Ensure traffic, noise and the scale and intensity of non-residential activities do not adversely impact on the landscape character and visual amenity values or affect the safe and efficient operation of the roading and trail network or access to public places. (24.2.2.2)*

*Restrict the type and intensity of non-residential activities to those which are compatible in visual amenity terms and in relation to other generated effects (e.g. traffic, noise, and hours of operation) with surrounding uses and the natural environment. (24.2.2.3)*

*Ensure traffic generated by non-residential development does not individually or cumulatively compromise road safety or efficiency. (24.2.2.4)*

Objective 24.2.4 deals with both the WBRAZ and the WBLP. This objective seeks to ensure that subdivision and land use development maintains and enhances water quality, ecological quality, and recreational values while ensuring the efficient provision of infrastructure. Of relevance to the submissions are the following policies that implement this objective:

*Ensure development does not generate servicing and infrastructure costs that fall on the wider community. (24.2.4.4)*

*Ensure development infrastructure is self-sufficient and does not exceed capacities for infrastructure servicing. (24.2.4.5)*

Objective 24.2.5 (and its supporting policies) only apply to the WBLP. This objective seeks the maintenance and enhancement of the landscape character and visual amenity values in the WBLP, combined with enabling rural residential living activities. The relevant policies that are applicable to the submissions are:

*Provide for rural residential subdivision, use and development only where it protects, maintains or enhances the landscape character and visual amenity values as described within the landscape character unit as defined in Schedule 24.8. (24.2.5.1)*

*Provide for non-residential activities, including restaurants, visitor accommodation, and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the amenity, quality and character of the Precinct is retained. (24.2.5.3)*

*Implement minimum and average lot size standards in conjunction with building coverage and height standards so that the landscape character and visual amenity qualities of the Precinct are not compromised by cumulative adverse effects of development. (24.2.5.4)*

*Maintain and enhance a distinct and visible edge between the Precinct and the Zone. (24.2.5.5)*

## 7. Resource Management Issues

### PDP Context

The proposed change to the zoning of the submitters' land is in response to the inclusion of the land within the WBRAZ as notified in Stage 2 of the PDP.

The purpose of the WBRAZ as detailed in Section 24.1 of the PDP is:

*"... to protect, maintain and enhance the particular character and amenity of the rural landscape which distinguishes the Wakatipu Basin from other parts of the District that are zoned Rural.*

*A primary focus of the Zone is on protecting, maintaining and enhancing rural landscape and amenity values while noting that productive farming is not a dominant activity in the Wakatipu Basin. To achieve the purpose of the Zone a minimum lot size of 80 hectares is required if subdividing and all buildings except small farm buildings in the Zone require resource consent as a means to ensure rural landscape character and visual amenity outcomes are fulfilled..."*

The original Section 32 analysis identified three resource management issues in relation to the proposed zoning approach. Such issues are still relevant for the Stage 2 submissions. These issues (with some amendments) are addressed below.

### **Issue 1: Whether an alternative zoning structure can provide a more sustainable use of the land without detracting from the ONL and landscape values having particular regard to visibility from public places**

Two key matters are associated with this issue, being rural land use and landscape considerations are addressed below.

### Rural Land Use

Information has been supplied by Ms MacColl that has outlined the history of farming on the Barnhill land, since ownership of the land by the Bunn family. Since the early 1950's, the family farm has evolved in a manner so as to provide an economically productive farming operation, from a sheep/beef farm to an operation that breeds red deer for the export meat market. However, the commercial options (or evolution) for a continued (or new) economic farming operation is limited, with constraints imposed by the evolution of the Morven Ferry Road environment.

As detailed by Ms MacColl, with the establishment and use of the public trail through the Barnhill land, the deer farming operation has suffered significantly. The alignment of the public trail has effectively dissected the Barnhill farming land, which has had the consequence of negatively affecting effective stock management.

The success of the Queenstown Trails network has also affected the fawning percentages due to the significant increase in people (and dogs) using the trail through the Barnhill land. The significant drop in fawning percentages from the pre-trail to the status quo has had a considerable effect on the economic viability of the overall farming operation. With the



increasing number of persons using the trail network, it is more than likely that the fawning percentages will drop even further.

Further affecting the deer farming operation is the difficulty in controlling the rabbit population next to the public trail (as the Otago Regional Council is reluctant to poison next to the trail). The increase in rabbit numbers has led to significant grass and crop production losses.

For Barnhill and MFL, the long term economic viability of farming is marginal at best in terms of the productivity of the land, based on the relatively small land area and the effect of the public trail (for the Barnhill land). These factors impact on the ability for each parcel of land to provide an economically sustainable farming unit.

As outlined above, Chapter 3 in the PDP sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the District's 'special qualities'.

Chapter 3 addresses the evolving land use approaches to rural land within the District, on the basis that traditional farming activities are not a prevalent land use as was once the case, particularly within the Wakatipu Basin.

One of the special qualities identified via Chapter 3 is an innovative and diversifying economy based around a strong visitor industry. This special quality flows into Issue 1 which states:

*Economic prosperity and equity, including strong and robust town centres, requires economic diversification to enable the social and economic wellbeing of people and communities.*

Strategic Objective 3.2.1 promotes the development of a prosperous, resilient and equitable economy in the District (with this objective addressing Issue 1 listed above). Of relevance are Objectives 3.2.1.1, 3.2.1.6 and 3.2.1.8 which state:

*The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District. (3.2.1.1)*

*Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises. (3.2.1.6)*

*Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngai Tahu values, interests and customary resources, are maintained. (3.2.1.8)*

Strategic Objective 3.2.6 seeks that the District's residents and communities are able to provide for their social, cultural and economic well-being.

Strategic Policy 3.3.2.21 recognises that commercial recreation and tourism related activities seeking to locate within the rural zone may be appropriate where such activities enhance the

appreciation of landscapes, and on the basis that such activities will protect, maintain or enhance landscape quality, character and amenity values.

Overall, Chapter 3 recognises that alternative land uses on rural land may be appropriate when compared to traditional farming practices, especially where the latter activity is a marginal use from an economic perspective. The appropriateness of alternative land uses in the rural environment however will need to be judged on their respective merits in terms of other Chapter 3 matters, Chapter 6 and the relevant underlying zone. A higher order consideration are the potential effects on landscape values and rural character as detailed below.

The proposed RVZ on the Barnhill land, through the imposition of appropriate planning controls, will enable the diversification of land use activities on this land. The diversification of land uses will interact with users of the public trails. The RVZ will also provide a rural accommodation option for persons visiting Queenstown, when compared to the more traditional urban accommodation approach. The RVZ will also tie in with the proposed WBLP as a comprehensive planned development node in terms of connections, access and servicing, with the RVZ having the potential to act as a community hub for residents residing in the WBLP and elsewhere within the Morven Ferry Road area.

#### Landscape Considerations

Chapter 3 identifies 'dramatic alpine landscapes free of inappropriate development' as one of many special qualities for the District. Of the six 'issues' identified in Chapter 3, the following issues are relevant from a landscape perspective:

*Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes.*

*Issue 4: The District's natural environment, particularly its outstanding landscapes, has intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic value to the District.*

As identified above, Chapter 3 has a varied approach in of terms addressing the special qualities associated with landscapes and the associated issues. The general approach is to protect, avoid or enhance the appreciation of landscapes (whether alpine or rural in nature) in terms of visual amenity values and rural characteristics.

However, two Chapter 3 provisions are particularly relevant to the proposed rezoning, Strategic Objective 3.2.5.2 and Strategic Policy 3.3.32.

Strategic Objective 3.2.5.2 seeks to direct new subdivision, use or development to those areas that have the potential to absorb change without materially detracting from those values prevalent in such areas, while Strategic Policy 3.3.32 seeks to only allow land use change in areas able to absorb change, where the extent of any change on the subject landscape and visual amenity values are not materially degraded.

An important overall issue are the cumulative effects of residential land use on the landscape character and visual amenity of the Wakatipu Basin. In Mr Espie's view (which I rely upon)

locations such as the southern end of Morven Ferry Road area have the potential to absorb development that will not sully the character or amenity of the broader Wakatipu Basin – such locations are few and far between within the Wakatipu Basin.

As highlighted in the original Section 32 Evaluation Report for Barnhill and MFL, the Council in its review of the District Plan engaged Read Landscapes to consider the Wakatipu Basin its landscape values and potential ability for the landscape to absorb change. A report entitled Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment was produced. The subject site fell within two units described in that report, Unit 18: Arrow River Margins and Unit 22: Morven Ferry. The summary table for these units is reproduced below.

Appendix 1: Summary of the landscape character analysis

Landscape Area	Extent of Rural Character	Key Characteristics	Vulnerability to Character Change	Contribution to visual amenity	Vulnerability of Visual Amenity
Crown Terrace (17)	High	Large paddocks Traditional shelter belts Sheep and cattle Dispersed residential development	High	High	High due to the importance of the Crown Range Road and elevation above the basin
Malaghans Valley (2)	High	Legible glacial features Large paddocks Traditional shelter belts Sheep and cattle Dispersed residential development	High	High	High due to openness of the landscape; importance of Malaghans Road.
Morven Ferry (22)	Moderately High	Agricultural activities Pasture Hummocky topography Lifestyle development Hawthorn hedges	Moderate Presence of lifestyle development along the road margins at capacity	Moderate to low	Moderate to low owing to topography and location away from important roads. Cycle way not considered.
Arrow River Margins (18)	Moderate	Open pasture Scattered residential development Amenity trees	Moderate to high The area is already fragmented for rural residential use but the lots remain large and open to SH6.	High to moderate	High to moderate Visible from SH6.

Figure 2: Landscape Units Read Report

As part of the Read report consideration was given to re-zoning and of relevance it stated:

*'future residential development within the Basin should be concentrated in the areas where it would have the least impact on the existing landscape character and visual amenity of the overall Basin landscape. Within the Basin these areas have mainly been identified because the level of existing development has diminished the rurality of the landscape character area already, and because the existing contribution to the overall visual amenity is already relatively low (while the local visual amenity may remain high)'<sup>3</sup>.*

The land to be rezoned is located on a dead end road that is not particularly prominent with regard to the wider Wakatipu Basin landscape setting. There will be some visibility of future development on the land, however, a combination of distance, topography, existing vegetation and subdivision design (which Council has ultimately control over) means that the landscape and visual amenity values of the WBLP and the wider landscape character of the Wakatipu Basin will not be materially affected in a negative sense.

The land will change from an area with a pastoral focus to a combination of rural living with the balance land being retained in some form of pastoral management. The rural living areas

<sup>3</sup> Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment Read Landscape p7

will obviously be developed with dwellings with an abundance of new vegetation – a treed appearance will occur over time. The latter aesthetic will still present a rural appearance.

The proposed RVZ (in particular Area A) has been purposely located so as to provide some interaction with Morven Ferry Road. This zoning location will allow future activities to take advantage of the public trail. Through an appropriate design response, this interaction can be undertaken in a manner which is befitting of the rural characteristics of the Morven Ferry Road locality.

***Issue 2: Whether the rezoning of the land can provide for activity that can complement and support growth of the Queenstown Trail***

As outlined above, the public trail has negatively affected the farming operations (and economic viability) on the Barnhill land. However, the establishment and use of the public trail provides a positive opportunity for land adjoining the trail to support the growth of patronage on the trail network, and to allow an adjoining landowner (being Barnhill) to diversify an existing land use for economic purposes. To a lesser extent, the MFL land can also benefit from the use of the trail, by also providing accommodation via B and B type arrangements within future dwellings.

The Barnhill land adjoining Morven Ferry Road is strategically situated at a major junction in the trail network for trail users coming from Arrowtown, Gibbston or Queenstown. This junction also provides the most convenient location for people wanting to visit the Edgar Bridge which has become an attraction in its own right. The popularity of the Edgar Bridge has grown to the point a car park has been installed by the Council on Morven Ferry Road to accommodate the level of traffic associated with people visiting the bridge.

Evidence has been submitted by Ms MacColl that indicates the current and growing public trail usage, patronage spending and opportunities the land has to increase economic activity. This issue has been addressed in evidence by Dr Galloway.

These figures highlight the opportunity that exists to support the tourism growth in this area and also the opportunity to develop activities that can in themselves assist to further grow and develop the trail patronage.

The opportunities to take advantage of the patrons using the trail is matter that Chapter 3 of the PDP addresses. The areas of RVZ will enable appropriate development and activities to occur next the intersection of the public trails, which will not only enhance the experience of trail users, but will provide economic benefits to the owners of the Barnhill land. The existing RVZ has been tailored to suit the characteristics of the locality of Morven Ferry Road. The RVZ will also have the ability to become a community focal point, where locals to the Morven Ferry Road area can congregate.

***Issue 3: Whether the opportunity exists to provide zoning to assist in meeting the demand for rural living in the Wakatipu Basin***

There is undoubtedly a demand for rural living in the Wakatipu Basin. To cater for this demand and to deal with higher order landscape and visual amenity issues, the Council via Chapter 24 of the PDP has sought to increase the rural residential density within the areas currently zoned Rural Lifestyle under the ODP, and by rezoning new areas to the WBLP (I note that allowed densities within the existing Rural Residential Zone under the ODP have been decreased).

As outlined above, Mr Espie considers the Barnhill and MFL have sufficient attributes which can enable a higher density of rural living via the WBLP. Such attributes include a reasonably discrete location in the context of the Wakatipu Basin (in terms of access and general visibility), topography and vegetative screening. The Barnhill and MFL land can be developed in a manner that will not detract from the wider landscape character and visual amenity qualities of the Wakatipu Basin. From a planning perspective, it is a logical approach to provide development potential in locations within the Wakatipu that can absorb such development.

The opportunity exists for a co-ordinated approach to developing an enclave of land for rural living purposes via a limited number of landowners. This co-ordination could take the form of a combined access and infrastructure approach.

As the land is a 'greenfields' situation and an area that has higher absorption capabilities from landscape and planning perspectives, it is considered more appropriate to concentrate rural residential development in this location via a smaller minimum allotment size (and without the higher average allotment size), being 4000m<sup>2</sup>. This allotment size is not new to the Wakatipu Basin, as the ODP Rural Residential Zone (with a 4000m<sup>2</sup> minimum) has existed since the release of the decisions in 1998 for the 1995 Proposed District Plan.

**Broad options considered to address the key resource management issues outlined in Section 7 above**

Option 1: Retain the WBRAZ zoning of the land (as notified)

Option 2: Rezone a portion of the land as WBLP (the remainder of the land is retained as WBRAZ)

Option 3: Rezone a portion of the land as Rural Visitor Zone (RVZ) (the remainder of the is retained as WBRAZ)

Option 4: Rezone the land a combination of WBRAZ, WBLP and RVZ

	<b>Option 1: WBRAZ as notified</b>	<b>Option 2: Rezone as WBLP (remainder WBRAZ)</b>	<b>Option 3: Rezone as RVZ (remainder WBRAZ)</b>	<b>Option 4: Rezone as WBLP, WBLP and RVZ</b>
<b>Costs</b>	<ul style="list-style-type: none"> <li>• Due to the size of the landholdings, all subdivision for residential purposes would face a non-complying activity status.</li> <li>• There will be significant costs for a landowner to go through a resource consent process to subdivide land for residential purposes.</li> <li>• The landscape assessments compiled on behalf of Barnhill/MFL indicate that the land has the capacity to absorb some development. The WBRAZ does not easily or</li> </ul>	<ul style="list-style-type: none"> <li>• The WBLP zoning will result in a loss of rural land, this can be seen as a cost however it is not sustainable to retain the land as rural when a more sustainable use exists that does not detract from the wider landscape values.</li> <li>• Servicing of the zoning will be required and reticulated services are not available. The infrastructure assessments confirm that costs associated with servicing can be appropriately managed.</li> <li>• Increased traffic will result from the proposed zoning and this</li> </ul>	<ul style="list-style-type: none"> <li>• The existing RVZ rules are fairly permissive providing for a density and form of development that without refinement could lead to development that detracts from landscape and amenity values.</li> <li>• The RVZ even with refinements to the bulk and locations controls would see a change in character within the area the zoning is proposed. This will result in some loss of rural amenity and character. However, the extent of this effect and therefore cost</li> </ul>	<ul style="list-style-type: none"> <li>• The costs for this option have been identified in the other cost options</li> </ul>

	<p>efficiently provide for this opportunity.</p> <ul style="list-style-type: none"> <li>Given the limited productive value of the site for farming and the landscape assessment has confirmed the ability of the landscape to absorb change retaining the WBRAZ would be inefficient.</li> <li>While the framework for the WBRAZ discourages rural residential development and subdivision, there is still the potential for ad hoc development/subdivision to occur.</li> <li>The existing land use (farming) is not an economically viable land use, bringing associated costs for the landowner.</li> </ul>	<p>will have an impact on adjoining road particularly Morven Ferry Road. The traffic assessment has confirmed the road network has sufficient capacity to accommodate the re-zoning. If Morven Ferry Road was formed to the correct standard it would not require upgrading to accommodate the additional traffic.</p> <ul style="list-style-type: none"> <li>The proposed re-zoning has the potential to result in reverse sensitivity effects. The extent of these effects are minimised by the location of the proposed re-zoning. The re-zoning only adjoins neighbouring rural farmland on one boundary (Lot 1 DP411193 Hamilton Land). Refinement of the zoning provisions (as proposed) along this boundary would reduce this cost.</li> <li>The particular attributes of the site particularly the topography has informed the location of the proposed residential areas and will ensure any visibility and potential adverse effects on neighbours are</li> </ul>	<p>has been considered in the landscape assessment and found to be acceptable.</p> <ul style="list-style-type: none"> <li>The Rural Visitor zoning will introduce additional activity and therefore traffic on Morven Ferry Road. The traffic assessment has assessed the extent of these effects and of particular significance notes that the existing standard of Morven Ferry Road does not meet the standard required for the existing level of traffic. The assessment also identifies that if the road was formed to the appropriate standard it would be suitable to accommodate the additional traffic associated with the proposed RVZ and WBLP. The report confirms that sufficient road reserve exists to provide for the necessary standard of road to accommodate both the existing and proposed traffic flows. Therefore, any cost associated with</li> </ul>	
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		<p>appropriately mitigated. There will be some change in rural amenity and outlook associated with the re-zoning.</p> <ul style="list-style-type: none"> <li>The landscape assessment has identified some potential visibility effects of the proposed Rural Residential zoning on the Morven Ferry Ltd Land that is mitigated by the existing vegetation located along the northern boundary of this property. Control through the subdivision process can ensure that the level of screening that the existing vegetation provides is maintained.</li> </ul>	<p>increased traffic on Morven Ferry Road can be appropriately managed.</p> <ul style="list-style-type: none"> <li>The increased traffic on Morven Ferry Road would also have an impact on the amenity of the area. The increase in traffic already occurring associated with the Queenstown Trail and people visiting Edgar Bridge has changed the traffic environment and therefore associated amenity. This factor needs to be taken into account when considered the scale and significance of this particular cost.</li> <li>Rural amenity and outlook from neighbouring properties is potentially affected by the proposed re-zoning. Taking into account the proposed refinement to the provisions the distance to neighbouring properties and the fact that activity in the zone would generally associate with the trail use;</li> </ul>	
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			<p>the scale of this cost can be appropriately managed.</p> <ul style="list-style-type: none"> <li>• Servicing of development of the proposed zones is a cost particularly given the location of the zones away from existing Council infrastructure. Servicing reports have been completed which confirm the feasibility of servicing the zones without the need to extend Council's reticulated system.</li> </ul>	
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• Would ensure that the potential landscape effects of future subdivision and development are significantly reduced through the difficulty of obtaining resource consents to develop and subdivide.</li> <li>• Would reduce the potential for further subdivision or development of the two land areas and the associated pressure upon the Council's infrastructure (although this can also be viewed as a cost).</li> </ul>	<ul style="list-style-type: none"> <li>• The WBLP would provide additional development potential for the two land areas.</li> <li>• Servicing the demand for rural residential accommodation with the District.</li> <li>• The development of the WBLP can be undertaken in a location that will not materially affect the wider landscape character and qualities of the Wakatipu Basin.</li> </ul>	<ul style="list-style-type: none"> <li>• The purpose of the RVZ is stated as:  <i>The Rural Visitor Zones contain important recreation and visitor facilities, including accommodation and other visitor attractions. Significant physical resources in terms of buildings and facilities exist or are proposed in all the zones both as attractions in their own right or as facilities which serve the</i></li> </ul>	<ul style="list-style-type: none"> <li>• A mixed zoning approach will provide an appropriate area where rural residential development can occur, allow the RVZ (amended provisions) land to be developed in a manner which will benefit the trail users and subject landowners (through economic diversity), and land located next to the ONL will remain as WBRAZ.</li> </ul>

	<ul style="list-style-type: none"> <li>No costs of change to Council in terms of staff time.</li> </ul>	<ul style="list-style-type: none"> <li>The WBLP would allow the transition of some unproductive farmland in to a productive alternative use.</li> <li>Additional development contributions and rates from additional residential dwellings.</li> <li>Low degree of change to the PDP (for the WBLP).</li> <li>The land closest to the ONL will be retained in the WBRAZ, thereby protecting the ONL from inappropriate development.</li> </ul>	<p><i>visitor industry and surrounding rural or recreation activities. This is particularly the case in respect of those facilities at Cardrona located on the Crown Range Road. The most distinguishing feature of the Visitor Zones is their compact size, general self-sufficiency and distance from the main urban centres.</i></p> <p>The purpose of the zone is consistent with the characteristics and intentions sought from the re-zoning. The subject site is ideally suited to a zoning that enables tourism related activities within the Morven Ferry Road setting, supporting tourism is a key benefit.</p> <ul style="list-style-type: none"> <li>Further refinement of the rules is proposed to ensure landscape and amenity effects are appropriately managed.</li> </ul>	
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			<ul style="list-style-type: none"> <li>• The proposed zone will promote investment in the development of the land and therefore employment opportunities and economic benefits in developing and growing the Queenstown Trail patronage and daily spend.</li> <li>• The landscape assessment has confirmed the landscape has the ability to absorb development associated with the re-zoning provided some refinements relating to the height of buildings and overall development density on the site are adopted.</li> <li>• The location of the proposed zoning can minimise any reverse sensitivity effects because the zoning is focussed around the Morven Ferry Road frontage and junction in the Queenstown trail.</li> <li>• The location of the proposed zoning at the</li> </ul>	
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			<p>junction of the trails and incorporating the natural topography, wet areas and ponds of the site provides a strong framework for developing a zone that can optimises the benefits of the Queenstown Trail and surrounding rural environment.</p> <ul style="list-style-type: none"> <li>• Allows a bespoke approach to address the resource management issues associated with the development of the land via the use of activity area.</li> <li>• Inclusion of these within the PDP provides greater certainty for the submitters.</li> <li>• There is a demand for rural residential accommodation with the District, servicing this demand is a benefit.</li> <li>• Additional development contributions and rates from additional residential dwellings.</li> </ul>	
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<b>Ranking</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>
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Option 1 is considered the most practicable option for addressing the resource management issues discussed above.

## **8. Scale and Significance Evaluation**

The level of detailed analysis undertaken for the evaluation of the proposed change in zoning has been determined by an assessment of the scale and significance of the implementation of the proposed zoning and provisions. In making this assessment, regard has been had to the following:

- Result in a significant variance from the PDP.
- Have effects on resources that are considered to be a matter of national importance in terms of Section 6 of the Act.
- Adversely effect those with specific interests.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail of analysis in this report is moderate being that the subject land areas are discrete and do not form or are not part of any ONL or ONF and therefore is not a matter of national importance (although the land is located in proximity to an ONL).

It is proposed to amend the zoning of the two land areas as well as to undertake minor amendments to the Chapter 27 rules in order to implement the zoning. No amendments to the strategic objectives or policies are considered necessary.

### **Evaluation of Proposal – Section 32(1)(a)**

Section 32(1)(a) of the RMA requires the analysis to evaluate the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act.

The evaluation of options has identified that the preferred option is to apply a mixture of the RVZ, WBLP and WBRAZ to the subject land.

Only one minor change is proposed to the relevant objective in the RVZ, while the proposed objectives in the WBLP and WBRAZ are the most appropriate way to achieve the purpose of the RMA with this mixed outcome of RVZ, WBLP and WBRAZ (noting that the submitters have preserved their position on the Rural Residential Zone). Therefore, the evaluation below considers the proposed re-zoning against the relevant operative and proposed plan objectives.

### **Evaluation of Proposal – Section 32(1)(b)**

Section 32(1)(b) requires the evaluation to examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by:

- (i) identifying other reasonably practicable options for achieving the objectives; and*
- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) summarising the reasons for deciding on the provisions;*

The re-zoning proposal (amending proposal) will amend provisions that are proposed for WBLP areas and ODP provisions that already exist (existing proposal) for the Rural Visitor Zone, therefore pursuant to Section 32(3) the examination under s32(1)(b) must relate to:

- a) The provisions and objective of the amending proposal; and
- b) The objectives of the existing proposal to the extent they are relevant to the objective of the amending proposal and would remain if the amending proposal were to take effect.

The Morven Ferry Rural Visitor Zone has been proposed to encourage a core area directly focussed around the Queenstown Trail junction (Area A). It is proposed that the 'balance' area (although larger to incorporate natural features such as ponds), will require controls to ensure the intention of lower density of development is provided for. Specific height controls are also proposed to better reflect the qualities and attributes of the Morven Ferry area.

The following table assesses whether the proposed changes to the provisions in the RVZ are the most appropriate way to achieve the relevant objectives. In doing so, it outlines the costs and benefits of the proposed provisions including economic growth and employment and the efficiency and effectiveness of the provisions in achieving the objectives.



<b>Rural Visitor Zone</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<b>12.3: Add the underlined words <u>Morven Ferry Road</u> to the areas contained within the RVZ</b>	Cost to alter the ODP	Clearly articulates that the Morven Ferry Road RVZ is included within the RVZ	The amendment will be effective in highlighting the Morven Ferry Road RVZ
<p><b>12.3.1: Resources and Activities</b></p> <p>Add the underlined words to:</p> <p>The Rural Visitor Zones contain <u>or have the potential to contain</u> important recreation and visitor facilities, including accommodation and other visitor attractions.</p> <p>Add the underlined words to:</p> <p>The most distinguishing feature of the Visitor Zones is their compact size, <u>(or development potential)</u> general self-sufficiency and distance from the main urban centres.</p>	Cost to alter the ODP	<p>Clearly articulates that the Morven Ferry Road RVZ is included within the RVZ</p> <p>Acknowledges that the Morven Ferry Road RVZ is yet to be developed.</p>	The amendment will be effective in highlighting the development potential of the Morven Ferry Road RVZ
<p><b>12.3.4: Objectives &amp; Policies</b></p> <p>Add the underlined words to:</p>	Cost to alter the ODP	Acknowledges that the Morven Ferry Road RVZ is yet to be developed.	The amendment will be effective in highlighting the development potential of the Morven Ferry Road RVZ

<p>Provision for the ongoing operation of the existing <u>or proposed</u> visitor areas recognising their operational needs and avoiding, remedying or mitigating adverse effects on landscape, water quality and natural values. Scope for extension of activities in the Rural Visitor Zones.</p>			
<p><b>Explanation and Principal Reasons for Adoption</b></p> <p>Add the underlined words to:</p> <p>Visitor and recreation activities are already established at Cecil Peak, Walter Peak, Cardrona, Arthurs Point, Blanket Bay, <u>Morven Ferry Road</u> and Arcadia Station. These visitor areas provide a different level of amenity and experience and relate closely to the surrounding rural resources and heritage values. They are consistent with the open space rural environment even if not involved in traditional rural pursuits. Some visitor areas also involve traditional rural activities as part of the visitor experience.</p>	<p>Cost to alter the ODP</p>	<p>Clearly articulates that the Morven Ferry Road RVZ is included within the RVZ</p>	<p>The amendment will be effective in highlighting the Morven Ferry Road RVZ</p>

<p><b>Add a new Rule (12.4.3.3A(i)) for buildings in the Morven Ferry Road RVZ</b></p> <p><b>12.4.3.3A Restricted Discretionary Activities</b></p> <p><b>I Buildings within the Morven Ferry Rural Visitor Zone, with discretion being restricted to:</b></p> <ul style="list-style-type: none"> <li>(a) Building location, coverage, scale and form</li> <li>(b) External appearance, including materials and colours</li> <li>(c) Landscaping</li> <li>(d) Earthworks, including any future earthworks associated with accessways and construction of buildings</li> <li>(a) Access, parking and traffic generation</li> <li>(b) Infrastructure servicing</li> <li>(c) Natural hazards</li> </ul>	<p>Cost to alter the ODP</p>	<p>Will provide greater control over built form within the Morven Ferry Road RVZ, thereby ensuring quality development, and preventing inappropriate development.</p> <p>The Council will be able to control a greater range of matters when compared to the existing ODP rule that governs buildings</p>	<p>The new rule will be effective in controlling development within the RVZ, in that inappropriate development can be declined.</p>

<p><b>Add a new Rule (12.4.3.3A(ii)) for dealing with the maximum building footprint for buildings in the Morven Ferry Road RVZ</b></p> <p><b>12.4.3.3A Restricted Discretionary Activities</b></p> <p><b>ii Maximum Building Footprint within the Morven Ferry Rural Visitor Zone</b></p> <p>With the exception of one viticultural building with a maximum building footprint of 500m<sup>2</sup>, the maximum building footprint shall be 300m<sup>2</sup> per building, with discretion being restricted to:</p> <p>(a) Building location, character, scale and dominance.</p>	<p>Cost to alter the ODP</p>	<p>Provides a clear signal as to the intended maximum building footprints within the Morven Ferry RVZ, in that substantially large buildings are not appropriate.</p> <p>States that one well designed and located building for viticultural purposes may be acceptable on within the Morven Ferry Road RVZ</p>	<p>The new rule will be effective in controlling the size of buildings, in that the Council has the ability to decline buildings over 300m<sup>2</sup> in area, with the exception of the single viticulture building.</p>

<p><b>Amend Rule 12.4.3.3(ii) to incorporate the Morven Ferry Road RVZ</b></p> <p>Add the underlined words to: In the Cecil Peak, Cardrona, Blanket Bay, Arthurs Point and Arcadia Station and <u>Morven Ferry Road</u> Rural Visitor Zones, the take-off or landing of aircraft other than for emergency landings, and rescues or fire-fighting.</p>	<p>Cost to alter the ODP</p>	<p>Will include the Morven Ferry Road RVZ within an existing rule</p>	<p>The rule amendment will be effective in controlling any proposal to land aircraft on the land.</p>
<p><b>Add a new rule (12.4.3.3(va) to deal with residential activities within the Morven Ferry Road RVZ</b></p> <p>Residential activities within the Morven Ferry Rural Visitor Zone, with the exception of one on-site managers residence and workers' accommodation for on-site staff that work within the visitor accommodation activity undertaken within the zone.</p>	<p>Cost to alter the ODP</p>	<p>The new rule signals that residential use within the Morven Ferry Road RVZ is not expected, with the exception of persons who work within the RVZ</p>	<p>The new rule will be effective in discourage 'standard' residential use within the Morven Ferry Road RVZ</p>
<p><b>Amend Rule 12.4.3.4(v) to exclude the production of wine from the Morven Ferry Road Zone</b></p> <p>Add the underlined words to:</p>	<p>Cost to alter the ODP</p>	<p>The new rule signals that the production of wine (the activity itself) is not captured by this existing rule.</p>	<p>The amended rule will be effective in providing for the production of wine on site (subject to obtaining approval for</p>

<p>Industrial and Service Activities, <u>except for the production of wine within the Morven Ferry Road Rural Visitor Zone</u></p>			<p>the building(s) to house the wine production process).</p>
<p><b>12.4.4 Non-Notification of Application</b></p> <p>Add a new rule (12.4.4(ii) that allows buildings within the Morven Ferry Road RVZ to be processed on a non-notified basis without requiring the approval of affected persons</p>	<p>Cost to alter the ODP</p>	<p>The new rule provides a benefit, in that a quality and appropriate development can be processed on a non-notified basis</p>	<p>If an appropriate development is proposed, then an efficient resource consent process can be adopted (non-notified)</p>
<p><b>12.4.5.2: Zone Standards – Building Height</b></p> <p>Add a new rule (12.4.5.2(d):</p> <p>The maximum height of all buildings within the Morven Ferry Rural Visitor Zone shall be 8m, with the exception</p>	<p>Cost to alter the ODP</p>	<p>The proposed height controls will better reflect the particular qualities of the Morven Ferry Zone.</p> <p>Providing for additional height within Zone B (10m) for one viticultural building will provide a smoother resource consent process.</p>	<p>The provisions will be effective by introducing controls to manage the heights of buildings and providing for the specific attributes of the Morven Ferry Road RVZ</p>

<p>that one viticultural building can be constructed to 10m in height.</p>			
<p><b>12.4.5.2: Zone Standards – Building coverage with the Morven Ferry Road RVZ.</b></p> <p>Add a new rule (12.4.5.2(vi):</p> <p><b>Building Coverage within the Morven Ferry Rural Visitor Zone</b></p> <p>The maximum building coverage within the Morven Ferry Rural Visitor Zone shall be:</p> <ul style="list-style-type: none"> <li>(a) Area A: 1500m<sup>2</sup> ground floor area</li> <li>(b) Area B: 3000m<sup>2</sup> ground floor area</li> </ul>	<p>Cost to alter the ODP</p>	<p>A site coverage control across a majority of the zone will ensure a form and density of development that is in keeping with the rural setting of the area and appropriate.</p> <p>The site coverage control will provide a balance between seeking to ensure the key natural attributes of the site underpin and form part of the zoning whilst ensuring controls are in place to avoid an overdevelopment of the area in keeping with the purpose of zone.</p>	<p>The site coverage control will be effective in managing the scale and intensity of development within the zone</p>
<p><b>12.4.5.2: Zone Standards –Road Setback with the Morven Ferry Road RVZ.</b></p> <p>Add a new rule (12.4.5.2(vii):</p>	<p>Cost to alter the ODP</p>	<p>Ensuring buildings are setback from Morven Ferry Road will ensure the rural character of Morven Ferry Road is provided for by avoiding buildings lined up along Morven Ferry Road.</p>	<p>The new rule will be effective in keeping built form an appropriate distance from Morven Ferry Road.</p>

No building or structure shall be located closer than 35m to Morven Ferry Road			
<p><b>Amend the Assessment Matter heading 12.5.2(viii),</b></p> <p>Add the underlined words to:</p> <p>Controlled <u>and</u> <u>Restricted Discretionary Activities</u> - Building External Appearance- Rural Visitor Zone</p>	Cost to alter the ODP	The amendment captures the new buildings within the Morven Ferry Road RVZ	The amendment will be effective in producing clear guidance in assessing new buildings within the Morven Ferry Road RVZ.
<p><b>Adding a new assessment matter to 12.5.2(viii)</b></p> <p>Within the Morven Ferry Rural Visitor Zone, the location, size and scale of buildings in terms of potential adverse effects on public places.</p>	Cost to alter the ODP	Provide further control and guidance over buildings within the Morven Ferry Road RVZ	The amendment will be effective in producing clear guidance in assessing new buildings within the Morven Ferry Road RVZ.
<p><b>Adding a new assessment matter to 12.5.2(xx)(b)</b></p>	Cost to alter the ODP	Provide further control and guidance over the size of	The amendment will be effective in producing clear guidance in



<p>The potential effects upon landscape, visual amenity and public places through exceeding the maximum site coverage within the Morven Ferry Rural Visitor Zone</p>		<p>buildings within the Morven Ferry Road RVZ</p>	<p>assessing the size of new buildings within the Morven Ferry Road RVZ.</p>
<p><b>Adding a new assessment matter to 12.5.2(xxi)(a)</b></p> <p>The extent, scale and necessity of providing on-site workers accommodation to support activities within the Morven Ferry Rural Visitor Zone</p>	<p>Cost to alter the ODP</p>	<p>Provides the Council with guidance as to the acceptability of residential accommodation within the Morven Ferry Road RVZ</p>	<p>The amendment will be effective in controlling residential use within the Morven Ferry Road RVZ</p>

The assessment has identified a potential for reverse sensitivity from the rural residential zoning where it adjoins existing farmland. This issue is relevant to Lot 1 DP 411193 (Hamilton Land) therefore a setback is proposed along the boundary of the zone with this property. A setback of 15m is proposed as this is consistent with the internal setback requirement in the WBLP (specifically Rule 24.5.2).

The following table assesses whether the proposed changes to the provisions are the most appropriate way to achieve the relevant objectives. In doing so, it sets out the costs and benefits of the proposed provisions including economic growth and employment and the effective and efficient at solving the identified resource management issues.

<b>WBLP</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<b>Amend Rule 24.5.2 to provide for a 15m internal setback within the Morven Ferry Road WBLP, when adjoining Lot 1 DP 411193</b>	The setback will reduce the area where buildings can locate within the zone.	The setback will provide a level of separation between future dwellings and the adjoining farmland enabling dwellings to establish (residential growth) in an appropriate manner.	A setback is considered efficient as it will ensure buildings are setback from the boundary whilst still enabling activity.  The setback is considered effective in providing separation to minimise reverse sensitivity effects
<b>Amend Rule 24.5.2 to provide for a 6m internal building setback within the Morven Ferry Road WBLP</b>	A reduced setback between buildings within a subdivision	A reduced setback will provide greater flexibility of use within a 4000m <sup>2</sup> allotments	The 6m internal building setback is an accepted rule within the ODP Rural Residential Zone.

It is proposed to impose a 4000m<sup>2</sup> minimum allotment size within the RRZ or WBLP

The following table assesses whether the proposed changes to the provisions are the most appropriate way to achieve the relevant objectives. In doing so, it sets out the costs and benefits of the proposed provisions including economic growth and employment and the effective and efficient at solving the identified resource management issues.

<b>WBLP</b>	<b>Costs</b>	<b>Benefits</b>	<b>Effectiveness &amp; Efficiency</b>
<b>Amend Rule 27.5.1 to enable a 4000m<sup>2</sup> minimum allotment size for the Morven Ferry Road WBLP</b>	Cost to alter the ODP  Greater servicing costs to the developer  Increased vehicular traffic	Will potentially enable an increased density of rural residential development within the Morven Ferry Road WBLP	The 4000m <sup>2</sup> will enable an increased density within a location that has the capacity to absorb additional development.

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## **9 Efficiency and effectiveness of the provisions**

The re-zoning of the subject site in part to WBLP (as amended) will effectively and efficiently achieve objectives and address the identified resource management issues by providing for rural living opportunities within areas with the ability to absorb this change. The proposed provisions will ensure future development does not adversely affect the Districts landscape qualities. The RVZ will enable visitor activity to establish and complement the Queenstown Trail whilst recognising the rural setting and landscape values of the surrounding area in an efficient and effective way.

## **10 The risk of not acting**

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the proposal. The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes are not made there is a risk that land which is suitable for rural residential living and visitor accommodation/commercial use is not utilised.

## **11 Conclusion**

This report addresses zoning options for the Barnhill Land and Morven Ferry Land located on Morven Ferry Road.

This evaluation concludes that pursuant to section 32 of the RMA, the most appropriate zoning for the land under this analysis is a mixture of is a Rural Visitor and rural living zoning in the form of amended WBLP zoning.

The proposed objectives for the WBLP and exiting (amended) objective of the RVZ are the most appropriate way to achieve the purpose of the RMA and the rezoning is consistent with these objectives.

The assessment has also identified site specific provisions to ensure the zoning reflects the specific characteristics of the Morven Ferry environment. The provisions of the proposal including the site specific amendments are the most appropriate way to achieve the above objectives. This conclusion is based on:

- a) An identification of practical options for achieving the objectives;
- b) An assessment of efficiency and effectiveness of the provisions in achieving the objectives;
- c) Considered reasoning for deciding on the provisions including expert reports;
- d) Identification and assessment of the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including economic growth to be provided and anticipated employment; and
- e) An examination under s32(1)(b) that relates to the provisions and objectives of the amending proposal and the objectives of the existing proposal to the extent that those objectives are relevant and will remain if the amending proposal were to take effect.

**APPENDIX G**

**PRELIMINARY SITE INVESTIGATIONS**



30 May 2018

Debbie MacColl  
Barnhill Corporate Trustee Ltd  
C/- Southern Planning Group  
PO Box 1081  
Queenstown

Dear Debbie

## Re. Preliminary Environmental Site Investigation for proposed five lot subdivision at Morven Ferry Road, Arrow Junction

Our Reference: 17023

### 1 Introduction

Southern Planning Group (SPG), on behalf of Barnhill Corporate Trustee Ltd, requested that JKCM Ltd, trading as Insight Engineering (IE), undertake a preliminary environmental site investigation (PSI) of the rural properties legally described as Lots 2, 3 and 4 DP397602 on Morven Ferry Road, Arrow Junction (herein referred to as “the site”), as outlined in our proposal (reference P17023, fully executed on 13 September 2017).

We understand that the site is proposed to be subdivided into five lots for residential purposes, and this report will be used when applying for Subdivision Consent.

The purpose of this investigation was to assess whether the Resource Management (*National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*) Regulations<sup>1</sup> (herein referred to as the NES) apply to the site, according to criteria specified in NES Rule 5.

If the NES applies, the investigation would assess the suitability of the site for subdivision and residential development, in terms of the activities being considered Permitted Activities under Rules 8(4) and 8(3), respectively.

This report was prepared in general accordance with the Ministry for the Environment (MfE) *Contaminated Land Management Guidelines (CLMG) No. 1: Reporting on Contaminated Sites in New Zealand*<sup>2</sup> and *CLMG No. 5: Site Investigation and Analysis of Soils*<sup>3</sup>.

Figure 1 (Appendix 1) indicates the location of the properties and investigation area. The proposed subdivision plan is provided in Appendix 2.

## 2 Objectives of the Investigation

The objectives of this PSI were to investigate the site history, in terms of potentially contaminating activities, and assess whether a risk to human health is likely to result from the activity of subdividing the piece of land for residential use.

### 2.1 Approach

IE completed the following scope of work to satisfy the investigation objectives:

#### 2.1.1 Review of Site Information

Several sources were contacted for information relating to the sites past and present uses and to identify any other environmental issues which may be on record. This consisted of:

- Undertaking a site walkover to assess whether any visual or olfactory evidence of contamination is present at the site;
- Interviewing the current land owners to obtain information relating to potentially contaminating activities that may have been undertaken at the site;
- Reviewing publicly available resource consent information held by the Otago Regional Council (ORC);
- Contacting ORC to determine if any property specific records of hazardous activities or industries are held in their database of potentially contaminated sites;
- Reviewing the Queenstown Lakes District Council (QLDC) property files to determine whether any records of contamination at the site are held in their database;
- Reviewing the Certificates of Title;
- Reviewing publicly available historical aerial photographs and maps of the site and surrounding area.

## 3 Site Description

Site information is summarised in Table 1.

**Table 1: Site Information**

Location	Morven Ferry Road, Arrow Junction
Legal Description	Lots 2, 3 and 4 DP397602
Property Owner	Barnhill Corporate Trustee Ltd
Current Site Use	Agricultural (pastoral grazing)
Proposed Site Use	Rural Residential and Agricultural
Site Area	Approximately 634,830 m <sup>2</sup> (63.483 ha)
Territorial Authority	Queenstown Lakes District Council
Zoning	Rural General

The site setting is summarised in Table 2.

**Table 2: Site Setting**

<p>Topography</p>	<p>As the site covers a large area, the terrain is best described as variable. Steep to moderate slopes are found around the northern western site boundary, where a rock outcrop formation extends south-eastwards. Slope angles gradually become gentler further south. A series of ponds, following a north west to south east axis, are located roughly through the centre of the site. The ponded areas represent the lowest points in the topography. The southern half of the site contains a water race that snakes from west to east. The terrain rises with gently undulating slopes, from the low points in the centre of the site.</p>
<p>Local Setting</p>	<p>The site contains four structures. A protected stone barn, now disused, is located near to the northern site boundary. An open sided barn, for storing hay, is located east of the centre of the site, near to the main accessway from Morven Ferry Road. A wool shed is located approximately 85 m south east of that hay barn. A second open sided hay barn is located near to the southern site boundary.</p> <p>The site is located near to the confluence of the Arrow and Kawerau Rivers, which is situated approximately 1.75 km towards the south east.</p> <p>The surrounding land towards the west is similar to the southern half of the site, with gently sloping undeveloped agricultural paddocks. Apart from a small area with steep slopes down to the Arrow River, near to the north eastern corner of the site, the land towards the north and east contains low density rural residential dwellings and relatively gently sloping to flat paddocks used for grazing purposes. A steeply sloping hill is located beyond the southern site boundary.</p>
<p>Nearest Surface Water &amp; Use</p>	<p>The Arrow River, used as a source of potable water as well as for recreational and irrigation purposes, is located approximately 100 m east of the northern eastern corner of the site.</p> <p>The Kawerau River, also used as a source of potable water as well as for recreational and irrigation purposes, is located approximately 365 m south of the south western corner of the site.</p>
<p>Geology</p>	<p>The GNS New Zealand Geology Webmap<sup>4</sup> indicates that the site is underlain by two geological units:</p> <p>The northern and southern extents of the site is mapped as “Basement (Eastern Province) metamorphic rocks” geological unit of the Rakaia Terrane group, described as <i>‘very well segregated and laminated; abundant pelitic &amp; subordinate psammitic greyschist; minor greenschist &amp; metachert’</i>.</p> <p>The centre of the site is mapped as “Late Pleistocene glacier deposits” which is part of the Late Pleistocene sediments group, described as <i>‘Unweathered to slightly weathered, loose, poorly sorted, bouldery gravel, sand, and silt (till); often with contorted bedding.’</i></p>



**Table 2(cont.): Site Setting**

Hydrogeology	<p>Requested groundwater information was not provided by ORC within the timeframe of the completion of this report. However, it is expected that groundwater is close to, or at the surface throughout the low-lying area in the centre of the site. Groundwater depth below surface is expected to increase in proportion with the site elevation increases towards the north and south.</p> <p>Groundwater flow direction is unknown.</p>
Groundwater Abstractions <sup>5</sup>	<p>Three groundwater abstraction consents were issued for properties located within 200m of the site:</p> <ul style="list-style-type: none"> <li>• Consent number 93431, a bore permit for domestic and garden supply, was issued in 1993 for B and D Roff within a 20 m radius of E1273327 N5009435 (NZTM2000).</li> <li>• Consent number 2000.364 was issued in 2000 for William Allan Hamilton to construct a bore for single domestic supply at Morven Ferry Road, within a 20 m radius of E1273027 N5009635 (NZTM2000).</li> <li>• Consent number RM17.271.01 was issued in 2017 for Olivia Reinhardt to construct up to three bores including one production bore for the purpose of accessing groundwater within a 20 m radius of E1273836 N5008844 (NZTM2000).</li> </ul>
Discharge Consents <sup>5</sup>	<p>IE searched the ORC consents database within 200 m of the site and found one discharge consent:</p> <ul style="list-style-type: none"> <li>• Consent number 94270 was issued in 1994 for David Edward Bunn to discharge minor quantities of 1080 into watercourses from an aerial poisoning operation for the purpose of rabbit control at Fir Grove, Morven Ferry Road (SECTION 33, 34, 61, 73 BLK VIII SHOTOVER S D).</li> </ul>

### 3.1 Current Site Conditions

Claude Midgley of IE completed a site walkover inspection on 15 September 2017. Observations made at that time are summarised in Table 3 and photographs are presented in Appendix 3.

**Table 3: Current Site Conditions**

Visible signs of contamination	<p>A pit containing burnt and partially burnt plastic, wooden and metal objects, located east of the wool shed and adjacent to a silage pit (Refer to Figure 2 and Appendix 3).</p>
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**Table 3 (cont.): Current Site Conditions**

Surface water appearance	Surface water appeared clear with no signs of contamination, such as oil or discolouration.
Current surrounding land use	Predominantly agricultural, with low density residential use between agricultural areas towards the east and north.
Local sensitive environments	The ponds located on site are considered sensitive environments. Furthermore, the Arrow River and the associated riparian zone bordering the river are considered sensitive environments.
Visible signs of plant stress	No visible signs of plant stress were noted.
Additional Observations (refer to Figure 2 and Appendix 3)	<p>Several empty chemical drums which had contained Silclean 100, Perchloroethylene / Tetrachloroethylene and Mobil Oil were observed. A small number were located within a storage area that contained farm equipment near to the main accessway from Morven Ferry Road. A greater number (roughly 15 to 20 drums) were located amongst some waste timber and metal objects along the property boundary north of the main accessway from Morven Ferry Road.</p> <p>A large pile of car tyres was observed directly adjacent to the eastern side of the wool shed. A smaller number of car tyres was located in a silage pit located west of the wool shed.</p> <p>Small amounts of treated timber posts were stored on the ground near to the main accessway from Morven Ferry Road.</p> <p>An above ground fuel storage tank was located at the northern end of the shelterbelt running along the western side of the wool shed. The tank was empty and no signs of fuel stains were present on or beneath the tank.</p> <p>A drum filled with plastic was also observed west of an open sided barn, adjacent to several large bags containing waste plastic near to the main accessway from Morven Ferry road.</p> <p>A relatively large stockpile of freshly imported fill material was observed in the paddock south east of the wool shed. Trace amounts of anthropogenic inclusions were noted.</p>

### 3.2 Interview with Current Owner

Debbie MacColl (*pers. comm.*) provided the following information:

- Ms MacColls parents purchased the site in the 1970s and used it to farm sheep. During the mid 1990s, the use was slowly changed from sheep to deer farming. During the past 20 years, the land has been managed by rotating paddocks between cropping and pasture.
- Sheep dipping was always carried out at a nearby property, 297 Morven Ferry Road, east of the site.
- Fertiliser is applied to the site periodically by Mainland Minerals from Gore.
- Small amounts of rabbit poison have been used around the site over the years, including pindone, magtoxin and 1080. The last time 1080 was used was approximately 2011 and it had been used roughly every three years prior to that.
- The above ground fuel storage tank had been moved from a property on the east side of Morven Ferry Road and has been empty and unused since that occurred several years ago.
- Ms MacColls brother, Phillip Bunn, owns Central Dry Cleaning which was the source of the empty dry cleaning fluid drums (Silclean 100, Perchloroethylene / Tetrachloroethylene). The drums are kept at the site and sometimes donated to local residents who use them to build horse jumps.
- The imported fill material was placed on site, adjacent to the pond on the eastern side of the property, by Monk Earthworks Ltd in July 2017. Sam Monk, Director of Monk Earthworks, indicated that the source of the fill material was 5 Hawthorne Drive in Frankton. Confirmation was sought regarding the exact location, given the recent extension of Hawthorne Drive and the lack of recent earthworks at 5 Hawthorne Drive. The source location was identified as Lot 5 DP 505552, which is listed as 311 Hawthorne Drive on the QLDC GIS viewer<sup>6</sup>.

Historical aerial photographs<sup>6</sup> showed that, during 2004 / 2005, fill was placed in a similar location to the recently imported fill discussed above. Ms MacColl indicated that sediment from the adjacent pond, as well as additional soil sourced by levelling uneven terrain across the site, was excavated and used to raise the ground level adjacent to the pond. The purpose was to deepen the pond and prevent the formation of boggy / swampy land adjacent to the pond during periods of heavy rain.

### 3.3 ORC Property Database

Simon Beardmore of the ORC searched the property database on 8 November 2017. The search confirmed that property is not currently on the ORC database, however the absence of information is stated to not necessarily mean that no contamination impacts are present at the property (Appendix 4).

### 3.4 QLDC Property File

The property file<sup>7</sup> contained no records or information relating to potentially contaminating activities.

### 3.5 Certificates of Title

The Certificates of Title, issued in 2008, provided by Ms MacColl indicate that the site is owned by Barnhill Corporate Trustees Limited. The NZ Companies Register provides the registered name as Barnhill Corporate Trustee Limited.

### 3.6 Review of Historical Aerial Photographs and Maps

Photographs in the Crown Collection<sup>8</sup>, and Google Earth<sup>9</sup>, as well as topomaps on the MapsPast<sup>10</sup> website, have been reviewed to obtain information on the past uses of the site. Aerial photographs taken between 1958 and 2015, as well as maps created between 1929 and 2009, have been reviewed.

Table 4 summarises the features visible in each image.

**Table 4: Historical Aerial Photographs and Maps**

1929 <sup>10</sup>	<p>The site is visible as a collection of several separate titles that extend beyond the current site boundaries. The westernmost pond is marked as straddling two properties. No other significant features are apparent on the map.</p>
1958 <sup>8</sup>	<p>The site is separated into roughly six separate paddocks, one of which appears to have been used for growing a crop such as lucerne or hay given the concentric pattern of lines that mirror the paddock boundaries, which suggest the crop was recently harvested. Access to the site appears to be from near to the north eastern corner. The stone barn, as well as the ponds and water race, are visible.</p> <p>In the surrounding land, the majority of properties appear to be used for grazing or cropping, with low density residential dwellings between paddocks. The location of the sheep dip, identified by Ms MacColl, is visible towards the east of the site adjacent to the banks of the Arrow River. Although the image resolution is poor, a structure surrounded by linear features, resembling a cattle race, is visible.</p>
1964 <sup>8</sup>	<p>The image appears to have been taken after a period of heavy rain or flood irrigation using the water race, as the low-lying parts of the site are a darker colour than the surrounding areas. Relatively large rectangular objects are visible in two locations on the site, a group of two are visible north of the water race and a group of three are visible in the southern paddock. The objects in the north resemble large hay bales. The shadows cast by them have rounded edges, which also suggests that they may be hay bales. The objects in the south have square edges, more like shipping containers or truck trailers than hay bales.</p> <p>In the surrounding land, a new residential dwelling and associated ancillary buildings has been constructed adjacent to the site on the eastern side of Morven Ferry Road. No other significant features are apparent on the image.</p>
1979 <sup>8</sup>	<p>The majority of the site is visible, although approximately the southern quarter of the site is not within the frame of the image. Linear features, resembling the lines that result from harvesting hay, are visible in several paddocks. A rectangular area has been separated from one of the paddocks that borders Morven Ferry Road. The western and southern edges of the new paddock are delineated with what appears to be a row of shrubs. A lighter coloured area, possibly the result of ground disturbance, is visible in the south western portion of the new paddock. No other significant features are apparent on the image.</p>

**Table 4 (cont.): Historical Aerial Photographs and Maps**

1979 <sup>10</sup>	The western pond and the water race are visible on the map. No other significant features are visible at the site or in the surrounding area.
1983 <sup>8</sup>	A new structure, resembling the wool shed, is visible in the paddock that was first visible in the 1979 photograph. No other significant features are visible at the site or in the surrounding area.
1989 <sup>10</sup>	No significant changes are apparent compared with the 1979 map.
1999 <sup>10</sup>	Additional ponds are marked on the site. The stone barn is marked as 'Old stone bldg' in the northern portion of the site. Two large circles labelled 'Tanks' are displayed near to the location of the wool shed. Another circular object is labelled 'Tank' south of the southern site boundary. The property on the eastern side of Morven Ferry Road is labelled 'Firgrove farm'. No significant changes are apparent compared with the 1989 map.
2004 to 2015 <sup>9</sup>	With the exception of fill being placed on the eastern side of the easternmost pond during the period between 2004 and 2006, the site layout appears to remain relatively unchanged, compared with what was observed on site during the walkover discussed in Table 3. The properties towards the north and east have been developed with a few additional residential dwellings. No other significant features are visible at the site or in the surrounding area.

### 3.7 Summary of Identified Hazardous Activities and Industries

Four activities noted on the MfE Hazardous Activities and Industries List <sup>11</sup> (HAIL) have been identified during review of the site history:

Category A1 – Agrichemicals including commercial premises used by spray contractors for filling, storing or washing out tanks for agrichemical application.

Category A11 – Pest control including the premises of commercial pest control operators or any authorities that carry out pest control where bulk storage or preparation of pesticide occurs, including preparation of poisoned baits or filling or washing of tanks for pesticide application.

Category A17 – Storage tanks or drums for fuel, chemicals or liquid waste.

Category G5 – Waste disposal to land.

### 3.8 Discussion

#### Agrichemicals

The application of fertilisers such as superphosphate is associated with an increase in cadmium concentrations within the near surface soil. Significant effects are expected around areas where these chemicals are stored and mixed, as well as where equipment used for the application of the chemicals is cleaned.

## Pesticides

The use of Magtoxin to fumigate rabbit burrows is recommended by ORC, as the residual magnesium phosphide which remains after fumigation is not considered hazardous waste.

Pindone rabbit pellets, which contain an anticoagulant, were used for a relatively short amount of time around the existing dwelling. It is unlikely that any trace of those pellets remain at the site given the half-life of a matter of days.

1080 (sodium monofluoroacetate) is not considered an environmentally persistent pesticide and all residue is expected to have degraded after a few weeks or months of application.

## Chemical Storage Tanks

The above ground fuel storage tank appears in good condition, with no leaks visible and no evidence of staining beneath it. It is unlikely that the tank has been used to store fuel in its current location.

Similarly, no visual evidence of staining was evident in the locations of Mobil oil drums. Significant impacts from engine oil are associated with aesthetic impacts, which were absent.

Ms MacColl confirmed that the drums, which had stored dry cleaning fluid, were empty when they were brought to site. A letter stating that the drums are emptied before being removed from the Central Dry Cleaning premises is attached in Appendix 5. The drums appeared to be in relatively good condition, with no holes or leaks apparent.

## Waste Disposal to Land

The waste incineration area is considered a significant potential source of risk to human health from contamination impacts. Metal, plastic and timber objects, including drums and potential domestic refuse, were visible. Incomplete combustion of plastic can create dioxins, polycyclic aromatic hydrocarbons and other semi-volatile organic compounds. Incineration of treated timber results in the concentration of the heavy metals used for timber treatment (arsenic, copper and chromium).

Storage of large numbers of car tyres results in the deposition of heavy metals (cadmium, lead, aluminium, manganese and zinc) to the ground surface beneath the tyres over time.

Importation of uncontrolled fill from construction sites has the potential to result in deposition of contamination from activities or industries that occurred at the source site (if any).

## Proposed Zone Plan Change

IE understands that a request for a zone plan change to Rural Visitor Zone A is proposed for the northern portion of proposed Lot 4. It is further requested that the remainder of the northern half of proposed Lot 4 be re-zoned Rural Visitor Zone B. These zone changes will enable small-scale commercial development and short-term visitor accommodation to service the Queenstown Cycle Trail that runs along the western site boundary.

## 4 Conclusions

Information obtained as part of this investigation (refer to Section 3) indicates that the majority of the site has been used to grow crops and provide pasture for sheep and deer. Sheep dipping was carried out at a property towards the east, at 297 Morven Ferry Road.

The identified HAIL activities have varied potential to have resulted in significant contamination impacts:

- The use of agrichemicals and pesticides is not considered likely to have resulted in significant impacts, given the broad scale and infrequent application of agrichemicals and the low persistence rates of the pesticides used.
- Based on observations made during the site walkover and written evidence provided by Central Dry Cleaners, the presence of drums that had been used to store chemicals is not considered to have resulted in significant impacts within the areas that the drums were placed.
- Based on a review of aerial photographs taken between 1956 and 2016, imported fill placed near to the easternmost pond is not considered likely to pose a risk to human health from a contamination perspective. The photographs indicate that the source site was part of a larger paddock that was used to grow hay until development of the wider area began in 2013. Nearby developed properties do not appear to have housed industries that could result in significant contamination impacts to the source site.
- Significant contamination impacts are considered likely to have occurred within the waste incineration area and potentially, but probably to a lesser extent, in the tyre storage area.

Given the potential sources identified, it is considered highly unlikely that there will be a risk to human health within Proposed Lots 1, 2, 3 and 5 if the following activities are done:

- Subdividing the land;
- Developing the proposed new lots for residential use; and
- Future occupation of the new residential dwellings.

The consequences are that the subdivision of Proposed Lots 1, 2, 3 and 5 meets the Permitted Activity Criteria under NES Rule 8(4).

However, a small portion (approximately 100 m<sup>2</sup>) of proposed Lot 4 (refer to Figure 2) is considered potentially contaminated and may pose a risk to human health if residential use is allowed in that area. The requirement described in NES Rule 8(4) is therefore not met.

### Proposed Zone Plan Change

The Rural Visitor Zone A and Rural Visitor Zone B exposure scenarios are considered to be less sensitive land uses compared with Rural Residential land use. Therefore, no significant additional risks to human health are anticipated to occur, compared with the current health risks under Rural Residential use, if the requested zone plan changes are approved by QLDC.

## 5 Recommendations

It is recommended that the proposed subdivision is allowed as a Controlled Activity with a consent notice issued for proposed Lot 4 pursuant to NES Rule 8(6). The consent notice would require contamination impacts (if any) of that piece of land to be assessed according to NES Rule 9(3) and 9(4). The conclusion of such an assessment would either allow the residential use of that site to become a Discretionary Activity pursuant to NES Rule 9, or a Restricted Discretionary Activity pursuant to NES Rule 10.

Suggested consent conditions are as follows:

- A Detailed Environmental Site Investigation (DSI) of the potentially contaminated area within proposed Lot 4, identified by Insight Engineering in the Preliminary Environmental Investigation titled "*Preliminary Environmental Site Investigation for proposed five lot*

*subdivision at Morven Ferry Road, Arrow Junction*” reference number 17023, November 2017, must be completed by a suitably qualified environmental practitioner.

- Minimum laboratory analytes must include a suite of common heavy metals (As, Cd, Cr, Cu, Hg, Pb, Ni and Zn), polycyclic aromatic hydrocarbons (PAHs), dioxins and semi-volatile organic compounds (SVOCs) in the waste incineration area and suite of heavy metals specifically associated with tyres (Cd, Pb and Zn) in the tyre stockpile area.
- The investigation must conclude whether the soil contamination exceeds or does not exceed the applicable standard in NES Regulation 7.
- If the soil contamination exceeds the applicable standard in NES Regulation 7, a remediation strategy or ongoing management strategy must be formulated pursuant to NES Regulation 10. The remedial or management approach should be agreed with Council prior to implementation and the site management plan or site validation report, or both, should be provided to council as soon as is practicable.

## 6 References

1. Ministry for the Environment 2012: Users' Guide National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
2. Ministry for the Environment 2011: Contaminated Land Management Guidelines No.1: Reporting on Contaminated Sites in New Zealand
3. Ministry for the Environment 2011: Contaminated Land Management Guidelines No. 5 – Site Investigation and Analysis of Soils.
4. GNS Webmap Institute of Geological and Nuclear Sciences 2013: 1:250,000 Geology. Viewed at: <http://data.gns.cri.nz/geology/>
5. Otago Regional Council 2017: Otago Regional Council Resource Consent Database. Viewed at: <http://data.orc.govt.nz/>
6. Queenstown Lakes District Council 2017: Webmaps GIS database. Viewed at: <http://maps.qldc.govt.nz/qldcviewer/>
7. Queenstown Lakes District Council 2017: eDocs Portal. Viewed at: <http://edocs.qldc.govt.nz/>
8. Local Government Geospatial Alliance 2017: Retrolens - Historical Image Resource Project. Viewed at: <http://retrolens.nz>
9. Google Earth v7.1.7.2606. Arrow Junction, Central Otago, New Zealand. -44.987134° lon, 168.859286° lat, Eye alt 2.47km. DigitalGlobe 2014. <http://www.earth.google.com>. [November 2017]
10. Mapspast 2017: Current and Historical Topographic Maps (Topomaps) of New Zealand. Viewed at: <http://www.mapspast.org.nz/>
11. Ministry for the Environment 2011: Ministry for the Environment Hazardous Activities and Industries List



## 7 Limitations

- i. We have prepared this report in accordance with the brief as provided. This report has been prepared for the use of our client, Barnhill Corporate Trustee Limited, their professional advisers and the relevant Territorial Authorities in relation to the specified project brief described in this report. No liability is accepted for the use of any part of the report for any other purpose or by any other person or entity.
- ii. The recommendations in this report are based on the ground conditions indicated from published sources, site assessments and subsurface investigations described in this report based on accepted normal methods of site investigations. Only a limited amount of information has been collected to meet the specific financial and technical requirements of the client's brief and this report does not purport to completely describe all the site characteristics and properties. The nature and continuity of the ground between test locations has been inferred using experience and judgement and it should be appreciated that actual conditions could vary from the assumed model.
- iii. Subsurface conditions relevant to construction works should be assessed by contractors who can make their own interpretation of the factual data provided. They should perform any additional tests as necessary for their own purposes.
- iv. This Limitation should be read in conjunction with the IPENZ/ACENZ Standard Terms of Engagement.
- v. This report is not to be reproduced either wholly or in part without our prior written permission.

We trust that this information meets your current requirements. Please do not hesitate to contact the undersigned on 021 556 549 if you require any further information. The author is a Certified Environmental Practitioner (CEnvP) under the Environment Institute of Australia and New Zealand (EIANZ) accreditation system.

### Report prepared by



Claude Midgley, CEnvP

Associate Environmental Scientist

## APPENDIX 1

### Figures

## **APPENDIX 2**

### **Proposed Subdivision Plan**

## **APPENDIX 3**

### **Site Photographs**

## **APPENDIX 4**

### **ORC Contaminated Land Enquiry**

## **APPENDIX 5**

### **Central Dry Cleaners Letter**

# **MORVEN FERRY ROAD, ARROW JUNCTION**

## **Preliminary Site Investigation Report**

**Prepared for:**

**Morven Ferry Limited**

**Prepared by:**



**June 2018**

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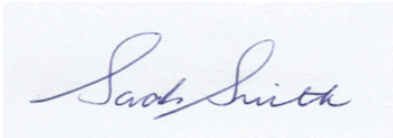
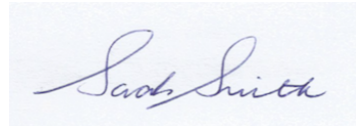
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**Prepared by:**

**Reviewed by:**

**Sarah Smith  
Principal Scientist**

**Sarah Smith  
Principal Scientist**

**Date: 4 June 2018**

**Date: 4 June 2018**

## EXECUTIVE SUMMARY

A Preliminary Site Investigation Report (PSI) has been prepared by Envira Consulting Limited for Morven Ferry Limited, detailing the land use history of a property located on Morven Ferry Road at Arrow Junction near Queenstown.

This PSI report details the land use history and potential contaminant risks to human health on the property.

Section 5(7) of the NES<sup>1</sup> states that the land is covered by the NES if an activity or industry described in the *Hazardous Activities or Industries List* (HAIL) is being undertaken on it, has been undertaken on it or it is more likely than not that a HAIL activity is being or has been undertaken on it.

The objectives of this PSI report were:

- To establish details of any HAIL activities that had occurred or were occurring on the property via review of available information; and
- To assess the risk to human health, given the land use history of the property.

A review of all available information was undertaken. This included viewing current and historic aerial photography, historical title information, information on contamination and other environmental data held by Queenstown Lakes District Council, and Otago Regional Council. The review also included a site walkover, to assess current site conditions.

The evidence reviewed in this investigation indicates that pastoral farming activities have historically occurred on the property.

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<sup>1</sup> *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.*

The information review concluded that:

- *The NES applies to the site under consideration*

The relevant part of the NES, in terms of defining a piece of land that it applies to, is section 5(7), which reads as follows:

*The piece of land is a piece of land that is described by 1 of the following:*

*(a) an activity or industry described in the HAIL is being undertaken on it:*

*(b) an activity or industry described in the HAIL has been undertaken on it:*

*(c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.*

Woolsheds, sheep dips and stockyards associated with historic and current farming activities were not identified as being present on the property.

The site visit and information review found no evidence of refuse or farm dumps having been present on the property.

However, the site is subject to the provisions of the NES due to the history of broadscale application of fertilisers (with associated persistent pesticides and trace metals associated with fertilizer application) to production pasture on the property.

- *The use of the site for pastoral farming activities is unlikely to present a risk to human health*

There is could be a risk to human health associated with the historical use of the site for pastoral farming activities. This is due to broadscale application of fertilisers, persistent pesticides and trace metals associated with fertilizer application to production pasture on the property. The information review found evidence that broadscale fertilizer application (such as superphosphate) has occurred on the property.

As farming activities on the site are likely to have been low-intensity, it is unlikely that any pesticide concentrations in on-farm soils would be present

at levels that would exceed relevant soil contaminants standards under an assumed future residential land use scenario.

Previous reportage on site investigations in the Wakatipu area has identified that several site investigations have been conducted, examining heavy metal and persistent pesticide concentrations in soils which had historically been associated with broadscale application of persistent pesticides and fertilizers under historic pastoral farming activities. The results indicate that levels of heavy metals and persistent pesticides in such soils are unlikely to result in an impact to soil quality that would present a risk to residential activity.

Given that similar pastoral farming activities are likely to have occurred on the site under consideration, similar contaminant levels are anticipated to be present on the site.

It is recommended that:

- *No further investigations are required*

Given the information reviewed, there is unlikely to be a risk to human health from contaminant levels in on-site soils due to historical and current activities on the property. Therefore, no further investigations into soil contaminant levels are required.

## 1.0 INTRODUCTION

### 1.1 Terms of Reference

This Preliminary Site Investigation Report (PSI) has been prepared by Envira Consulting Limited for Morven Ferry Limited (the client) in respect of a property located on Morven Ferry Road, Arrow Junction in Central Otago.

This PSI report details the land use history and potential contaminant risks to human health on the property.

A statement of Envira's experience in contaminated land services provision is provided in **Appendix A**.

### 1.2 Objectives

Section 5(7) of the NES<sup>2</sup> states that the NES applies to a piece of land if an activity or industry described in the Hazardous Activities or Industries List (HAIL) is being undertaken on it, has been undertaken on it or it is more likely than not that such an activity is being or has been undertaken on it.

The objectives of this PSI report are:

- To establish if any HAIL activities have occurred on or in the vicinity of the property. The provisions of the NES apply if an activity or industry on the HAIL has been, is, or is more likely than not to have been, undertaken on the land under consideration.

All available information has been reviewed to assess whether a HAIL activity (or activities) has been undertaken on the sites under examination;

- To assess if there is a risk to human health, given the land use history of the property.

The scope of the investigation was as follows:

---

<sup>2</sup> *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.*

- Review of historic certificates of title to establish past land owner occupation history;
- Review of Queenstown Lakes District Council (QLDC) and Otago Regional Council (ORC) information for the property;
- Review of past reporting of the sites and surrounding area and published background information available;
- Review available historic aerial imagery records for the property;
- Conducting a site inspection and record current conditions present and identify evidence of any potential historic or current activities that could be classified as HAIL activities; and
- Preparation of a conceptual site model, assessing relevant sources, pathways and receptors.

#### **1.4 Format**

The format of this report follows New Zealand contaminated land reporting guidelines published by the Ministry for the Environment (Ministry for the Environment (MfE), 2011), which are referenced in the NES.

## 2.0 ENVIRONMENT DETAILS

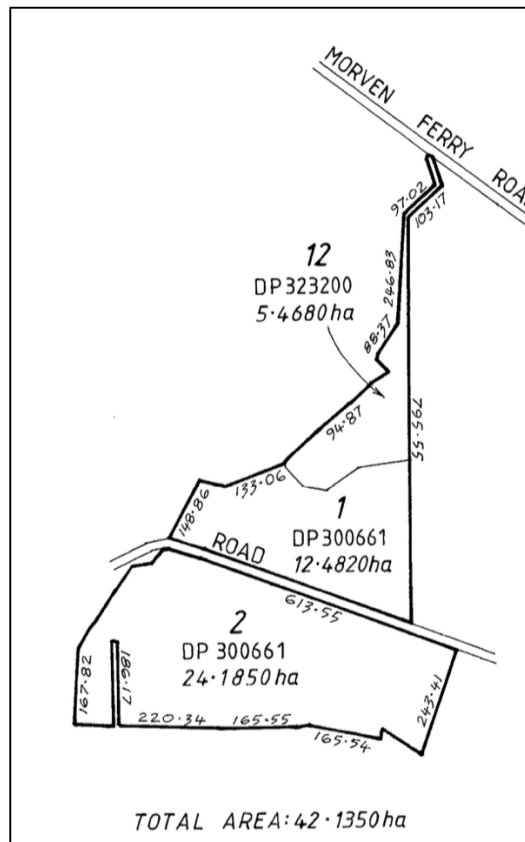
### 2.1 Site Details

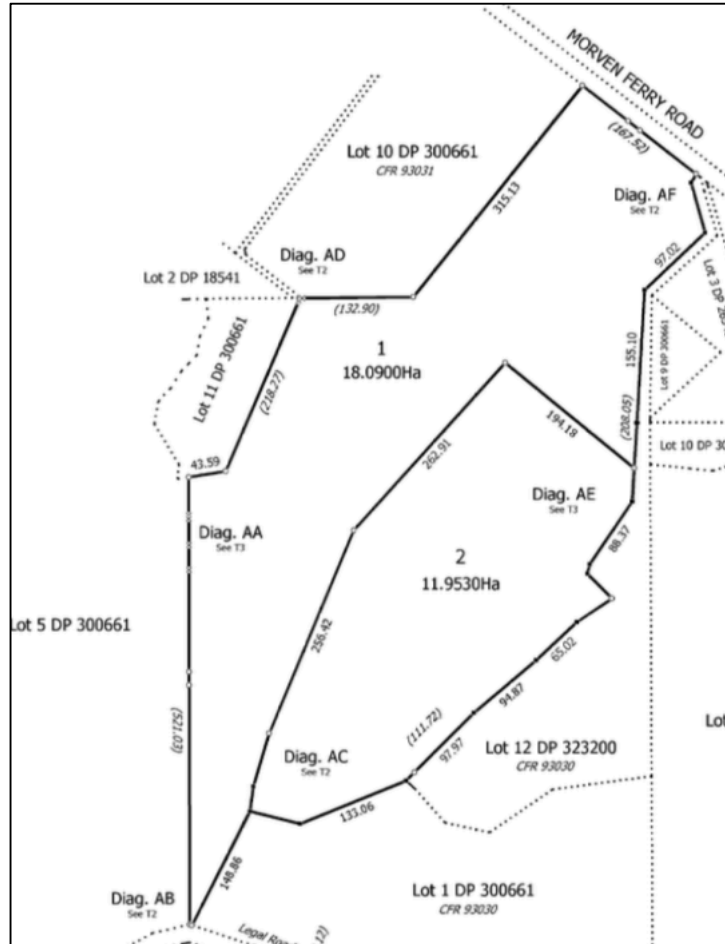
The property is located on Morven Ferry Road, Arrow Junction. It consists of four land parcels (shown in **Table 2.1.1**) with an overall area of 54.0880 ha currently captured in one Certificate of Title. Individual parcel details are shown in **Table 2.1.1** and the parcel layouts are shown in **Figure 2.1.1**.

**Table 2.1.1: Parcel Details**

Legal Description	Area, ha
Lot 1 DP 300661	12.4820 ha
Lot 2 DP 300661	24.1850 ha
Lot 12 DP 323200	5.4680 ha
Lot 2 DP 411193	11.9530 ha
<b>Overall property area</b>	<b>54.0880 ha</b>

**Figure 2.1.1: Parcels Layout**





The current Certificate of Title for the property is included in **Appendix B**.

## 2.2 Topography

The property's topography is undulating, with flat and sloping parts. The property's southern boundary is a high terrace overlooking the Kawarau River.

## 2.3 Site Access

The property is accessed from Morven Ferry Road.

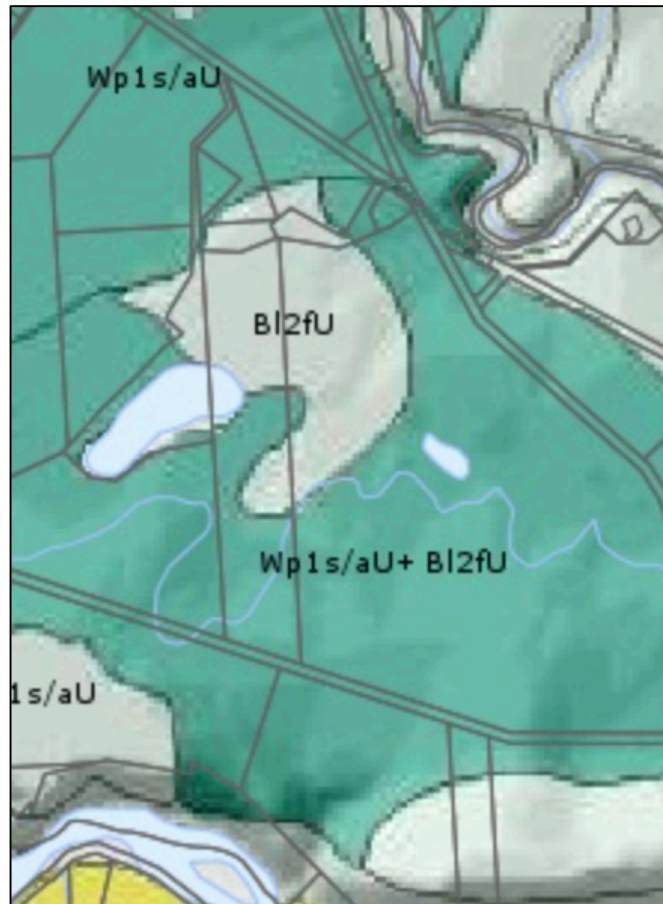
## 2.4 Geology

The ORC *growOtago* online soils website indicates that the property is predominantly underlain by Wakatipu moderately deep, undulating sandy loam on sand. There is a small portion of the property that is underlain by Blackstone



shallow, undulating fine sandy loam. These soil types and areas are shown in **Figure 2.4.1**.

**Figure 2.4.1: Soils Location Plan (from ORC *growOtago* website)**



## 2.5 Hydrology

### 2.5.1 Surface

The Kawarau River runs along the southern boundary of the property. The property is raised up from the riverbed on a high terrace.

The site visit found that there are numerous water races flowing through the property, which are part of the Arrow Irrigation Scheme (which is owned by the Arrow Irrigation Company Limited). The races were all flowing freely and have

aquatic vegetation present in them. A typical example of the races on the property is shown in **Figure 2.5.1**.

**Figure 2.5.1: Typical Water Race**



There is a small lake present in the centre of the property. It has some small vegetated islands in the middle of it. The water level in the lake appears to be low due to a lack of recent inflows (low rainfall during summer). A small maimai for waterfowl hunting is present on the southern shore of the lake. The lake is shown in **Figure 2.5.2**.

**Figure 2.5.2: Lake**

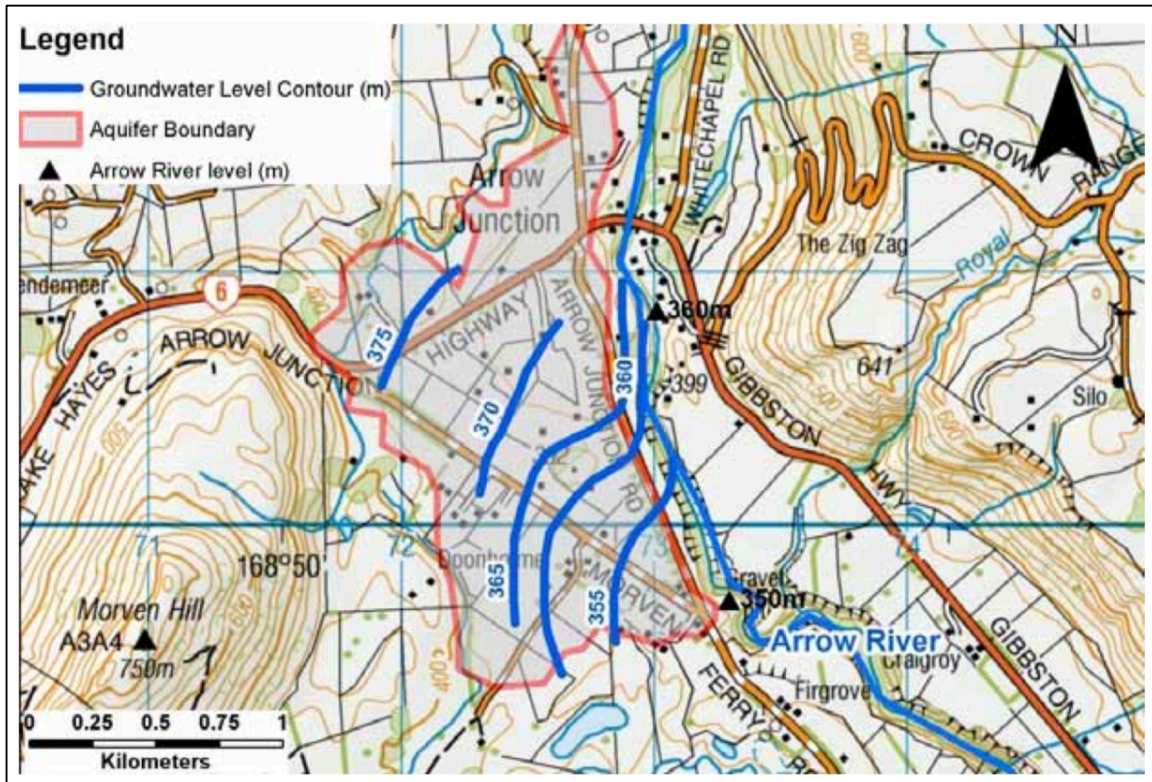


## **2.5.2 Groundwater**

ORC mapping information shows that the property is within the overall boundary of the underlying Wakatipu Basin Aquifer. ORC reporting (2014) indicates that the Wakatipu basin holds pockets of groundwater, mainly within alluvium and glacial outwash, and encompasses the 'Wakatipu Basin aquifer' area as delineated in ORC mapping.

ORC reporting (2014) shows that part of the property is underlain by the Morven Aquifer, as shown in **Figure 2.5.3**. The figure indicates that local groundwater flow direction is likely to be towards the south-east (as indicated by the groundwater level contours shown in the Figure).

Figure 2.5.3: Morven Aquifer Boundary Location

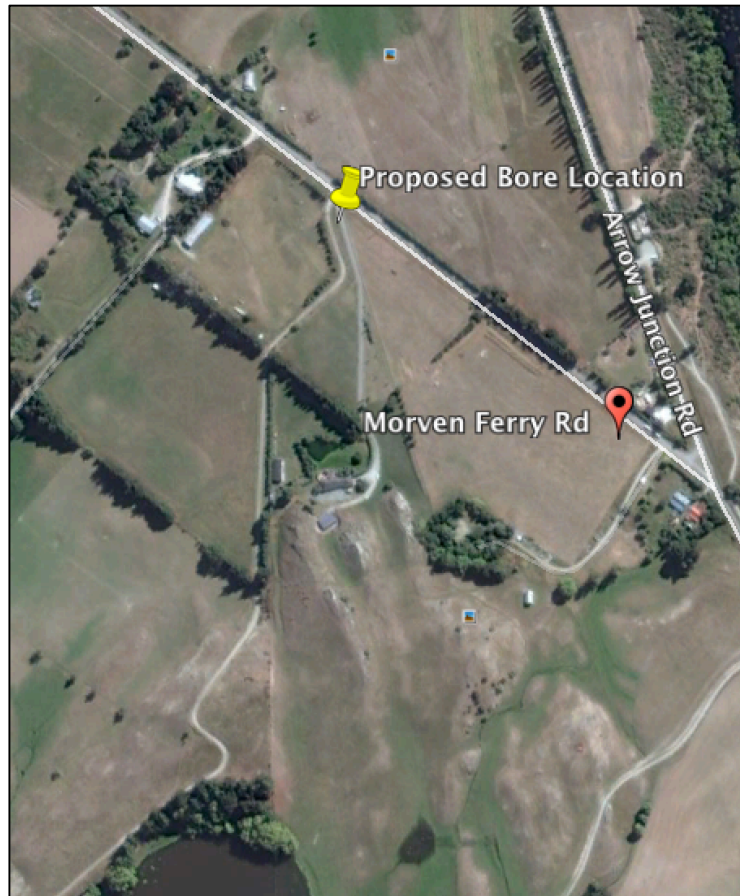


The ORC report makes the following comments about the Morven aquifer:

*The Morven Aquifer consists of outwash terraces and alluvium associated with the Arrow River. The aquifer thickness is highly variable, from 3 m in some bores, to 25 m in a single bore (F41/0263) in the south-east. Water table contours suggest a hydraulic gradient to the south-east. The aquifer is mostly perched above the level of the incised Arrow River by lower permeability schist rock upon which it rests....springs have been found in several locations at the contact between the terrace alluvium and schist basement. Some of these springs were developed as individual water supplies, using centrifugal pumps and water rams to pump the water to houses on the terrace surface. The largest of these springs was gauged at a rate of about 5 L/s in September 2012.*

The ORC online bore information portal indicates that there is one proposed bore located on the property. The ORC on-line bore database indicates that the proposed bore (number F41/0392) is owned by Morven Ferry Limited, with an associated bore consent 2009.475. The bore location is shown in **Figure 2.5.4**.

**Figure 2.5.4: Proposed Bore Location Plan**



## **2.6 Current Surrounding Land Uses**

The property is surrounded by production farmland to the north, west and east. The Kawarau River borders the farm to the south.

High voltage transmission lines are also present on the property, passing through it near its southern boundary.

## **3.0 SITE HISTORY**

### **3.1 Site Ownership**

The historical and current Certificates of Title were reviewed to establish previous land parcel ownership, in particular the occupations of previous landowners (and associated dates that this occurred). Copies of historic Certificates of Title are included in **Appendix B**.

A review of historic titles offered evidence as to occupations of previous owners, as summarized in the table in **Appendix B**. The title review shows that the property has historically been owned by farmers for a considerable period of time (which concurs with the ownership history of the site outlined in **Section 3.2.1**). Several titles indicate that easements have been granted to the Arrow Irrigation Company Limited to permit water race access across the property.

The current title indicates the property is owned by Morven Ferry Limited. The current Certificate of Title is included in **Appendix B**.

### **3.2 Site Uses**

#### **3.2.1 Historical**

A local publication (McDonald, 2010) notes that the land where the property is located was initially part of the Wakatipu Basin run leased from the government by William Rees in 1860.

The property is a portion of a larger property known as Doonholme Farm. The 2010 publication makes the following comments about the establishment and running of Doonholme:

- Doonholme was originally owned by David Jolly, who was an early settler in the Arrow Junction area. He took up the block of land in about 1870, with the farm being taken over by his son William who retired in 1915.
- William's son David Jolly took over the farm, and then sold it in 1932 to Jack Hamilton who ran it in conjunction with another farm.

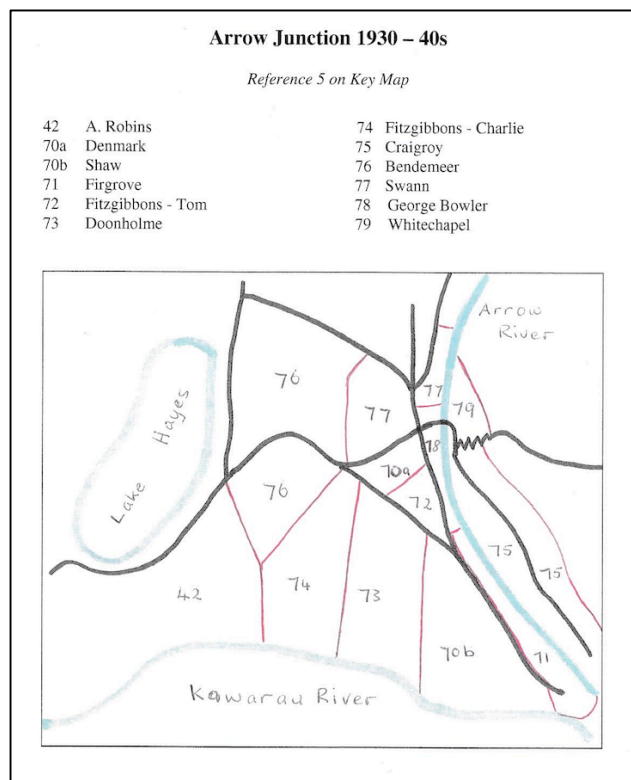
- Doonholme was run by Jack Hamilton until he retired and the farm was then run by his son Alan Hamilton and his wife Dorothy (the immediate past owners of the property).

A local publication (Hamilton, 2006) provides more details as to the running of Doonholme. From the text, it is clear that the farm was used for sheep and cattle farming, and it is inferred that the farm was solely run as a sheep farm in its later years. The publication indicates that the sheep from the farm were originally taken to a neighbouring property to be shorn, with a woolshed being constructed on the property in the early 1980s (incorporating a stone stable built in the 1880s).

Another publication by the same author (Hamilton, 2016) indicated that broadscale fertilizer application to pasture occurred on the farm, initially via horse-drawn cart, then by truck and finally via aerial application. The type of fertilizer applied was noted as superphosphate.

**Figure 3.2.1** illustrates the location of Doonholme on Morven Ferry Road (from McDonald, 2010).

**Figure 3.2.1: Doonholme Farm Location**



### 3.2.1.1 Queenstown Lakes District Council Records

The QLDC *eDocs* property file records for the property did not offer any information relevant to historical land uses.

### 3.2.1.3 Otago Regional Council Records

The ORC information response (discussed in Section 3.3.4) indicated that ORC do not have the property recorded on their contaminated land database, so hold no information on historical landuses that have occurred on the property.

## 3.3 Regulatory Matters

### 3.3.1 Zoning

The site is currently zoned *Rural General* under the Operative Queenstown Lakes District Plan.

### 3.3.2 Consents

#### District

The QLDC *eDocs* property file records for the property did not offer any information on district council consents on the property.

#### Regional

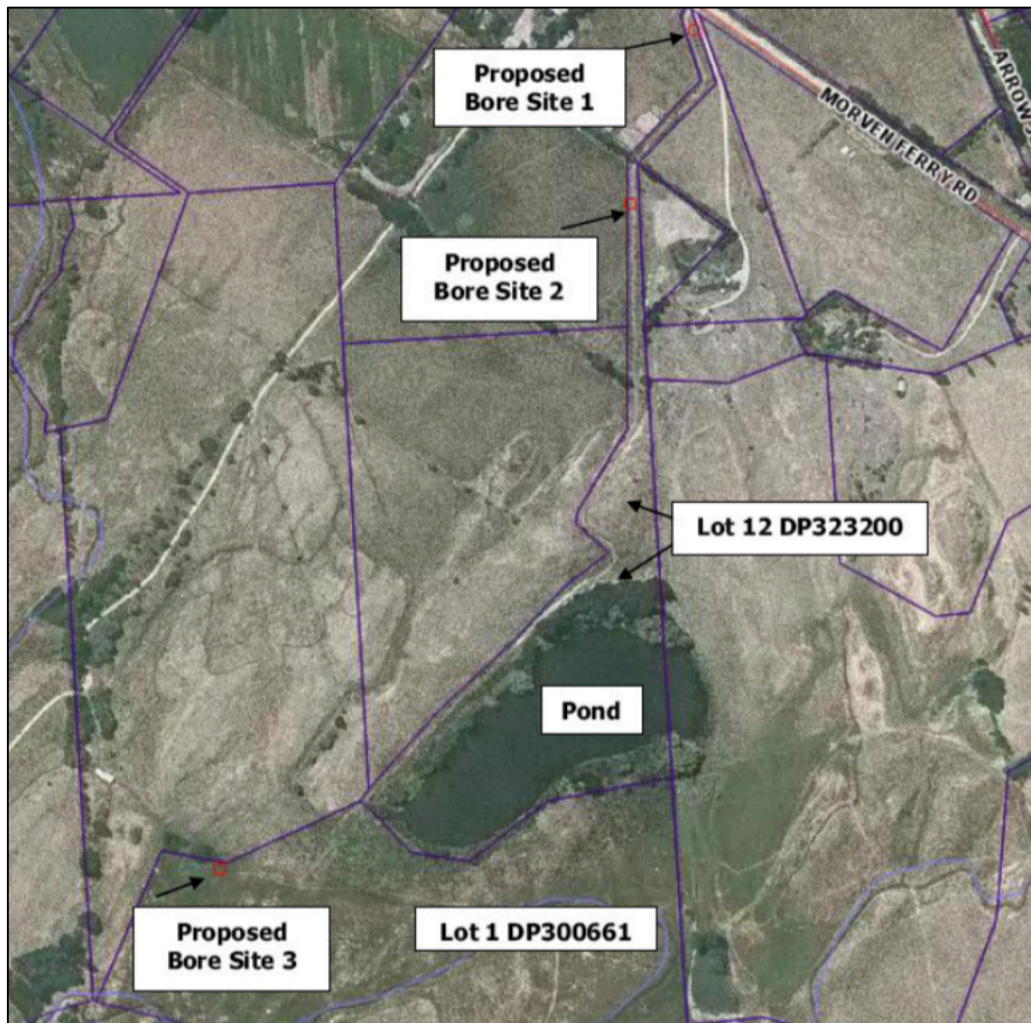
A review of the ORC online consent mapping service and bores GIS database indicates there is one bore consent (number 2009.475) associated with the property.

Consent 2009.475 permitted the construction of up to three bores to access groundwater. The consent was granted on 29 January 2010. The client has advised that one bore was drilled for testing purposes only.

The proposed bore locations are shown in **Figure 3.3.1**.



Figure 3.3.1: Proposed Bore Locations



### 3.3.3 Hazardous/Dangerous Goods Licensing

There were no dangerous goods licenses found during review of QLDC *eDocs* property file information.

### 3.3.4 Contaminated Land Databases

Envira requested records relating to land contamination on the site from ORC on 25 January 2018. ES staff (S Beardmore, 26 January 2018 email) advised the following:

*Thank you for your enquiry regarding information that the Otago Regional Council may hold regarding potential soil contamination at the properties indicated below:*

*Address Valuation Number / Legal Description Morven Ferry Road Lot 2 DP 411193, Lot 12 DP 323200, Lots 1 and 2 DP 300661*

*The Otago Regional Council maintains a database of properties where information is held regarding current or past land-uses that have the potential to contaminated land. Land-uses that have the potential to contaminate land are outlined in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL). Where investigation has been completed, results have been compared to relevant soil guideline values. The database is continually under development, and should not be regarded as a complete record of all properties in Otago. The absence of available information does not necessarily mean that the property is uncontaminated; rather no information exists on the database.*

*You may also wish to examine the property file at the relevant City or District Council to check if there is any evidence that activities occurring on the HAIL have taken place.*

*I can confirm that the above land does not currently appear on the database.*

*If your enquiry relates to a rural property, please note that many current and past activities undertaken on farms may not be listed on the database, as they can be more difficult to identify. Activities such as use, storage, formulation, and disposal of pesticides, offal pits, landfills, animal dips, and fuel tanks have the potential to contaminated land. Similarly, the long-term use of lead-based paints on buildings can, in some cases, cases cause soil contamination. The use of lead-based paint is generally not recorded on the database.*

A copy of the ORC response is included as **Appendix C**.

The QLDC Webmaps online GIS does not indicate any *Contaminated Sites* or *Potentially Contaminated Sites* are present on the property.

### **3.4 Property File Information**

Property file information was accessed via the QLDC on-line *eDocs* electronic property file archive system. There was no information found on the *eDocs* system relating to the property.

### **3.5 Local Water Resources Use**

A review of the ORC online consents database indicates that there are no current consents for groundwater abstraction on the property. A consent to drill up to three bores was granted to the client by ORC in 2010 (as detailed in **Section 3.3.2**), but the client has advised that this was for a test bore only.

Water races associated with the Arrow Irrigation Scheme are present on the property. There are easements on the title to permit their presence on the property.

### **3.6 Previous Investigations**

No evidence of previous land contamination investigations on the property has been found during review of ORC and QLDC information.

### **3.7 Aerial Photography**

Aerial photography was reviewed, as it offers visual evidence as to the land use history of the site. Images were sourced from Retrolens (1958, 1964, 1979, 1984) and the client has also supplied imagery from 1998, 2003, 2012 (source: QLDC) and 2016 (source: LINZ).

A summary of the aerial photography review is presented in **Table 3.7.1**. Historic aerial imagery from 1958– 2016 is presented as **Figures 3.7.1 – 3.7.8**.

The aerial imagery reviewed found that the property did not have any agricultural-related infrastructure such as woolsheds, sheep dips or other animal management areas (such as yards) historically present on it. There were two haybarn-type structures identified in several aerial images.

**Table 3.7.1: Aerial Photography Review**

<b>Date</b>	<b>Source</b>	<b>Details</b>
1958	Retrolens	The property appears as production farmland, with pasture cover. There appears to be a small lake in the centre of the property. Water races are noted as passing through the property. A building is noted in the south-western corner of the property (haybarn?). There is an area of harvested grass in the paddock on the southern boundary. An area of soil disturbance is noted to the north of the lake.
1964	Retrolens	Similar land uses are noted in this image to the 1958 image. The lake is now filled with water completely.
1979	Retrolens	Similar land uses are noted in this image to the 1958 and 1964 images. There is an area of harvested grass on the edge of the lake.
1984	Retrolens	Similar land uses are noted in this image to the previous images. There is again an area of harvested grass on the edge of the lake.
1998	Darby Partners Ltd	Similar land uses are noted in this image to the previous images. The lake appears full in the image.
2003	Darby Partners Ltd	Similar land uses are noted in this image to the previous images. The lake appears full in the image. Both haybarns in proposed Lot 7 are visible in the image.
2012	QLDC	Similar land uses are noted in this image to the previous images. Both haybarns in proposed Lot 7 are visible in the image.
2016	LINZ	The landuses present in this image appear the same as they do today (2018).

**NB:** All Retrolens imagery sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0.

**Figure 3.7.1: 1958 Aerial Image (Source: Retrolens)**



**Figure 3.7.2: 1964 Aerial Image (Source: Retrolens)**



**Figure 3.7.3: 1979 image (Source: Retrolens)**



**Figure 3.7.4: 1984 aerial image (Source: Retrolens)**





**Figure 3.7.5: 1998 Aerial Image Snip (Source: Darby Partners Limited)**



**Figure 3.7.6: 2003 Aerial Image (Source: Darby Partners Limited)**



**Figure 3.7.7: 2012 Aerial Image (Source: QLDC)**



**Figure 3.7.8: 2016 Aerial Image (Source: LINZ)**



## 4.0 CURRENT SITE CONDITIONS

A site walkover of the property was undertaken on 16 February 2018 by Envira staff.

The property presents as typical production farmland, with ground cover comprising mixed pasture species, some weed species and trees. The site boundaries and internal paddocks were all fenced with deer fencing. Sheep were grazing the pastures cover during the site visit. Wild rabbits were noted on the property during the site visit.

There were multiple water races present across the property (typical race is shown in **Figure 2.5.1**). A small lake is present in the middle of the property, with tree and scrub species on its margins (shown in **Figure 2.5.2**). Aquatic vegetation was noted in the races and lake. The races were flowing freely with the water column within them being clear. Some of the races had piles of excavated spoil material piled up alongside their edges (**Figure 4.1.1**).

Farm ancillary buildings were noted at two locations on the property (on the western boundary and the centre of proposed Lot 7 – **Figures 4.1.2 and 4.1.3**). Both buildings viewed were constructed from timber and corrugated iron roofing with no cladding. Both buildings were being used for hay storage. No fuel or chemical storage was noted within either structure.

There was no evidence of on-farm refuse disposal or dumping observed during the site visit. There was no visible staining, seepage or odours observed during the site visit.

No evidence of sheep dipping activities or infrastructure was found on the property during the site visit. There were no woolsheds or animal holding yards found on the property during the visit. No evidence of chemical or fuel storage was noted during the site visit.

Current site conditions are shown in **Figures 4.1.1 – 4.1.3**.

**Figure 4.1.1: Excavated Spoil Material Next to Race**



**Figure 4.1.2: Haybarn on western boundary of proposed Lot 7**



**Figure 4.1.3: Haybarn in centre of proposed Lot 7**



## **5.0 SITE CHARACTERIZATION**

### **5.1 Contamination Assessment**

#### **5.1.1 Details**

The evidence reviewed in this investigation suggests that the following activities have, or are more likely than not to have occurred on the property under consideration:

- Broadscale application of fertilisers and persistent pesticides as part of historic farming activities

Historic aerial imagery and local publications have indicated pastoral farming activities have occurred on the property for a considerable period of time. No evidence of sheep dipping operations occurring on the property has been found.

There is could be a risk to human health associated with the historical use of the property for pastoral farming activities, due to the potential broadscale application of fertilisers and persistent pesticides associated with farming activities.

Previous reportage on site investigations in the Wakatipu area (Davis Consulting Group Limited, 2015) has identified that several site investigations have been conducted, examining heavy metal and persistent pesticide concentrations in soils which had historically been associated with broadscale application of persistent pesticides and fertilizers during pastoral farming activities. The results indicate that the levels of heavy metals and persistent pesticides in such soils are unlikely to present a risk to residential activity.

The historic landuse present on the client's property was pastoral grazing (sheep farming), similar to those present on the sites referenced in the 2015 DCG report. Given the report's conclusions on the contaminant levels present from historical pastoral farming landuse, it is considered that similar levels of contaminants would be present on the client's property.

It is therefore unlikely that there is a risk to human health historic pastoral farming activities undertaken on the property.



## 5.4 Conceptual Site Model

Consideration of all the information reviewed has resulted in a conceptual site model (CSM) being developed. The objective of a CSM is to detail the nature and extent of contamination, and to identify potential pathways and potential receptors under an assumed future landuse scenario (residential development).

Likely receptors are development workers, residential occupants (and visitors they may receive), and maintenance workers who may undertake soil disturbance during maintenance activities post-development.

There are currently no consented groundwater takes on the property so for this assessment it was assumed that on-site consumption or use of groundwater is not a valid future pathway for the property.

Assuming a future residential landuse scenario, on-site produce growing and consumption is a valid future pathway.

Assuming a possible future landuse scenario (residential development of the property) and taking into account the information described in this report and gathered during the site visit, the CSM developed for this scenario is outlined in **Table 5.2.1**.

**Table 5.2.1: Conceptual Site Model**

Source	Receptor	Pathway			
		Dermal Contact	Soil Ingestion	Produce consumption	Inhalation (dust, volatiles)
Contaminants currently present in in-situ soil (from historic pastoral farming activities)	Development worker	Complete	Complete	NA	Complete
	Residential occupier + visitors (adults, children)	Complete	Complete	Complete	Complete
	Maintenance & service personnel, including gardening/landscaping maintenance activities	Complete	Complete	NA	Complete
Contaminants distributed as a result of site disturbance during development activities (dust)	Adjoining site users/occupiers	Possibly complete (contact with dust settled on surfaces)	Incomplete	NA	Complete

## 6.0 CONCLUSIONS AND RECOMMENDATIONS

### 6.1 Conclusions

It is concluded that:

- *The NES applies to the site under consideration*

The relevant part of the NES, in terms of defining a piece of land that it applies to, is section 5(7), which reads as follows:

*The piece of land is a piece of land that is described by 1 of the following:*

*(a) an activity or industry described in the HAIL is being undertaken on it:*

*(b) an activity or industry described in the HAIL has been undertaken on it:*

*(c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.*

Woolsheds, sheep dips and stockyards associated with historic and current farming activities were not identified as being present on the property.

The site visit and information review found no evidence of refuse or farm dumps having been present on the property.

However, the site is subject to the provisions of the NES due to the history of broadscale application of fertilisers (with associated persistent pesticides and trace metals associated with fertilizer application) to production pasture on the property.

- *The use of the site for pastoral farming activities is unlikely to present a risk to human health*

There is could be a risk to human health associated with the historical use of the site for pastoral farming activities. This is due to broadscale application of fertilisers, persistent pesticides and trace metals associated with fertilizer application to production pasture on the property. The information review found evidence that broadscale fertilizer application

(such as superphosphate) has occurred on the property.

As farming activities on the site are likely to have been low-intensity, it is unlikely that any pesticide concentrations in on-farm soils would be present at levels that would exceed relevant soil contaminants standards under an assumed future land use scenario of residential development.

Previous reportage on site investigations in the Wakatipu area has identified that several site investigations have been conducted, examining heavy metal and persistent pesticide concentrations in soils which had historically been associated with broadscale application of persistent pesticides and fertilizers under historic pastoral farming activities. The results indicate that levels of heavy metals and persistent pesticides in such soils are unlikely to result in an impact to soil quality that would present a risk to residential activity.

Given that similar pastoral farming activities are likely to have occurred on the site under consideration, similar contaminant levels are anticipated to be present on the site. Therefore, it is unlikely that these levels would present a risk to human health.

## **6.2 Recommendations**

It is recommended that:

- *No further investigations are required*

Given the information reviewed, there is unlikely to be a risk to human health from contaminant levels in on-site soils due to historical and current activities on the property. Therefore, no further investigations into soil contaminant levels are required.

## LIMITATIONS

Envira Consulting Limited has performed services for this project in accordance with current professional standards for environmental site assessments. This Preliminary Site Investigation report has been prepared for Morven Ferry Limited according to their instructions, for the specific objectives described in this report. Subject to the scope of work, Envira's assessment is limited to identifying the risk to human health based on the historical activities on the site.

No guarantees are either expressed or implied. This report does not attempt to fulfill the requirements of legal due diligence. The person preparing this assessment is a Suitably Qualified and Experienced Practitioner (SQEP).

There is no investigation that is thorough enough to preclude the presence of materials at the site that presently, or in the future, may be considered hazardous. As regulatory criteria are subject to change, contaminant concentrations present and considered to be acceptable may, in the future, become subject to different regulatory standards which cause them to become unacceptable and require further remediation for the site in order for it to be suitable for existing or proposed land use activities.

Any recommendations, opinions or findings stated in this report are based on circumstances, facts and assessment criteria as they existed at the time that the work was performed, and on data obtained from the investigations and site observations as detailed in this report. Opinions and judgments expressed in this report, which are based on an understanding and interpretation of assessment standards, should not be construed as legal opinions. Envira assumes no responsibility or liability for errors in any data obtained from regulatory agencies, statements from sources outside Envira, or developments resulting from situations outside the scope of this project.

This report and the information it contains have been prepared solely for the use of Morven Ferry Limited. Any reliance on this report by other parties shall be at such party's own risk.

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## **APPENDIX A**

### **Envira Consulting Limited - Statement of Contaminated Land Experience**



## **APPENDIX B**

### **Certificates of Title (Current & Historic)**

## **APPENDIX C**

### **Otago Regional Council Contaminated Land Database Information Response**