

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I MUA I TE KOOTI TAIAO O AOTEAROA**

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

**AND**

**IN THE MATTER** of appeals under clause 14 of  
Schedule 1 of the Act against  
decisions of the Queenstown  
Lakes District Council

**BETWEEN** **CARDRONA ALPINE RESORT  
LIMITED  
DARBY PLANNING LIMITED  
PARTNERSHIP  
FEDERATED FARMERS OF  
NEW ZEALAND  
INCORPORATED  
MT CARDRONA STATION  
LIMITED  
QUEENSTOWN AIRPORT  
CORPORATION LIMITED**  
Appellants (*continued over*)

**AND** **QUEENSTOWN LAKES  
DISTRICT COUNCIL**  
Respondent

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**JOINT MEMORANDUM OF PARTIES IN SUPPORT OF DRAFT CONSENT  
ORDER**

**TOPIC 18 (RURAL ZONE / CHAPTER 21)  
SUBTOPICS 1 TO 7**

**Dated: 12 June 2020**

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**BETWEEN**

**QUEENSTOWN WHARVES GP  
LIMITED  
NEW ZEALAND TUNGSTEN  
MINING LIMITED  
REAL JOURNEYS LIMITED  
REAL JOURNEYS LIMITED  
(TRADING AS CANYON FOOD &  
BREW COMPANY LIMITED)  
REAL JOURNEYS LIMITED  
(TRADING AS GO ORANGE  
LIMITED)  
ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND INCORPORATED  
SYZ INVESTMENTS LIMITED  
QUEENSTOWN PARK LIMITED  
TRANSPower NEW ZEALAND  
LIMITED  
UPPER CLUTHA  
ENVIRONMENTAL SOCIETY  
INCORPORATED  
WILLOWRIDGE  
DEVELOPMENTS LIMITED**

Appellants

## MAY IT PLEASE THE COURT

### Introduction

1. The Queenstown Lakes District Council (**Council**) notified its decisions on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**) on 7 May 2018.
2. The parties listed below lodged appeals with the Environment Court which are addressed in this joint memorandum, parts of which were allocated to Topic 18 – Rural Zone (Chapter 21) (**Topic 18**):
  - 2.1 Cardrona Alpine Resort Limited (**CARL**);<sup>1</sup>
  - 2.2 Darby Planning Limited Partnership (**Darby**);<sup>2</sup>
  - 2.3 Federated Farmers of New Zealand Incorporated (**Federated Farmers**);<sup>3</sup>
  - 2.4 Mt Cardrona Station Limited (**MCSL**);<sup>4</sup>
  - 2.5 New Zealand Tungsten Mining Limited (**Tungsten Mining**);<sup>5</sup>
  - 2.6 Queenstown Airport Corporation Limited (**QAC**);<sup>6</sup>
  - 2.7 Queenstown Park Limited (**QPL**);<sup>7</sup>
  - 2.8 Queenstown Wharves GP Limited;<sup>8</sup>
  - 2.9 Real Journeys Limited (**RJ**);<sup>9</sup>
  - 2.10 Real Journeys Limited (trading as Canyon Food & Brew Company Limited) (**RJ (Canyon Food and Brew Company)**);<sup>10</sup>
  - 2.11 Real Journeys Limited (trading as Go Orange Limited) (**RJ (Go Orange)**);<sup>11</sup>
  - 2.12 Royal Forest and Bird Protection Society of New Zealand Incorporated (**RFB**);<sup>12</sup>
  - 2.13 SYZ Investments Limited (**SYZ**);<sup>13</sup>
  - 2.14 Transpower New Zealand Limited (**Transpower**);<sup>14</sup>
  - 2.15 Upper Clutha Environmental Society Incorporated (**UCESI**);<sup>15</sup> and

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1 ENV-2018-CHC-117.  
2 ENV-2018-CHC-150.  
3 ENV-2018-CHC-053.  
4 ENV-2018-CHC-083.  
5 ENV-2018-CHC-151.  
6 ENV-2018-CHC-152.  
7 ENV-2018-CHC-127.  
8 ENV-2018-CHC-142.  
9 ENV-2018-CHC-131.  
10 ENV-2018-CHC-146.  
11 ENV-2018-CHC-138.  
12 ENV-2018-CHC-133.  
13 ENV-2018-CHC-130.  
14 ENV-2018-CHC-114.  
15 ENV-2018-CHC-056.

2.16 Willowridge Developments Limited.<sup>16</sup>

3. The Topic 18 appeals were grouped into seven separate subtopics, which addressed the following matters and/or Chapter 21 provisions:
  - 3.1 Subtopic 1 – Zone Purpose and General Objectives and Policies only (**Subtopic 1**);
  - 3.2 Subtopic 2 – Farm Activities, Farm Buildings, and Structures and Buildings (other than Farm Buildings) (**Subtopic 2**);
  - 3.3 Subtopic 3 – Commercial Activities (including Commercial recreation) and Rural Industrial Activities (including inside and outside the Rural Industrial Sub Zone) (**Subtopic 3**);
  - 3.4 Subtopic 4 – Minerals (**Subtopic 4**);
  - 3.5 Subtopic 5 – Rivers and Lakes (**Subtopic 5**);
  - 3.6 Subtopic 6 - Rural Subdivision in ONL/ONF (**Subtopic 6**); and
  - 3.7 Subtopic 7 – Assessment Matters (Landscape) (**Subtopic 7**).
  
4. The Environment Court directed that Court-assisted mediation for Topic 18 take place in two tranches:
  - 4.1 Subtopics 4, 5 and 6 during the week of 2 December 2019; and
  - 4.2 Subtopics 1, 2, 3 and 7 during the week of 27 January 2020.<sup>17</sup>
  
5. Following the mediation of Subtopics 4 and 5, two joint memoranda and draft consent orders were filed with the Court that either resolved or withdrew a number of appeal points allocated to those subtopics (**Subtopic 4 and 5 consent orders**). The provisions recorded in the Subtopic 4 and 5 consent orders are now subsumed in the attached draft consent order, however the reasoning in the associated memoranda remains relevant. This joint memorandum does not revisit those earlier agreements in any way, but does address (under a separate sub-heading) six appeal points that were agreed ‘in principle’ during mediation for Subtopics 4 and 5. Those six appeal points were parked to allow the relevant parties the opportunity to consider the Court’s Topic 2 Interim decisions,<sup>18</sup> and then confirm their position on the amendments made to the relevant provisions.

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<sup>16</sup> ENV-2018-CHC-115.

<sup>17</sup> Direction issued by the Environment Court dated 18 November 2019.

<sup>18</sup> Namely, Decision 2.2, issued on 19 December 2019.

## **The parties**

**6.** As relevant to their respective subtopics of interest, the following parties gave notice and participated in the Topic 18 mediations:

- 6.1** Alaster Duncan;
- 6.2** Allenby Farms Limited;
- 6.3** Alpine Group Limited
- 6.4** Anderson Branch Creek Limited;
- 6.5** Aurora Energy Limited;
- 6.6** Cabo Limited;
- 6.7** CARL;
- 6.8** Darby;
- 6.9** David van der Zwet;
- 6.10** Federated Farmers;
- 6.11** Glendhu Bay Trustees Limited;
- 6.12** Kawarau Jet Services Holdings Limited;
- 6.13** Longview Environmental Trust;
- 6.14** Mount Pleasant Trust;
- 6.15** MCSL;
- 6.16** Tungsten Mining;
- 6.17** Otago Regional Council;
- 6.18** QAC;
- 6.19** QPL;
- 6.20** RJ;
- 6.21** RJ (Canyon Food & Brew Company);
- 6.22** RJ (Go Orange);
- 6.23** Remarkables Park Limited;
- 6.24** RFB;
- 6.25** Soho Ski Area Limited & Blackmans Creek No 1 LP;
- 6.26** SYZ;
- 6.27** Te Anau Developments Limited;
- 6.28** Transpower;
- 6.29** Treble Cone Investments Limited;
- 6.30** UCESI;
- 6.31** Waterfall Park Developments Limited; and
- 6.32** Willowridge Developments Limited.

7. The parties recorded in paragraph 6 participated at mediation to the extent that they were either an Appellant or section 274 party to certain appeal points.
  
8. In relation to the mediation for Subtopics 1, 2, 3 and 7 specifically, the following section 274 parties either withdrew their interest ahead of mediation commencing, or did not file a notice confirming their attendance at mediation:
  - 8.1 Brett Giddens;<sup>19</sup>
  - 8.2 Middleton Family Trust;<sup>20</sup>
  - 8.3 Mt Christina Limited;<sup>21</sup>
  - 8.4 Southern District Health Board;<sup>22</sup>
  - 8.5 Sunnyheights Limited;<sup>23</sup>
  - 8.6 Waterfall Park Developments Limited;<sup>24</sup> and
  - 8.7 Jacks Point Residential No.2 Limited; Jacks Point Village Holdings Limited; Jacks Point Developments Limited; Jacks Point Land Limited; Jacks Point Land No.2 Limited; Jacks Point Management Limited; Henley Downs Land Holdings Limited; Henley Downs Farms Holdings Limited; Coneburn Preserve Holdings Limited; Willow Pond Farm Limited (collectively the Jacks Point Entities).<sup>25</sup>
  
9. The parties to this joint memorandum have proceeded with the resolution of the appeal points recorded without seeking agreement from the parties recorded in paragraph 8.

### **Three separate memoranda, one draft consent order for approval**

10. In order to streamline the Court's consideration of the agreements reached by the parties in relation to Topic 18, the parties have agreed to consolidate all agreed amendments arising from mediation into one iteration of Chapter 21. All agreed amendments to Chapter 21 are shown in **Appendix 1** to the draft consent order (attached as **Attachment A** to this memorandum), and

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<sup>19</sup> Section 274 to Queenstown Airport Corporation Limited (ENV-2018-CHC-093), and who has subsequently advised by email, through counsel dated 17 February 2020, that he is no longer interested in Topic 18.

<sup>20</sup> Section 274 to Queenstown Airport Corporation Limited (ENV-2018-CHC-093).

<sup>21</sup> Section 274 to Upper Clutha Environmental Society Incorporated (ENV-CHC-2018-056).

<sup>22</sup> Section 274 to Queenstown Airport Corporation Limited (ENV-CHC-2018-093).

<sup>23</sup> Section 274 to Upper Clutha Environmental Society Incorporated (ENV-2018-CHC-056).

<sup>24</sup> Section 274 to Queenstown Park Limited (ENV-2018-CHC-127).

<sup>25</sup> Section 274 party to Queenstown Park Limited (ENV-2018-CHC-127) and Upper Clutha Environmental Society Incorporated (ENV-2018-CHC-056).

colour-coded to reflect the subtopic where the relevant appeal point was allocated.

11. As all agreed amendments to Chapter 21 have been consolidated into one draft consent order, the Court will not need to separately approve the draft consent orders filed in relation to Subtopics 4 and 5, but will need to consider the content of the joint memoranda for those subtopics dated 23 December 2019 and 13 January 2020, respectively.
12. The parties note that the consolidated iteration of Chapter 21 also includes the amendments agreed by the parties in relation to Topic 19 – Ski Area Subzones (shown in red text). A separate memorandum and draft consent order was filed by the parties to Topic 19, dated 9 June 2020. The parties to this memorandum are *not* seeking the Court’s endorsement of the agreements relative to Topic 19 (ie. those shown in red text), but respectfully observe that the consolidated version of Chapter 21 may be the most efficient way for the Court to record its endorsement of the agreements reached in both Topics 18 and 19 (if, and when, the Court considers it appropriate to do so).

## **SUBTOPICS 1, 2, 3 AND 7**

### **Agreements reached at mediation (Subtopics 1, 2 and 3 only)**

13. During Court-assisted mediation the parties identified a means by which a number of appeal points allocated to Subtopics 1, 2 and 3 could be resolved by consent.
14. This included agreement on appropriate amendments to a number of the provisions allocated to those subtopics, namely provisions included in Chapters 1, 21 and 30 of the PDP. All section 274 parties have agreed to those amendments insofar as they have an interest in the relevant appeal points.
15. In relation to the Chapter 30 provisions, the parties note that the provisions proposed for amendment are the same as those agreed and lodged with the Court as part of the joint memorandum and draft consent order for Topic 1, Subtopic 4: Regionally Significant Infrastructure (**RSI**), dated 23 September 2019. In order to ensure that the parties involved in the RSI

mediation were aware of these additional amendments, counsel for the Council has liaised with the relevant parties over email and sought their endorsement of the further amendments. The only parties to the RSI subtopic that were not present at the Topic 18 mediation were Vodafone New Zealand Limited, Spark New Zealand Trading Limited and Chorus New Zealand Limited, who have since confirmed their endorsement of the further amendments.

- 16.** As there is no opposition to those further amendments, the parties now seek the Court's endorsement of the amendments to Chapter 30 (as shown in the attached draft consent order). The parties consider that the amendments shown in the attached draft consent order can be issued separately from the draft consent order for Topic 1, Subtopic 4, or consolidated, if that is the Court's preference.
- 17.** For completeness, the appeal points allocated to Subtopics 1, 2 and 3 resolved by way of this joint memorandum, and an outline of the amendments agreed by the parties, are as follows:

*Subtopic 1*

- 17.1** page 4 of the notice of appeal by RFB, allocated reference ENV-2018-CHC-133-004, which resulted in an amendment to the third paragraph of 21.1;
- 17.2** an amendment to Objective 21.21.1 in reliance on the appeal points at:
- (a) page 2 of Appendix A to the notice of appeal by MCSL, allocated reference ENV-2018-CHC-083-005;
  - (b) page 6 of Appendix A to the notice of appeal by SYZ, allocated reference ENV-2018-CHC-130-013;
  - (c) page 22 of Appendix A to the amended notice of appeal by RJ, allocated reference ENV-2018-CHC-131-062;
  - (d) page 7 of Appendix A to the notice of appeal by RJ (Canyon Food & Brew Company), allocated reference ENV-2018-CHC-146-018; and
  - (e) page 18 of Appendix A to the amended notice of appeal by Darby, allocated reference ENV-2018-CHC-150-039;



- 17.3** page 5 of the notice of appeal by RFB, allocated reference ENV-2018-CHC-133-010, which resulted in an amendment to Policy 21.2.1.12;
- 17.4** an amendment to three policies in Chapter 30, by way of the appeal points in paragraph 32 to the notice of appeal by Transpower, allocated reference ENV-2018-CHC-114-027 and 028;
- 17.5** an amendment to Policy 21.2.4.2 in reliance on the appeal points at:
- (a) page 23 of Appendix A to the amended notice of appeal by RJ, allocated reference ENV-2018-CHC-131-067;
  - (b) page 15 of Appendix A to the amended notice of appeal by RJ (Go Orange), allocated reference ENV-2018-CHC-138-043;
  - (c) page 8 of Appendix A to the notice of appeal by RJ (Canyon Food & Brew Company), allocated reference ENV-2018-CHC-146-020; and
  - (d) page 18 of Appendix A to the amended notice of appeal by Darby, allocated reference ENV-2018-CHC-150-041;
  - (e) page 5 of Appendix A to the amended notice of appeal by Tungsten Mining, allocated reference ENV-2018-CHC-151-009;
- 17.6** page 4 of the notice of appeal of RFB, allocated reference ENV-2018-CHC-133-006, which resulted in an amendment to Objective 21.2.8;
- 17.7** an amendment to Objective 21.2.9 and Policies 21.2.9.2 and 21.2.9.3 in reliance on the appeal points at:
- (a) page 19 of Appendix A to the amended notice of appeal of Darby, allocated reference ENV-2018-CHC-150-042;
  - (b) page 6 of Appendix A to the amended notice of appeal of Tungsten Mining, allocated reference ENV-2018-CHC-151-012;
  - (c) page 7 of Appendix A to the notice of appeal of SYZ, allocated references ENV-2018-CHC-130-015, 016 and 017;
  - (d) pages 23 and 24 of Appendix A to the amended notice of appeal of RJ, allocated references ENV-2018-CHC-131-068, 069 and 070;

- (e) page 16 of Appendix A to the amended notice of appeal of RJ (Go Orange), allocated references ENV-2018-CHC-138-045 and 046;
- (f) pages 8 and 9 of Appendix A to the notice of appeal of RJ (Canyon Food & Brew Company), allocated references ENV-2018-CHC-146-021, 022 and 023;
- (g) paragraph 31(e) to the notice of appeal of QPL, allocated reference ENV-2018-CHC-127-038; and
- (h) page 4 of the notice of appeal of Royal Forest and Bird Protection Society of New Zealand Incorporated, allocated references ENV-2018-CHC-133-008 and 009.

*Subtopic 2*

- 17.8** page 2 of Appendix A to the notice of appeal of MCSL, allocated reference ENV-2018-CHC-083-006, which resulted in an amendment to Policy 21.2.1.1;
- 17.9** an amendment to Policy 21.2.1.5 in reliance on the appeal points at:
  - (a) page 24 of Appendix A to the amended notice of appeal of RJ, allocated reference ENV-2018-CHC-131-065; and
  - (b) page 16 of Appendix A to the amended notice of appeal of RJ (Go Orange), allocated reference ENV-2018-CHC-138-047; and
- 17.10** paragraph 13 to the notice of appeal of UCESI, allocated reference ENV-2018-CHC-056-001, which resulted in an amendment to Chapter1, provision 1.7.5.

*Subtopic 3*

- 17.11** an amendment to Objective 21.2.10 and Policies 21.2.10.1 and 21.2.10.4 in reliance on the appeal points at:
  - (a) pages 3 and 4 of Appendix A to the notice of appeal of MCSL, allocated references ENV-2018-CHC-083-009 and 010; and
  - (b) paragraph 31(f) to the notice of appeal of QPL, allocated reference ENV-2018-CHC-127-039;

- 17.12** paragraph 31(b) to the notice of appeal of QPL, allocated reference ENV-2018-CHC-127-035, which resulted in an amendment to Policy 21.2.1.10;
- 17.13** an amendment to Policy 21.2.1.11, in reliance on the appeal points at:
- (a) paragraph 31(c) to the notice of appeal of QPL, allocated reference ENV-2018-CHC-127-036;
  - (b) page 24 of Appendix A to the amended notice of appeal to RJ, allocated reference ENV-2018-CHC-131-071;
  - (c) page 9 of Appendix A to the notice of appeal to RJ (Canyon Food & Brew Company), allocated reference ENV-2018-CHC-146-024; and
  - (d) page 4 of Appendix A to the notice of appeal to MCSL, allocated reference ENV-2018-CHC-083-010;
- 17.14** an amendment to Policy 21.2.1.15, in reliance on the appeal points at:
- (a) paragraph 31(d) to the notice of appeal of QPL, allocated reference ENV-2018-CHC-127-037;
  - (b) page 24 of Appendix A to the amended notice of appeal to RJ, allocated reference ENV-2018-CHC-131-072;
  - (c) page 16 of Appendix A to the amended notice of appeal of RJ (Go Orange), allocated reference ENV-2018-CHC-138-048;
  - (d) page 9 of Appendix A to the notice of appeal of RJ (Canyon Food & Brew Company), allocated reference ENV-2018-CHC-146-025; and
  - (e) page 19 of Appendix A to the amended notice of appeal of Darby, allocated reference ENV-2018-CHC-150-043;
- 17.15** an amendment to Table 1 to include new activity rules, in reliance on the appeal points at paragraph 31(h), (j) and (l) of the notice of appeal of QPL, allocated references ENV-2018-CHC-127-041, 043, 044 and 046;
- 17.16** an amendment to Standard 21.9.1 in reliance on the appeal points at:
- (a) paragraph 31(o) to the notice of appeal of QPL, allocated reference ENV-2018-CHC-127-047;
  - (b) page 26 of Appendix A to the amended notice of appeal of RJ, allocated reference ENV-2018-CHC-131-075; and

(c) page 9 of Appendix A to the notice of appeal of RJ (Canyon Food & Brew Company), allocated reference ENV-2018-CHC-146-026.

18. The amended Chapter 1, 21 and 30 provisions agreed by the parties that resolve the above appeal points are set out in **Appendix 1** to the attached draft consent order.

**Appeal points resolved without any associated amendments (Subtopics 1, 2, 3 and 7)**

19. During mediation, the following appeal points were resolved by way of an agreement to withdraw / not pursue the relevant relief. The relevant parties respectfully request that the Environment Court record the formal withdrawal of the following appeal points, without the need for a separate memorandum to that effect:

*Subtopic 1*

- 19.1 Appeal point by UCESI, allocated reference ENV-2018-CHC-056-023, in relation to provision 21.1;
- 19.2 Appeal point by Transpower, allocated reference ENV-2018-CHC-114-026, in relation to provision 21.1;
- 19.3 Appeal point by Tungsten Mining, allocated reference ENV-2018-CHC-151-008, in relation to provision 21.1;
- 19.4 Appeal point by RFB, allocated reference ENV-2018-CHC-133-007, in relation to provision 21.2.8.1;
- 19.5 Appeal point by UCESI, allocated reference ENV-2018-CHC-056, in relation to provision 21.2.9.3; and
- 19.6 Appeal point by RFB, allocated reference ENV-2018-CHC-133-005, which sought the inclusion of a new provision.

*Subtopic 2*

- 19.7 Appeal point by QPL, allocated reference ENV-2018-CHC-127-034, in relation to provision 21.2.1.1;
- 19.8 Appeal point by SYZ, allocated reference ENV-2018-CHC-130-014, in relation to provision 21.2.1.1;

- 19.9** Appeal point by RJ, allocated reference ENV-2018-CHC-131-066, in relation to provision 21.2.1.1;
- 19.10** Appeal point by RJ (Go Orange), allocated reference ENV-2018-CHC-138-042, in relation to provision 21.2.1.1;
- 19.11** Appeal point by RJ (Canyon Food & Brew Company), allocated reference ENV-2018-CHC-146-019, in relation to provision 21.2.1.1;
- 19.12** Appeal point by Darby, allocated reference ENV-2018-CHC-150-040, in relation to provision 21.2.1.1;
- 19.13** Appeal point by UCESI, allocated reference ENV-2018-CHC-056-025 in relation to provisions 21.4.9 and 21.4.10;
- 19.14** Appeal point by UCESI, allocated reference ENV-2018-CHC-056-026, in relation to provision 21.7.3;
- 19.15** Appeal point by UCESI, allocated reference ENV-2018-CHC-056-039, in relation to provision 21.7.3;
- 19.16** Appeal point by Federated Farmers, allocated reference ENV-2018-CHC-053-001, in relation to the definition of 'Building';
- 19.17** Appeal point by RFB, allocated reference ENV-2018-CHC-133-011, which sought an amendment to Table 2; and
- 19.18** Appeal point by RFB, allocated reference ENV-2018-CHC-133-012, which sought a new provision.

### *Subtopic 3*

- 19.19** Appeal point by Transpower, allocated reference ENV-2018-CHC-114-029, in relation to provision 21.2.13; and
- 19.20** Appeal point by QPL, allocated reference ENV-2018-CHC-127-042, in relation to provision 21.4.19.

### *Subtopic 7*

- 19.21** Appeal point by CARL, allocated reference ENV-2018-CHC-117-016, in relation to provision 21.21;
- 19.22** Appeal point by UCESI, allocated reference ENV-2018-CHC-056-027, in relation to provision 21.21.1.1;
- 19.23** Appeal point by UCESI, allocated reference ENV-2018-CHC-056-028, in relation to provision 21.21.1.3;
- 19.24** Appeal point by UCESI, allocated reference ENV-2018-CHC-056-030, in relation to provision 21.21.1.4;

- 19.25** Appeal point by UCESI, allocated reference ENV-2018-CHC-056-032, in relation to provision 21.21.1.5;
- 19.26** Appeal point by UCESI, allocated reference ENV-2018-CHC-056-031, which sought the inclusion of a new assessment matter;
- 19.27** Appeal point by QAC, allocated reference ENV-2018-CHC-093-054, in relation to provision 21.21.2; and
- 19.28** Appeal point by UCESI, allocated reference ENV-2018-CHC-056-033, which sought amendments to provisions 21.21.2, 21.21.2.1 – 21.21.2.6.

## **SUBTOPICS 4, 5 AND 6**

### **Agreements reached subsequent to mediation**

- 20.** During Court-assisted mediation for Subtopics 4 and 5, the relevant parties reached agreements in principle that would resolve six (6) appeal points. Subsequent to consideration of the Topic 2 decisions, the parties have now reached agreement in relation to those appeal points.
- 21.** In addition to the points agreed in principle, two (2) appeal points were not agreed during mediation for Subtopic 4. Opposition to the amendments proposed has since fallen away, with the agreed amendments recorded below.
- 22.** All section 274 parties have agreed to those amendments insofar as they have an interest in the relevant appeal points.
- 23.** For completeness, the appeal points allocated to Subtopics 4 and 5 resolved by way of this joint memorandum, are as follows:

#### *Subtopic 4*

- 23.1** an amendment to Objective 21.2.5 in reliance on the appeal point at page 6 of Appendix A to the amended notice of appeal of Tungsten Mining, allocated reference ENV-2018-CHC-151-010;
- 23.2** the inclusion of a new policy 21.2.5.7, which provides for consideration of areas that have been previously mined, which relies on the appeal point at page 7 of Appendix A to the amended

notice of appeal of Tungsten Mining, allocated reference ENV-2018-CHC-151-016;

*Subtopic 5*

**23.3** an amendment to Objective 21.2.12 in reliance on the appeal points at:

- (a) page 19 of Appendix A to the notice of appeal by RJ, allocated reference ENV-2018-CHC-131-049;
- (b) pages 11 and 12 of Appendix A to the notice of appeal by RJ (Go Orange), allocated reference ENV-2018-CHC-138-028;
- (c) page 7 of Appendix A to the notice of appeal by RJ (Canyon Food & Brew Company), allocated reference ENV-2018-CHC-146-017; and
- (d) paragraph 14(a) of the notice of appeal by Queenstown Wharves GP Limited, allocated reference ENV-2018-CHC-142-010.

**24.** The amended Chapter 21 provisions agreed by the parties that resolve the above appeal points are set out in **Appendix 1** to the attached draft consent order.

**Appeal points resolved without any associated amendments (Subtopics 4, 5 and 6)**

**25.** After mediation for Subtopics 5 and 6 had concluded, the following appeal points were resolved by way of an agreement to withdraw / not pursue the relevant relief. The below appellants respectfully request that the Environment Court record the formal withdrawal of the following appeal points, without the need for a separate memorandum to that effect:

*Subtopic 5*

**25.1** The following appeal points, all of which relate to Rules 21.15.7 and 21.15.8:

- (a) RJ, allocated reference ENV-2018-CHC-131-057 and 058;

- (b) RJ (Go Orange), allocated reference ENV-2018-CHC-138-036 and 037.

*Subtopic 6*

- 25.2** Appeal point by UCESI, allocated reference ENV-2018-CHC-056-024, which sought that the activity status for rural subdivision within ONL and ONF be altered to non-complying.

**UNRESOLVED APPEAL POINTS**

- 26.** A number of appeal points allocated to Subtopics 5 and 7 remain unresolved following mediation. The parties will report to the Court separately in relation to those appeal points in due course, with timetable directions to be sought in relation to the unresolved appeal points in Subtopic 5.
- 27.** In relation to Subtopic 7, a number of appeal points have been agreed in principle, but contingent on the final formulation of the Topic 2 provisions and the outcome of the ongoing Topic 2 procedural directions. As a result, the assessment matters have been excluded from the Chapter 21 provisions included in the draft consent order.

**Timing of issue of consent order**

- 28.** As was recorded in Council's memorandum in response to the Court's Minute on timing of the Topic 2 decisions (filed in the context of Topic 18), dated 15 November 2019, a number of appeal points allocated to Topic 18 are influenced (at least in part) by the provisions allocated to Topic 2. As a result, Council proposed, and the Court directed, that mediation for Subtopics 1, 2, 3 and 7 should follow the issue of the Topic 2 decision so that this group of subtopics could be informed by those decisions.
- 29.** In Council's memorandum, it was foreshadowed to the Court that some parties may need to reserve their position on certain appeal points, until after the Topic 2 decisions had been issued. As noted above, this has proven to be the case for a number of appeal points allocated to Subtopic 7.



30. All other appeal points have been resolved between the parties, in light of the Topic 2 Interim Decisions. As a result, the parties to this joint memorandum agree that the Court is in a position to consider the substance of this joint memorandum and the draft consent orders filed in relation to Topic 18. For completeness, the parties consider that the ongoing Topic 2 procedural directions are relevant to the matters addressed in Subtopic 7 only (Landscape Assessment Matters).

**Amendments meet the relevant RMA requirements**

31. The Parties to this joint memorandum agree that the draft consent order and agreed amendments, set out in **Appendix 1** to the attached draft consent order, settle the parts of the appeals outlined above in paragraphs 17 and 22.
32. The Parties are satisfied that the agreed amendments, proposed for the Court's endorsement, are within the scope of relief sought in the appellants' notices of appeal, fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act, including in particular Part 2.
33. The parties therefore respectfully request that the Court dispose of the relevant appeal points outlined in paragraphs 17 and 23 by approving the agreed amended provisions appended to the draft consent order, and record the formal withdrawal of the appeal points recorded in paragraph 19 and 25 by consent.
34. No party has any issue as to costs.

DATED this 12<sup>th</sup> day of June 2020



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Counsel for Queenstown Lakes  
District Council  
(Respondent)



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Counsel for Darby Planning  
Limited Partnership  
(Appellant and section 274  
party)



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Counsel for Mt Cardrona Station  
Limited  
(Appellant and section 274 party)



---

Counsel for New Zealand  
Tungsten Mining Limited  
(Appellant and section 274  
party)



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Counsel for Real Journeys Limited  
(Appellant and section 274 party)



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Counsel for Real Journeys  
Limited (trading as Canyon Food  
& Brew Company Limited)  
(Appellant and section 274  
party)



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Counsel for Real Journeys Limited  
(trading as Go Orange Limited)  
(Appellant and section 274 party)



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Counsel for SYZ Investments  
Limited  
(Appellant and section 274  
party)



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Counsel for Queenstown Park  
Limited  
(Appellant and section 274 party)



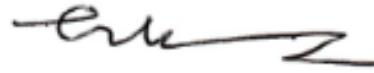
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Counsel for Queenstown  
Wharves GP Limited  
(Appellant)



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Counsel for Transpower New Zealand Limited  
(Appellant and section 274 party)



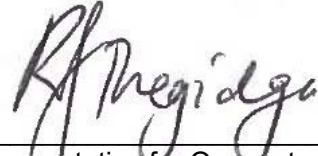
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Representative for Upper Clutha Environmental Society Incorporated  
(Appellant and section 274 party)



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Counsel for Cardrona Alpine Resort Limited  
(Appellant and section 274 party)



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Representative for Queenstown Airport Corporation  
(Appellant and section 274 party)



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Counsel for Royal Forest and Bird Protection Society of New Zealand Incorporated  
(Appellant and section 274 party)



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Representative for Federated Farmers of New Zealand Incorporated  
(Appellant and section 274 party)



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Counsel for Willowridge Developments Limited  
(Appellant and section 274 party)



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Counsel for Allenby Farms Limited  
(Section 274 party)



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Counsel for Alpine Group Limited  
(Section 274 party)



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Counsel for Anderson Branch  
Creek Limited  
(Section 274 party)




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Counsel for Aurora Energy Limited  
(Section 274 party)



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Counsel for Alaster Duncan  
(Section 274 party)



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Representative for Blackmans  
Creek No 1 Limited Partnership  
(Section 274 party)



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Counsel for Cabo Limited  
(Section 274 party)



---

Counsel for David van der Zwet  
(Section 274 party)



---

Counsel for Glendhu Bay  
Trustees Limited  
(Section 274 party)



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Counsel for Kawarau Jet Services  
Holdings Limited  
(Section 274 party)



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Representative for Longview  
Environmental Trust  
(Section 274 party)



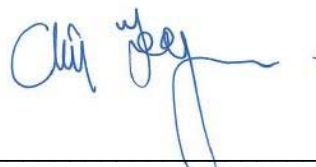
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Representative for Otago  
Regional Council  
(Section 274 party)



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Counsel for Remarkables Park  
Limited  
(Section 274 party)



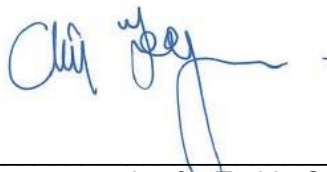
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Representative for Soho Ski  
Area Limited  
(Section 274 party)



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Counsel for Te Anau Developments  
Limited  
(Section 274 party)



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Representative for Treble Cone  
Investments Limited  
(Section 274 party)



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Counsel for Waterfall Park  
Developments Limited  
(Section 274 party)

**Attachment:** Draft consent order

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I MUA I TE KOOTI TAIAO O AOTEAROA**

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

**AND**

**IN THE MATTER** of appeals under clause 14 of  
Schedule 1 of the Act against  
decisions of the Queenstown  
Lakes District Council on Stage  
1 of the Proposed Queenstown  
Lakes District Plan

**BETWEEN** **CARDRONA ALPINE RESORT  
LIMITED  
DARBY PLANNING LIMITED  
PARTNERSHIP  
FEDERATED FARMERS OF  
NEW ZEALAND  
INCORPORATED  
MT CARDRONA STATION  
LIMITED  
QUEENSTOWN AIRPORT  
CORPORATION LIMITED**  
Appellants (*continued over*)

**AND** **QUEENSTOWN LAKES  
DISTRICT COUNCIL**  
Respondent

**BEFORE THE ENVIRONMENT COURT**

Environment Judge Hassan sitting alone under section 279 of the Act **IN  
CHAMBERS** at CHRISTCHURCH

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**DRAFT CONSENT ORDER**

**TOPIC 18 – RURAL ZONE – SUBTOPICS 1, 2, 3, 4 AND 5**

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QUEENSTOWN WHARVES  
GP LIMITED  
NEW ZEALAND TUNGSTEN  
MINING LIMITED  
REAL JOURNEYS LIMITED  
REAL JOURNEYS LIMITED  
(TRADING AS CANYON FOOD  
& BREW COMPANY LIMITED)  
REAL JOURNEYS LIMITED  
(TRADING AS GO ORANGE  
LIMITED)  
ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF  
NEW ZEALAND  
INCORPORATED  
SYZ INVESTMENTS LIMITED  
QUEENSTOWN PARK  
LIMITED  
TRANSPower NEW  
ZEALAND LIMITED  
UPPER CLUTHA  
ENVIRONMENTAL SOCIETY  
INCORPORATED  
WILLOWRIDGE  
DEVELOPMENTS LIMITED  
(Appellants)

### Orders

- A. Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) The above appeals are allowed to the extent outlined in the joint memorandum of the parties dated 12 June 2020, with the effect that the Queenstown Lakes District Council is directed to amend Chapters 1, 21 and 30 of the Proposed Queenstown Lakes District Plan, as set out in Attachment A (attached to and forming part of this Order).
- B. Under section 285 of the Resource Management Act 1991, there is no order as to costs.

### Introduction

1. The Court has read and considered the notices of appeal filed by the Appellants (recorded in the list above) against the decisions by the Queenstown Lakes District Council (**Council**) on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**), in particular the parts of those appeals allocated into Topic 18 – Rural Zone.





## APPENDIX 1

(amendments shown in underline and ~~striketrough~~ text)

**Note: Chapters 1 and 30 included first, followed by Chapter 21 (minus assessment matters)**

## Topic 18 - Amendments agreed through Court-assisted mediation to provisions in chapters other than Chapter 21 Rural Zone

Key:

### *Topic 18*

Amendments shown in orange underline and ~~strike-through~~ relate to Subtopic 1.

Amendments shown in purple underline and ~~strike-through~~ relate to Subtopic 2.

Amendments shown in tan underline and ~~strike-through~~ relate to Subtopic 3.

Amendments shown in black underline and ~~strike-through~~ relate to Subtopic 4.

Amendments shown in blue underline and ~~strike-through~~ relate to Subtopic 5.

## Chapter 1 Introduction: Chapter Amendment:

### Building Outline

- 1.7.6 Council may request that any application to establish a building is accompanied by the erection of poles, or another similar devices or method, to identify the bulk of the proposed building to be erected on the site. For applications within the rural environment, Council's expectation is that poles will be erected and that they~~and when erected, such poles~~ should remain in place until the Council decision is issued.

## Chapter 30 Energy and Utilities

### 30.2.8.1 Enabling the use and development of the National Grid by managing its adverse effects by:

- a. ~~only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;~~
- b. ~~avoiding Sensitive Activities within the National Grid Yard;~~
- c. ~~managing potential electrical hazards, and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;~~
- d. ~~managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.~~

### Recognise the benefits of the National Grid by:

- a. enabling the operation and maintenance of the National Grid;
- b. providing for the upgrade and development of the National Grid, while managing its adverse effects by:
  - i. seeking to avoid adverse effects on the values and attributes of the following:
    - A. Scheduled Significant Natural Areas, and those other areas that meet the criteria in Policy 33.2.1.8;
    - B. Outstanding Natural Landscapes and Features;
    - C. Rural Character Landscapes and other amenity landscapes;
    - D. Wahi Tupuna identified in the District Plan maps.
  - ii. where avoiding adverse effects on the values and attributes of the areas listed in (b)(i) above is not practicable, remedying or mitigating the adverse effects on those values and attributes;
- iii. Avoiding, remedying or mitigating other adverse effects;
- c. when considering the adverse effects ~~on~~ of the upgrade and development of the National Grid, having regard to:
  - i. the extent to which measures to avoid, remedy or mitigate adverse effects may be constrained by functional needs;
  - ii. the extent to which adverse effects have been addressed through site, route or method selection;
  - iii. opportunities to reduce existing adverse effects;
  - iv. offsetting for residual adverse effects on indigenous biological diversity.

### 30.2.8.23 Managing adverse effects on the National Grid by:

- a. only allowing new or extended buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;

- b. avoiding National Grid Sensitive Activities within the National Grid Yard and, to the extent reasonably possible, managing activities to avoid reverse sensitivity effects on the National Grid;
- c. managing potential electrical hazards, and the adverse effects of buildings, structures and National Grid Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;
- d. managing subdivision within the National Grid Subdivision Corridor to avoid reverse sensitivity effects and to ensure that the National Grid is not compromised.

30.2.8.32 In the event of any conflict between 30.2.8.1 or 30.2.8.2 and with:

- a. the objectives and policies in chapters 3, 6, 23, 24 and/or 33;
- b. Objectives 7.2.6, 8.2.5, and 9.2.6, and 21.2.1 or 21.2.4; or
- c. Policies 21.2.4.2, 30.2.6.1 and/or 30.2.7.1;

Objective 30.2.8 and Policies 30.2.8.1 and 30.2.8.2 takes precedence. The Assessment Matters (Landscape) in chapters 21 and 23 in this plan are relevant when implementing the policy 30.2.8.1.

## 21 Rural

**Please Note: Variations to parts of this chapter have been decided by Council on 7 March 2019 as part of Stage 2 of the PDP. You can view the Stage 2 Decisions, appeals and section 274 notices on our website. The appeal and section 274 periods for the Stage 1 and 2 Decisions have closed.**

### Topics 18 and 19 - Amendments agreed through Court-assisted mediation

**Key:**

#### *Topic 18*

Amendments shown in orange underline and ~~strike-through~~ relate to Subtopic 1.

Amendments shown in purple underline and ~~strike-through~~ relate to Subtopic 2.

Amendments shown in tan underline and ~~strike-through~~ relate to Subtopic 3.

Amendments shown in black underline and ~~strike-through~~ relate to Subtopic 4.

Amendments shown in blue underline and ~~strike-through~~ relate to Subtopic 5.

#### *Topic 19*

Amendments shown in red underline and ~~strike-through~~ relate to Topic 19.

**Note:**

Provisions shaded blue have been allocated to Topic 11 – Informal Airports.

### 21.1 Zone Purpose

There are four rural zones in the District. The Rural Zone is the most extensive of these. The Gibbston Valley is recognised as a special character area for viticulture production and the management of this area is provided for in Chapter 23: Gibbston Character Zone. Opportunities for rural living activities are provided for in the Rural-Residential and Rural Lifestyle Zones (Chapter 22).

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

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

Ski Area Sub-Zones are located within the Rural Zone. These Sub-Zones recognise the contribution tourism infrastructure makes to the economic and recreational values of the District. The purpose of the Ski Area Sub-Zones is to enable the continued development of Ski Areas as year round destinations

for ski area, tourism and recreational activities within the identified Sub-Zones where the effects of the development are cumulatively minor.

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

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

The Rural Zone is divided into two areas. The first being the area for Outstanding Natural Landscapes and Outstanding Natural Features. The second area being the Rural Character Landscape. These areas give effect to Chapter 3 – Strategic Direction: Objectives 3.2.5.1 and 3.2.5.2, and the policies in Chapters 3 and 6 that implement those objectives.

## 21.2 Objectives and Policies

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

A range of land uses, including farming, are enabled while:

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

### Policies

- 21.2.1.1 Enable farming activities while protecting, maintaining ~~and~~ or enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.
- 21.2.1.2 Allow Farm Buildings associated with landholdings of 100 hectares or more in area while managing effects of the location, scale and colour of the buildings on landscape values.
- 21.2.1.3 Require buildings to be set back a minimum distance from internal boundaries and road boundaries in order to mitigate potential adverse effects on landscape character, visual amenity, outlook from neighbouring properties and to avoid adverse effects on established and anticipated activities.
- 21.2.1.4 Minimise the dust, visual, noise and odour effects of activities by requiring them to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.

- 21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, waterbodies, roads, public places or views of the night sky.
- 21.2.1.6 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.
- 21.2.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata whenua.
- 21.2.1.8 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.
- 21.2.1.9 Provide adequate firefighting water and fire service vehicle access to ensure an efficient and effective emergency response.
- 21.2.1.10 Commercial activities in the Rural Zone ~~should~~ have a genuine direct link with, or dependence on, the rural land or water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.
- 21.2.1.11 Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural character, amenity values and landscape values.
- 21.2.1.12 ~~Encourage production forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes and outside of significant natural areas, and ensure production forestry does not degrade the landscape character or visual amenity values of the Rural Character Landscape.~~
- Encourage production forestry to:
- a. be consistent with topography and vegetation patterns; and
  - b. locate outside of the Outstanding Natural Features and Landscapes and outside of Significant Natural Areas;
  - c. while ensuring that rural landscape character, visual amenity or nature conservation values are not degraded.
- 21.2.1.13 Ensure forestry harvesting avoids adverse effects with regards to siltation and erosion and sites are rehabilitated to minimise runoff, erosion and effects on landscape values.
- 21.2.1.14 Limit exotic forestry to species that do not have potential to spread and naturalise.
- 21.2.1.15 Ensure traffic from new commercial activities ~~does not diminish~~ maintains rural amenity and does not affect:
- a. the safe and efficient operation of the roading and trail network; ~~or~~ and
  - b. access to public places.
- 21.2.1.16 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks networks on the basis that landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.
- 21.2.2 Objective - The life supporting capacity of soils is sustained.**



**Policies**

- 21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.
- 21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.
- 21.2.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of identified wilding exotic trees with the potential to spread and naturalise.
- 21.2.3 Objective - The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.**

**Policies**

- 21.2.3.1 In conjunction with the Otago Regional Council, regional plans and strategies:
- a. encourage activities that use water efficiently, thereby conserving water quality and quantity;
  - b. discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

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

**Policies**

- 21.2.4.1 New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.
- 21.2.4.2 Control the nature, scale and location ~~and type~~ of activities seeking to establish non-farming activities in the Rural Zone, so as to minimise conflict with between permitted and established activities, ~~and those~~ that may ~~not~~ be incompatible with those such activities

- 21.2.5 Objective - Prospecting, exploration and mMineral extraction opportunities are provided for on the basis the location, scale and effects would ~~not degrade~~ protect, maintain or restore rural amenity, water, wetlands, landscape and indigenous biodiversity values.**

**Policies**

- 21.2.5.1 Have regard to the importance and economic value of locally mined high-quality gravel, rock and other minerals including gold and tungsten.
- 21.2.5.2 ~~Provide for prospecting and small scale mineral exploration and recreational gold mining as activities with limited environmental impact.~~  
Provide for the following activities where they have limited environmental impact:
- a. prospecting;

b. small scale mineral exploration;

c. small scale mining by means of hand-held, non-motorised equipment; and

d. suction dredge mining that does not exceed 13 horsepower.

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

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

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

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

21.2.5.7 Have regard to undertaking mineral extraction activities in areas that have been previously mined, as a means of consolidating adverse effects of new mineral extraction activities.

**21.2.6 Objective - The future growth, development and consolidation of Ski Areas Activities within identified Ski Area Sub-Zones, is provided for, while adverse effects on the environment are avoided, remedied or mitigated.**

21.2.6.1 Identify Ski Area Sub-Zones and encourage Ski Area Activities and complementary tourism activities to locate and consolidate within the Sub-Zones.

21.2.6.2 Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.

21.2.6.3 Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub- Zone on the basis that the landscape and indigenous biodiversity values are not further degraded.

21.2.6.4 Provide for appropriate alternative (non-road) means of transport to and within Ski Area Sub-Zones, by way of passenger lift systems, terminal buildings and stations for passenger lift systems, and ancillary structures and facilities, while recognising that such activities may be visible from beyond the boundary of the site in question.

21.2.6.5 Provide for Ski Area Sub-Zone Accommodation activities within Ski Area Sub-Zones, which are complementary to outdoor recreation activities within the Ski Area Sub-Zone, that can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.

**21.2.7 Objective - An area that excludes activities which are sensitive to aircraft noise, is retained within an airport's Outer Control Boundary, to act as a buffer between airports and Activities Sensitive to Aircraft Noise.**

**Policies**

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

**21.2.8 Objective - Subdivision, use and development in areas that are unsuitable due to identified constraints ~~not addressed by other provisions of this Plan~~, is avoided, or the effects of those constraints are remedied or mitigated.**

**Policies**

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

**21.2.9 Objective - ~~Provision for d~~Diversification of farming and other rural activities that ~~sustain protect~~ landscape and ~~natural resource~~ nature conservation values and ~~maintains the character of rural landscapes~~.**

**Policies**

- 21.2.9.1 ~~Encourage revenue producing activities that can support the long term sustainability of the rural areas of the district and that maintain or enhance landscape values and rural amenity.~~
- 21.2.9.2 ~~Ensure that revenue producing activities utilise natural and physical resources (including existing buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources~~

Enable revenue producing activities that can support the long term sustainability of the rural areas of the District, provided that such activities:

- a. utilise natural and physical resources efficiently (including existing buildings and infrastructure);

- b. protect landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;
- c. maintain the landscape character of Rural Character Landscapes and maintain or enhance their visual amenity values;
- d. maintain or enhance amenity values within the rural environment; and
- e. maintain or enhance nature conservation values.

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

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

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

**Policies**

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

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

**Policies**

- 21.2.11.1 Ensure informal airports are located, operated and managed so as to maintain the surrounding rural amenity.
- 21.2.11.2 Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.
- 21.2.11.3 Protect lawfully established and anticipated permitted informal airports from the establishment of incompatible activities in the immediate vicinity.

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

**Policies**

- 21.2.12.1 Have regard to statutory obligations, wāhi Tūpuna and the spiritual beliefs, and cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins.
- 21.2.12.2 Enable people to have access to a wide range of recreational experiences on the lakes and rivers, and their margins, while having regard to environmental and safety constraints based on the identified characteristics and environmental limits of the various parts of each lake and river.
- 21.2.12.3 Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft, in areas of high passive recreational use, significant nature conservation values and wildlife habitat.
- 21.2.12.4 Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kawarau, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.
- 21.2.12.5 Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities with particular regard to nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.
- 21.2.12.6 Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.
- 21.2.12.7 Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.
- 21.2.12.8 Encourage development and use of water based public ferry systems services, and provide for water based transport, including necessary infrastructure and marinas, in a way that:
- a. avoids adverse effects on the environment as far as possible-practicable, or
  - b. where avoidance is not practicable, otherwise, remedies and mitigates such adverse effects.
- 21.2.12.9 Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.
- 21.2.12.10 Ensure Manage that the nature, scale and number of commercial boating activities operators and/or commercial boats on waterbodies to ensure do not exceed levels such that the safety of passengers and other users of the water

body, having particular regard to compatibility with existing activities cannot be assured.

**21.2.13 Objective - Rural industrial activities and infrastructure within the Rural Industrial Sub-Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.**

**Policies**

- 21.2.13.1 Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.
- 21.2.13.2 Provide for limited retail and administrative activities within the Rural Industrial Sub-Zone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.

**21.3 Other Provisions and Rules**

**21.3.1 District Wide**

Attention is drawn to the following District Wide chapters.

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

**21.3.2 Interpreting and Applying the Rules**

- 21.3.2.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.
- 21.3.2.2 Where an activity does not comply with a Standard listed in the Standards tables, the activity status identified by the 'Non-Compliance Status' column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 21.3.2.3 For controlled and restricted discretionary activities, the Council shall restrict the exercise of its control or discretion to the matters listed in the rule.
- 21.3.2.4 Development and building activities are undertaken in accordance with the conditions of resource subdivision consent and may be subject to monitoring by the Council.

- 21.3.2.5 The existence of a farm building either permitted or approved by resource consent under Rule 21.4.2 or Table 5 – Standards for Farm Buildings shall not be considered the permitted baseline for residential or other non- farming activity development within the Rural Zone.
- 21.3.2.6 The Ski Area and Rural Industrial Sub-Zones, being Sub-Zones of the Rural Zone, require that all rules applicable to the Rural Zone apply unless stated to the contrary.
- 21.3.2.7 Building platforms identified on a site’s computer freehold register shall have been registered as part of a resource consent approval by the Council.
- 21.3.2.8 The surface and bed of lakes and rivers are zoned Rural, unless otherwise stated.
- 21.3.2.9 Internal alterations to buildings including the replacement of joinery is permitted.
- 21.3.2.10 The status of any Plantation Forestry will be determined by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except where the land is an ONL, ONF or contains an SNA.
- 21.3.2.11 These abbreviations are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

### 21.3.3 Advice Notes

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

[21.3.3.4 Jetties and wharves shall have the same meaning.](#)

## 21.4 Rules – Activities

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

Table 1 – Activities Generally

Table 2 – Standards Applying Generally in the Zone

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

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

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

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

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

~~Table 8 – Standards for Mining and Extraction Activities (additional to those in Table 2)~~

Table ~~8~~9 – Activities in the Ski Area Sub-Zone (additional to those listed in Table 1)

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

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

Table 11 – Standards for Rural Industrial Sub-Zone

Table 12 – Activities on the Surface of Lakes and Rivers

Table 13 – Standards for Activities on the Surface of Lakes and Rivers Table 14 – Closeburn Station Activities

Table 15 – Closeburn Station: Standards for Buildings and Structures

	<b>Table 1 – Activities – Rural Zone</b>	<b>Activity Status</b>
	<b>Farming Activities</b>	
<b>21.4.1</b>	Farming Activity that complies with the standards in Table 2 and Table 3.	P
<b>21.4.2</b>	Construction of or addition to farm buildings that comply with the standards in Table 5.	P
<b>21.4.3</b>	Factory Farming limited to factory farming of pigs or poultry that complies with the standards in Table 2 and Table 3.	P
<b>21.4.4</b>	Factory Farming animals other than pigs or poultry.	NC
	<b>Residential Activities</b>	
<b>21.4.5</b>	One residential unit, which includes a single residential flat for each residential unit and any other accessory buildings, within any building platform approved by resource consent.	P
<b>21.4.6</b>	The construction and exterior alteration of buildings located within a building platform approved by resource consent, or registered on the applicable computer freehold register, subject to compliance with the standards in Table 2 and Table 4.	P
<b>21.4.7</b>	The exterior alteration of any lawfully established building where there is not an approved building platform on the site, subject to compliance with the standards in Table 2 and Table 4.	P



	<b>Table 1 – Activities – Rural Zone</b>	<b>Activity Status</b>
<b>21.4.8</b>	Domestic Livestock.	P
<b>21.4.9</b>	The use of land or buildings for residential activity except as provided for in any other rule.	D
<b>21.4.10</b>	The identification of a building platform not less than 70m <sup>2</sup> and not greater than 1000m <sup>2</sup> .	D
<b>21.4.11</b>	The construction of any building including the physical activity associated with buildings including roading, access, lighting, landscaping and earthworks, not provided for by any other rule.	D
	<b>Commercial Activities</b>	
<b>21.4.12</b>	Home Occupation that complies with the standards in Table 6.	P
<b>21.4.13</b>	Commercial recreational activities that comply with the standards in Table 6.	P
<b>21.4.14</b>	Roadside stalls that meet the standards in Table 6.	P
<b>21.4.15</b>	Residential Visitor Accommodation and Homestays	P
<b>21.4.16</b>	Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site and that comply with the standards in Table 6, not undertaken through a roadside stall under Rule 21.4.14.  Control is reserved to:  a. the location of the activity and buildings; b. vehicle crossing location, car parking; c. rural amenity and landscape character.	C
<b>21.4.17</b>	Commercial activities ancillary to and located on the same site as commercial recreational or recreational activities.	D
<b>21.4.18</b>	Cafes and restaurants located in a winery complex within a vineyard.	D
<b>21.4.19</b>	Visitor Accommodation outside of a Ski Area Sub-Zone.	D
<b>21.4.20</b>	Forestry activities within the Rural Character Landscapes, except for Plantation Forestry where the Resource Management (Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017) Regulation 2017 prevails.	D
	<u><b>21.4.X1</b></u>  <u>Wedding facility including ancillary food preparation, dining, sanitary facilities, bar and recreational facilities.</u>	<u>D</u>

	<b>Table 1 – Activities – Rural Zone</b>	<b>Activity Status</b>
	<u>21.4.X2</u> <u>Restaurant including bar.</u>	<u>D</u>
	<u>21.4.X3</u> <u>Craft distillery or brewery.</u>	<u>D</u>
<b>21.4.21</b>	Retail Sales  Retail sales where the access is onto a State Highway, with the exception of the activities provided for by Rule 21.4.14 or Rule 21.4.16.	NC
	<b>Other Activities</b>	
<b>21.4.22</b>	Recreation and/or Recreational Activity.	P
<b>21.4.23</b>	Informal Airports that comply with Table 7.	P
<b>21.4.24</b>	Passenger Lift Systems not located within a Ski Area Sub-Zone Discretion is restricted to:  <ul style="list-style-type: none"> <li>a. the impact on landscape values from any alignment, earthworks, design and surface treatment, including measures to mitigate landscape effects including visual quality and amenity values;</li> <li>b. the route alignment and the whether any system or access breaks the line and form of skylines, ridges, hills and prominent slopes;</li> <li>c. earthworks associated with construction of the Passenger Lift System;</li> <li>d. the materials used, colours, lighting and light reflectance;</li> <li>e. geotechnical matters;</li> <li>f. ecological values and any proposed ecological mitigation works.;</li> <li>g. balancing environmental considerations with operational requirements of Ski Area Activities;</li> <li>h. the positive effects arising from providing alternative non-vehicular access and linking Ski Area Sub-Zones to the roading network.</li> </ul>	RD

	Table 1 – Activities – Rural Zone	Activity Status
	<p><b><u>21.4.A</u></b></p> <p><u>Terminal buildings and stations for Passenger Lift Systems not located within a Ski Area Sub-Zone</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li><u>a. landscape values and visual amenity values, including mitigation measures;</u></li> <li><u>b. access and car parking;</u></li> <li><u>c. natural hazards;</u></li> <li><u>d. height, size and number of buildings;</u></li> <li><u>e. building and structure materials used, colours, light reflectance and lighting;</u></li> <li><u>f. infrastructure;</u></li> <li><u>g. ecological values and any proposed ecological mitigation works;</u></li> <li><u>h. consideration of operational requirements;</u></li> <li><u>i. the positive effects arising from providing alternative non-vehicular access and linking Ski Area Sub-Zones to the roading network;</u></li> <li><u>j. earthworks, landform modification, landscaping and planting;</u></li> <li><u>k. the relationship, and scale, of ancillary food and beverage and retail activities relative to the operation of the terminal building or station;</u></li> <li><u>l. geotechnical matters.</u></li> </ul>	<u>RD</u>
	<p><b><u>21.4.B</u></b></p> <p><u>Ski Area Sub-Zone access roads not located within a Ski Area Sub-Zone</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li><u>a. the impact on landscape values from any alignment, earthworks and design and surface treatment, including measures to mitigate landscape effects including visual quality and amenity values;</u></li> <li><u>b. the route alignment and the whether the access road breaks the line and form of skylines, ridges, hills and prominent slopes;</u></li> <li><u>c. effects on the environment and/or the character of the surrounding rural area (including effects from dust, noise and vibration and effects on visual amenity);</u></li> <li><u>d. natural hazards;</u></li> <li><u>e. ecological values and any proposed ecological mitigation works;</u></li> <li><u>f. consideration of operational requirements;</u></li> <li><u>g. the positive effects arising from providing access to and linking Ski Area Sub-Zones to the roading network;</u></li> <li><u>h. stormwater management;</u></li> <li><u>l. geotechnical matters.</u></li> </ul>	<u>RD</u>

	<b>Table 1 – Activities – Rural Zone</b>	<b>Activity Status</b>
<b>21.4.25</b>	<p>Ski Area Activities not located within a Ski Area Sub-Zone, with the exception of:</p> <ul style="list-style-type: none"> <li>a. non-commercial skiing which is permitted as recreation activity under Rule 21.4.22;</li> <li>b. commercial heli skiing not located within a Ski Area Sub-Zone is a commercial recreation activity and Rule 21.4.13 applies;</li> <li>c. Passenger Lift Systems to which Rule 21.4.24 applies;</li> <li><u>d. Terminal Buildings and Stations for Passenger Lift Systems to which Rule 21.4.A applies;</u></li> <li><u>e. Ski Area Sub-Zone access roads to which Rule 21.4.B applies.</u></li> </ul>	<p><del>NC</del></p> <p><u>D</u></p>
<b>21.4.26</b>	Any building within a Building Restriction Area identified on the Planning Maps.	NC
	<b>Activities within the Outer Control Boundary at Queenstown Airport and Wanaka Airport</b>	
<b>21.4.27</b>	<p>New Building Platforms and Activities Sensitive to Aircraft Noise within the Outer Control Boundary - Wanaka Airport</p> <p>On any site located within the Outer Control Boundary, any new activity sensitive to aircraft noise or new building platform to be used for an activity sensitive to aircraft noise (except an activity sensitive to aircraft noise located on a building platform approved before 20 October 2010).</p>	PR
<b>21.4.28</b>	<p>Activities Sensitive to Aircraft Noise within the Outer Control Boundary - Queenstown Airport</p> <p>On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise.</p>	PR
	<b><u>Prospecting, Mineral Exploration and Mining Activities</u></b>	
<b>21.4.29</b>	<p><del>The following mining and extraction activities that comply with the standards in Table 8 are permitted:</del></p> <ul style="list-style-type: none"> <li>a. <del>M</del>mineral prospecting.</li> <li>b. <del>M</del>mining activity by means of hand-held, non-motorised equipment; and</li> <li>c. <del>M</del>mining activity by means of suction dredging, where the total motive power of any dredge does not exceed 103 horsepower (7510 kilowatt); and</li> <li>d. <del>T</del>he mining of aggregate for farming activities <del>provided, where</del> the total volume does not exceed 1000m<sup>3</sup> in any one year <u>and it is not undertaken on an outstanding natural feature.</u></li> </ul>	P

	<b>Table 1 – Activities – Rural Zone</b>	<b>Activity Status</b>
<b>21.4.30</b>	<p>Mineral exploration that:</p> <p><u>a.</u> does not involve <u>excavation of</u> more than 20m<sup>3</sup> in any one hectare; <u>and</u></p> <p><u>b.</u> <u>may involve one associated structure to be used for temporary storage of mineral exploration activity equipment, which does not exceed 30m<sup>2</sup> and a height of 3m.</u></p> <p>Control is reserved to:</p> <p>a. the adverse effects on landscape, nature conservation values and water quality;</p> <p>b. ensuring rehabilitation of the site is completed that ensures:</p> <p>i. the long-term stability of the site;</p> <p>ii. that the landforms or vegetation on finished areas are visually integrated into the landscape;</p> <p>iii. water quality is maintained;</p> <p>iv. that the land is returned to its original productive capacity;</p> <p>c. that the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation as determined utilising Section 33.3.3 of Chapter 33.</p> <p>d. <u>location, colour, visual prominence and the duration on site of any associated structure for temporary storage.</u></p>	C
<b>21.4.31</b>	Any <u>mineral exploration or mining activity</u> <del>or mineral prospecting</del> other than provided for in Rules 21.4.29 and 21.4.30.	D
	<b>Industrial Activities outside the Rural Industrial Sub-Zone</b>	
<b>21.4.32</b>	Industrial Activities directly associated with wineries and underground cellars within a vineyard.	D
<b>21.4.33</b>	Industrial Activities outside the Rural Industrial Sub-Zone other than those provided for by Rule 21.4.32.	NC
	<b>Default Activity Status When Not Listed</b>	
<b>21.4.34</b>	Any activity not otherwise provided for in Tables 1, 9, 10, 12 or 14.	NC

## 21.5 Rules – General Standards

	<b>Table 2 - Standards Applying Generally in the Zone.</b>	<b>Non-compliance Status</b>
	<b>The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated.</b>	
<b>21.5.1</b>	<p>Setback from Internal Boundaries</p> <p>The setback of any building from internal boundaries shall be 15m.</p> <p>Except this rule shall not apply within the Rural Industrial Sub-Zone. Refer to Table 11.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>rural amenity and landscape character;</li> <li>privacy, outlook and amenity from adjoining properties.</li> </ol>
<b>21.5.2</b>	<p>Setback from Roads</p> <p>The setback of any building from a road boundary shall be 20m, except, the minimum setback of any building from State Highway 6 between Lake Hayes and the Shotover River shall be 50m. The minimum setback of any building for other sections of State Highway 6 where the speed limit is 70 km/hr or greater shall be 40m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>rural Amenity and landscape character;</li> <li>open space;</li> <li>the adverse effects on the proposed activity from noise, glare and vibration from the established road.</li> </ol>
<b>21.5.3</b>	<p>Setback from Neighbours of Buildings Housing Animals</p> <p>The setback from internal boundaries for any building housing animals shall be 30m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>odour;</li> <li>noise;</li> <li>dust;</li> <li>vehicle movements.</li> </ol>
<b>21.5.4</b>	<p>Setback of buildings from Water bodies</p> <p>The minimum setback of any building from the bed of a wetland, river or lake shall be 20m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>indigenous biodiversity values;</li> <li>visual amenity values;</li> <li>landscape and natural character;</li> <li>open space;</li> <li>whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the adverse effects</li> </ol>

	<b>Table 2 - Standards Applying Generally in the Zone.</b>  <b>The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated.</b>	<b>Non-compliance Status</b>
		of the location of the building.
<b>21.5.5</b>	Airport Noise – Wanaka Airport  Alterations or additions to existing buildings, or construction of a building on a building platform approved before 20 October 2010, that contain an Activity Sensitive to Aircraft Noise and are within the Outer Control Boundary, must be designed to achieve an internal design sound level of 40 dB Ldn, based on the 2036 noise contours, at the same time as meeting the ventilation requirements in Rule 36.6.2, Chapter 36. Compliance can either be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level, or by installation of mechanical ventilation to achieve the requirements in Rule 36.6.2, Chapter 36.	NC
<b>21.5.6</b>	Airport Noise – Alteration or Addition to Existing Buildings (excluding any alterations of additions to any non-critical listening environment) within the Queenstown Airport Noise Boundaries  a. Within the Queenstown Airport Air Noise Boundary (ANB) - Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise must be designed to achieve an Indoor Design Sound Level of 40 dB Ldn, within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance must be demonstrated by either adhering to the sound insulation requirements in Rule 36.6.1 of Chapter 36 and installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 of Chapter 36, or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.  b. Between the Queenstown Airport Outer Control Boundary and the ANB – Alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise must be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance must be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule	NC

	<b>Table 2 - Standards Applying Generally in the Zone.</b>  <b>The following standards apply to any of the activities described in Tables 1, 9, 10, 12 and 14 in addition to the specific standards in Tables 3- 8, 11, 13 and 15 unless otherwise stated.</b>	<b>Non-compliance Status</b>
	<p>36.6.2 of Chapter 36 or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.</p> <p>Standards (a) and (b) exclude any alterations or additions to any non-critical listening environment.</p>	
<b>21.5.7</b>	<p>Lighting and Glare</p> <p>21.5.7.1 All fixed exterior lighting must be directed away from adjoining sites and roads; and</p> <p>21.5.7.2 No activity on any site will result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.</p> <p>21.5.7.3 There must be no upward light spill.</p> <p><u>Except this rule shall not apply within the Ski Area Sub-Zones.</u></p>	NC

## 21.6 Rule – Standards for Farm Activities

	<b>Table 3 – Standards for Farm Activities.</b>  <b>The following standards apply to Farm Activities.</b>	<b>Non- compliance Status</b>
<b>21.6.1</b>	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>All effluent holding tanks, effluent treatment and effluent storage ponds, must be located at least 300 metres from any formed road or adjoining property.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>odour;</li> <li>visual prominence;</li> <li>landscape character;</li> <li>effects on surrounding properties.</li> </ol>
<b>21.6.2</b>	Factory Farming (excluding the boarding of animals)	D



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

## 21.7 Rules – Standards for Buildings

	<b>Table 4 – Standards for Structures and Buildings</b> <b>The following standards apply to structures and buildings, other than Farm Buildings.</b>	<b>Non-compliance Status</b>
<b>21.7.1</b>	<p>Structures</p> <p>Any structure which is greater than 5 metres in length, and between 1 metre and 2 metres in height must be located a minimum distance of 10 metres from a road boundary, except for:</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. effects on landscape character, views and amenity, particularly from public roads;</p>

	<b>Table 4 – Standards for Structures and Buildings</b> <b>The following standards apply to structures and buildings, other than Farm Buildings.</b>	<b>Non-compliance Status</b>
	<p>21.7.1.1 Post and rail, post and wire and post and mesh fences, including deer fences;</p> <p>21.7.1.2 Any structure associated with farming activities as defined in this plan.</p>	<p>b. the materials used, including their colour, reflectivity and permeability;</p> <p>c. whether the structure will be consistent with traditional rural elements.</p>
<b>21.7.2</b>	<p><b>Buildings</b></p> <p>Any building, including any structure larger than 5m<sup>2</sup>, that is new, relocated, altered, re clad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building, are subject to the following:</p> <p>All exterior surfaces* must be coloured in the range of browns, greens or greys, including;</p> <p>21.7.2.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</p> <p>21.7.2.2 All other surface ** finishes except for schist, must have a light reflectance value of not greater than 30%.</p> <p>21.7.2.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.)</p> <p>Except this rule does not apply within the Ski Area Sub-Zones.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. external appearance;</p> <p>b. visual prominence from both public places and private locations;</p> <p>c. landscape character;</p> <p>d. visual amenity.</p>
<b>21.7.3</b>	<b>Building size</b>	<p>RD</p> <p>Discretion is restricted to:</p>

	<b>Table 4 – Standards for Structures and Buildings</b> <b>The following standards apply to structures and buildings, other than Farm Buildings.</b>	<b>Non-compliance Status</b>
	The ground floor area of any building must not exceed 500m <sup>2</sup> .  Except this rule does not apply to buildings specifically provided for within the Ski Area Sub-Zones.	<ul style="list-style-type: none"> <li>a. external appearance;</li> <li>b. visual prominence from both public places and private locations;</li> <li>c. landscape character;</li> <li>d. visual amenity;</li> <li>e. privacy, outlook and amenity from adjoining properties.</li> </ul>
<b>21.7.4</b>	<b>Building Height</b>  The maximum height shall be 8m.  <u>Except this rule does not apply to Passenger Lift Systems and Terminal Buildings and Stations for Passenger Lift Systems.</u>	RD  Discretion is restricted to: <ul style="list-style-type: none"> <li>a. rural amenity and landscape character;</li> <li>b. privacy, outlook and amenity from adjoining properties;</li> <li>c. visual prominence from both public places and private locations.</li> </ul>
<b>21.7.5</b>	<b>Fire Fighting water and access</b>  All new buildings, where there is no reticulated water supply or any reticulated water supply is not sufficient for fire-fighting water supply, must make the following provision for fire-fighting: <ul style="list-style-type: none"> <li>21.7.5.1 A water supply of 45,000 litres and any necessary couplings.</li> <li>21.7.5.2 A hardstand area adjacent to the firefighting water supply capable of supporting fire service vehicles.</li> <li>21.7.5.3 Firefighting water connection point within 6m of the hardstand, and 90m of the dwelling.</li> <li>21.7.5.4 Access from the property boundary to the firefighting water connection capable of accommodating and supporting fire service vehicles.</li> </ul>	RD  Discretion is restricted to: <ul style="list-style-type: none"> <li>a. the extent to which SNZ PAS 4509: 2008 can be met including the adequacy of the water supply;</li> <li>b. the accessibility of the firefighting water connection point for fire service vehicles;</li> <li>c. whether and the extent to which the building is assessed as a low fire risk.</li> </ul>

## 21.8 Rules – Standards for Farm Buildings

	<b>Table 5 - Standards for Farm Buildings</b> <b>The following standards apply to Farm Buildings.</b>	<b>Non- Compliance Status</b>
<b>21.8.1</b>	<p>Construction, Extension or Replacement of a Farm Building</p> <p>The construction, replacement or extension of a farm building is a permitted activity subject to the following standards:</p> <p>21.8.1.1 The landholding the farm building is located within must be greater than 100ha; and</p> <p>21.8.1.2 The density of all buildings on the landholding, inclusive of the proposed building(s) must not exceed one farm building per 50 hectares; and</p> <p>21.8.1.3 The farm building must not be located within or on an Outstanding Natural Feature (ONF); and</p> <p>21.8.1.4 If located within the Outstanding Natural Landscape (ONL) the farm building must not exceed 4 metres in height and the ground floor area must not exceed 100m<sup>2</sup>; and</p> <p>21.8.1.5 The farm building must not be located at an elevation exceeding 600 masl; and</p> <p>21.8.1.6 If located within the Rural Character Landscape (RCL), the farm building must not exceed 5m in height and the ground floor area must not exceed 300m<sup>2</sup>; and</p> <p>21.8.1.7 Farm buildings must not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the extent to which the scale and location of the Farm Building is appropriate in terms of:</p> <p>i. rural amenity values;</p> <p>ii. landscape character;</p> <p>iii. privacy, outlook and rural amenity from adjoining properties;</p> <p>iv. visibility, including lighting.</p>
<b>21.8.2</b>	<p>Exterior colours of farm buildings</p> <p>21.8.2.1 All exterior surfaces, except for schist, must be coloured in the range of browns, greens or greys (except soffits).</p> <p>21.8.2.2 Pre-painted steel, and all roofs must have a reflectance value not greater than 20%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. external appearance;</p> <p>b. visual prominence from both public places and private locations;</p> <p>c. landscape character.;</p> <p>d. visual amenity.</p>

	<b>Table 5 - Standards for Farm Buildings</b>	<b>Non- Compliance Status</b>
	<b>The following standards apply to Farm Buildings.</b>	
	21.8.2.3 Surface finishes, except for schist, must have a reflectance value of not greater than 30%.	
<b>21.8.3</b>	<p>Building Height</p> <p>The height of any farm building must not exceed 10m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. rural amenity values;</li> <li>b. landscape character;</li> <li>c. privacy, outlook and amenity from adjoining properties.</li> </ul>
<b>21.8.4</b>	<p>Dairy Farming (Milking Herds, Dry Grazing and Calf Rearing)</p> <p>All milking sheds or buildings used to house, or feed milking stock must be located at least 300 metres from any adjoining property, lake, river or formed road.</p>	D

## 21.9 Rules – Standards for Commercial Activities

	<b>Table 6 - Standards for Commercial Activities</b>	<b>Non-Compliance Status</b>
<b>21.9.1</b>	Commercial recreational activities must be undertaken on land, outdoors and must not involve more than <del>12</del> 15 persons in any one group	D
<b>21.9.2</b>	<p>Home Occupation</p> <p>21.9.2.1 The maximum net floor area of home occupation activities must not exceed 150m<sup>2</sup>.</p> <p>21.9.2.2 Goods materials or equipment must not be stored outside a building.</p> <p>21.9.2.3 All manufacturing, altering, repairing, dismantling or processing of any goods or articles must be carried out within a building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. the nature, scale and intensity of the activity in the context of the surrounding rural area;</li> <li>b. visual amenity from neighbouring properties and public places;</li> <li>c. noise, odour and dust;</li> <li>d. the extent to which the activity requires a rural location because of its link to any rural resource in the Rural Zone;</li> <li>e. access safety and transportation effects.</li> </ul>

	Table 6 - Standards for Commercial Activities	Non-Compliance Status
<b>21.9.3</b>	<p>Roadside Stalls</p> <p>21.9.3.1 The ground floor area of the roadside stall must not exceed 5m<sup>2</sup>.</p> <p>21.9.3.2 The height must not exceed 2m2;</p> <p>21.9.3.3 The minimum sight distance from the roadside stall access must be at least 200m;</p> <p>21.9.3.4 The roadside stall must not be located on legal road reserve</p>	D
<b>21.9.4</b>	<p>Retail Sales</p> <p>Buildings that have a gross floor area that is greater than 25m<sup>2</sup> to be used for retail sales identified in Table 1 must be setback from road boundaries by at least 30m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>landscape character and visual amenity;</li> <li>access safety and transportation effects;</li> <li>on-site parking.</li> </ol>
<b>21.9.5</b>	<p>Residential Visitor Accommodation</p> <p>21.9.5.1 Must not exceed a cumulative total of 90 nights occupation by paying guests on a site per 12 month period.</p> <p>21.9.5.2 The Council must be notified in writing prior to the commencement of a Residential Visitor Accommodation activity.</p> <p>21.9.5.3 Up to date records of the Residential Visitor Accommodation activity must be kept, including a record of the date and duration of guest stays and the number of guests staying per night, and in a form that can be made available for inspection by the Council at 24 hours' notice.</p> <p>21.9.5.4 Smoke alarms must be provided in accordance with clause 5 of the Residential Tenancies (Smoke Alarms and Insulation) Regulations 2016.</p> <p>Note: The Council may request that records are made available to the Council for inspection at 24 hours' notice, in order to monitor compliance with rules 21.9.5.1 to 21.9.5.4.</p>	<p>C</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>The scale of the activity, including the number of guests per night and the number guest nights the activity operates in a 12 month period;</li> <li>The management of noise, rubbish and outdoor activities;</li> <li>The compliance of the residential unit with the Building Code as at the date of the consent;</li> <li>Health and safety provisions in relation to guests;</li> <li>Guest management and complaints procedures;</li> <li>The keeping of records of RVA use, and availability of records for Council inspection; and</li> </ol>

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

## 21.10 Rules – Standards for Informal Airports

	Table 7 - Standards for Informal Airports	Non-compliance Status
<b>21.10.1</b>	<p>Informal Airports Located on Public Conservation and Crown Pastoral Land</p> <p>Informal airports that comply with the following standards shall be permitted activities:</p> <p>21.10.1.1 Informal airports located on Public Conservation Land where the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987.</p> <p>21.10.1.2 Informal airports located on Crown Pastoral Land where the operator of the aircraft is operating in accordance with</p>	D

	<b>Table 7 - Standards for Informal Airports</b>	<b>Non-compliance Status</b>
	<p>a Recreation Permit issued pursuant to Section 66A of the Land Act 1948.</p> <p>21.10.1.3 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities, or the Department of Conservation or its agents.</p> <p>21.10.1.4 In relation to Rules 21.10.1.1 and 21.10.1.2, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit or approved building platform not located on the same site.</p>	
<b>21.10.2</b>	<p><b>Informal Airports Located on other Rural Zoned Land</b></p> <p>Informal Airports that comply with the following standards shall be permitted activities:</p> <p>21.10.2.1 Informal airports on any site that do not exceed a frequency of use of 2 flights* per day;</p> <p>21.10.2.2 Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</p> <p>21.10.2.3 In relation to point Rule 21.10.2.1, the informal airport shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential unit of building platform not located on the same site.</p> <p>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</p>	<b>D</b>

### **21.11 Rules – Standards for Mining**

	<b>Table 8 – Standards for Mining and Extraction Activities</b>	<b>Non-Compliance Status</b>
<b>21.11.1</b>	21.11.1.1 The activity will not be undertaken on an Outstanding Natural Feature.	NC



	<b>Table 8 – Standards for Mining and Extraction Activities</b>	<b>Non-Compliance Status</b>
	21.11.1.2 The activity will not be undertaken in the bed of a lake or river.	

## 21.12 Rules- Ski Area and Sub-Zone

	<b>Table 9 - Activities in the Ski Area Sub-Zone</b> <b>Additional to those activities listed in Table 1.</b>	<b>Activity Status</b>
<b>21.12.1</b>	Ski Area Activities	P
<b>21.12.2</b>	Construction, relocation, addition or alteration of a building  Control is reserved to: <ul style="list-style-type: none"> <li>a. location, external appearance and size, colour, visual dominance;</li> <li>b. associated earthworks, access and landscaping;</li> <li>c. provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary);</li> <li>d. lighting.</li> </ul>	C
<b>21.12.3</b>	Passenger Lift Systems  Control is reserved to: <ul style="list-style-type: none"> <li>a. the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes;</li> <li>b. whether the materials and colour to be used are consistent with the rural landscape of which passenger lift system will form a part;</li> <li>c. the extent of any earthworks required to construct the passenger lift system, in terms of the limitations set out in Chapter 25 Earthworks;</li> <li>d. balancing environmental considerations with operational characteristics.</li> </ul>	C
<b>21.12.4</b>	Night lighting <u>for the purposes of night skiing</u>  Control is reserved to: <ul style="list-style-type: none"> <li>a. hours of operation;</li> <li>b. duration and intensity;</li> <li>c. impact on surrounding properties.</li> </ul>	C
<b>21.12.5</b>	Vehicle Testing  In the Waiorau Snow Farm Ski Area Activity Sub-Zone; the construction of access ways and tracks associated with the testing of vehicles, their parts and accessories.  Control is reserved to: <ul style="list-style-type: none"> <li>a. gravel and silt run off;</li> </ul>	C

	<b>Table 9 - Activities in the Ski Area Sub-Zone</b> <b>Additional to those activities listed in Table 1.</b>	<b>Activity Status</b>
	<ul style="list-style-type: none"> <li>b. stormwater, erosion and siltation;</li> <li>c. the sprawl of tracks and the extent to which earthworks modify the landform;</li> <li>d. stability of over-steepened embankments.</li> </ul>	
<b>21.12.6</b>	Retail activities ancillary to Ski Area Activities  Control is reserved to: <ul style="list-style-type: none"> <li>a. location;</li> <li>b. hours of operation with regard to consistency with ski-area activities;</li> <li>c. amenity effects, including loss of remoteness or isolation;</li> <li>d. traffic congestion, access and safety;</li> <li>e. waste disposal;</li> <li>f. cumulative effects.</li> </ul>	C
<b>21.12.7</b>	Ski Area Sub-Zone Accommodation  Comprising a duration of stay of up to 6 months in any 12-month period and including worker accommodation.  Discretion is restricted to: <ul style="list-style-type: none"> <li>a. scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation;</li> <li>b. location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any);</li> <li>c. parking;</li> <li>d. provision of water supply, sewage treatment and disposal;</li> <li>e. cumulative effects;</li> <li>f. natural hazards.</li> </ul>	RD
<b>21.12.8</b>	Earthworks, buildings and infrastructure within the No Building and Earthworks Line in the Remarkables Ski Area Sub-Zone	PR

### **21.X Standards for activities within the Ski Area Sub-Zone**

	<b><u>Table X – Standards for activities within the Ski Area Sub-Zone</u></b>	<b><u>Non- Compliance Status</u></b>
	<b><u>21.X.1</u></b>  <u>Night lighting other than for night skiing</u>  <u>All fixed exterior lighting other than for night skiing as identified in Rule 21.12.4:</u>	<u>RD</u>  <u>Discretion is restricted to:</u> <ul style="list-style-type: none"> <li>a. <u>hours of operation;</u></li> <li>b. <u>duration and intensity;</u></li> </ul>

	<b>Table X – Standards for activities within the Ski Area Sub-Zone</b>	<b>Non- Compliance Status</b>
	<p><u>21.12.9.1</u> Must be directed away from adjoining sites and roads.</p> <p><u>21.12.9.2</u> Must not result in greater than 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.</p> <p><u>21.12.9.3</u> There must be no upward light spill.</p>	<p>c. <u>impact on surrounding properties;</u></p> <p>d. <u>effect on views of the night sky.</u></p>

### 21.13 Rules – Activities in Rural Industrial Sub-Zone

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

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

	<b>Table 11 – Standards for activities within the Rural Industrial Sub Zone</b> <b>These Standards apply to activities listed in Table 1 and Table 10.</b>	<b>Activity Status</b>
<b>21.14.1</b>	Buildings  Any building, including any structure larger than 5m <sup>2</sup> , that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more	RD  Discretion is restricted to: a. external appearance;

	<p>than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surface must be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>21.14.1.1 Pre-painted steel and all roofs must have a reflectance value not greater than 20%; and,</p> <p>21.14.1.2 All other surface finishes must have a reflectance value of not greater than 30%.</p>	<p>b. visual prominence from both public places and private locations;</p> <p>c. landscape character.</p>
<b>21.14.2</b>	<p>Building size</p> <p>The ground floor area of any building must not exceed 500m<sup>2</sup>.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. external appearance;</p> <p>b. visual prominence from both public places and private locations;</p> <p>c. visual amenity;</p> <p>d. privacy, outlook and amenity from adjoining properties.</p>
<b>21.14.3</b>	<p>Building Height</p> <p>The height for of any industrial building must not exceed 10m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. rural amenity and landscape character;</p> <p>b. privacy, outlook and amenity from adjoining properties.</p>
<b>21.14.4</b>	<p>Setback from Sub-Zone Boundaries</p> <p>The minimum setback of any building within the Rural Industrial Sub-Zone shall be 10m from the Sub-Zone boundaries.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the requirement for landscaping to act as a buffer between the Rural Industrial Sub-Zone and neighbouring properties and whether there is adequate room for landscaping within the reduced setback;</p> <p>b. rural amenity and landscape character;</p> <p>c. Privacy, outlook and amenity from adjoining properties.</p>
<b>21.14.5</b>	<p>Retail Activities</p>	<p>NC</p>

	Retail activities including the display of items for sale must be undertaken within a building and must not exceed 10% of the building's total floor area.	
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## 21.15 Rules – Activities on the Surface of Lakes and Rivers

	Table 12 - Activities on the Surface of Lakes and Rivers	Activity Status
<b>21.15.1</b>	Activities on the surface of lakes and river not otherwise controlled or restricted by rules in Table 14.	P
<b>21.15.2</b>	<p>Motorised Recreational and Commercial Boating Activities</p> <p>The use of motorised craft for the purpose of emergency search and rescue, hydrological survey, public scientific research, resource management monitoring or water weed control, or for access to adjoining land for farming activities.</p>	P
<b>21.15.3</b>	<p>Motorised Recreational Boating Activities</p> <p>Hawea River, motorised recreational boating activities on no more than six (6) days in each year subject to the following conditions:</p> <ol style="list-style-type: none"> <li>at least four (4) days of such activity are to be in the months January to April, November and December;</li> <li>the Jet Boat Association of New Zealand ("JBANZ") (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day;</li> <li>the prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and</li> <li>JBANZ gives two (2) calendar months written notice to the Council's Harbour-Master of both the proposed dates and the proposed operating schedule;</li> <li>the Council's Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (non-motorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hawea River on that day, and issues an approved operating schedule;</li> <li>JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating;</li> <li>public notification for the purposes of (f) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hawea River.</li> </ol>	P
<a href="#">21.15.X</a>	<a href="#">Minor repairs, maintenance or alterations of existing operational jetties and moorings</a>	<a href="#">P</a>
<b>21.15.4</b>	Jetboat Race Events	C

	<p>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>a. the date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity;</li> <li>b. the adequacy of public notice of the event;</li> <li>c. public safety.</li> </ol>	
<b>21.15.5</b>	<p>Public water ferry services</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. Effects on the transport network.</li> <li>b. Effects on navigational safety.</li> <li>c. Location, scale, and intensity of the activity.</li> <li>d. Effects on landscape and amenity values.</li> <li>e. Congestion and safety, including effects on other commercial operators and recreational users.</li> <li>f. Waste disposal.</li> <li>g. Cumulative effects.</li> </ol>	RD
<b>21.15.6</b>	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands;</li> <li>b. whether the structure causes an impediment to craft manoeuvring and using shore waters.</li> <li>c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline;</li> <li>d. the effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect;</li> <li>e. whether the structure will be used by a number and range of people and craft, including the general public;</li> <li>f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design.</li> <li>g. <a href="#">whether the structure enables the use of public water ferry services and/or water based transport.</a></li> </ol>	RD
<b>21.15.7</b>	<p>Structures and Moorings</p> <p>Subject to Rule 21.15.8 any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers.</p>	D

21.15.8	Structures and Moorings  Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.	NC
21.15.9	Motorised and non-motorised Commercial Boating Activities  Except where otherwise limited by a rule in Table 12.  Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each.  <a href="#">Note: this rule does not apply to Public Water Ferry Services.</a>	D
21.15.10	Motorised Recreational and Commercial Boating Activities  The use of motorised craft on the following lakes and rivers is prohibited except as provided for under Rules 21.15.2 or 21.15.3.  21.15.10.1 Hawea River.  21.15.10.2 Lake Hayes - Commercial boating activities only.  21.15.10.3 Any tributary of the Dart and Rees rivers (except the Beansburn and Rockburn tributaries of the Dart River) or upstream of Muddy Creek on the Rees River.  21.15.10.4 Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.  21.15.10.5 Dingle Burn and Timaru Creek.  21.15.10.6 The tributaries of the Hunter River.  21.15.10.7 Hunter River during the months of May to October inclusive.  21.15.10.8 Motatapu River.  21.15.10.9 Any tributary of the Matukituki River.  21.15.10.10 <a href="#">Jet boat races on the</a> Clutha River - More than six jet boat race days per year as allowed by Rule 21.15.4.	PR

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

	Table 13 - Standards for Surface of Lakes and Rivers  These Standards apply to the Activities listed in Table 12.	Non Compliance Status
21.16.1	Boating craft used for Accommodation	NC

	<p>Boating craft on the surface of the lakes and rivers may be used for accommodation, providing that:</p> <p>21.16.1.1 The craft must only be used for overnight recreational accommodation; and</p> <p>21.16.1.2 The craft must not be used as part of any commercial activity; and</p> <p>21.16.1.3 All effluent must be contained on board the craft and removed ensuring that no effluent is discharged into the lake or river.</p>	
<b>21.16.2</b>	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.</p> <p>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:</p> <p>21.16.2.1 Be closer than 200 metres to any existing jetty;</p> <p>21.16.2.2 Exceed 20 metres in length;</p> <p>21.16.2.3 Exceed four berths per jetty, of which at least one berth is available to the public at all times;</p> <p>21.16.2.4 Be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty reside; <u>and</u></p> <p><a href="#">21.16.2.5 Standards 21.16.2.1 to 21.2.16.4 do not apply to jetties and moorings for Public Water Ferry Services.</a></p>	NC
<b>21.16.3</b>	<p>The following activities are subject to compliance with the following standards:</p> <p>21.16.3.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft, other than Public <a href="#">Water Ferry Services and water-based transport</a> <del>transport ferry activities</del>, may only operate between the hours of 0800 to 2000.</p> <p>21.16.3.2 Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations must only be undertaken between the hours of 0800 to 2100 on Lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.</p> <p>21.16.3.3 Dart and Rees Rivers - Commercial motorised craft must only operate between the hours of 0800 to</p>	NC



	<p>1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft must only operate between the hours of 1000 to 1700.</p> <p>21.16.3.4 Dart River – The total number of commercial motorised boating activities must not exceed 26 trips in any one day. No more than two commercial jet boat operators may operate upstream of the confluence of the Beansburn, other than for tramper and angler access only.</p>	
<b>21.16.4</b>	<p><u>Minor repairs, maintenance or alterations of existing operational jetties and moorings shall comply with the following standards:</u></p> <p><u>21.16.4.1 any materials used must be the same, or where different, substantially similar in terms of texture and appearance, including colour; and</u></p> <p><u>21.16.4.2 any change to the scale of the jetty or mooring must not exceed 5% in any consecutive 5 year period.</u></p>	<u>D</u>

### 21.17 Rules – Closeburn Station Activities

	Table 14 – Closeburn Station: Activities	Activities
<b>21.17.1</b>	<p>The construction of a single residential unit and any accessory building(s) within lots 1 to 6, 8 to 21 DP 26634 located at Closeburn Station.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> <li>external appearances and landscaping, with regard to conditions 2.2(a), (b), (e) and (f) of resource consent RM950829;</li> <li>associated earthworks, lighting, access and landscaping;</li> <li>provision of water supply, sewage treatment and disposal, electricity and telecommunications services.</li> </ol>	C

### 21.18 Rules – Closeburn Station Standards

	Table 15 – Closeburn Station: Standards for Buildings and Structures	Activities
<b>21.18.1</b>	<p>Setback from Internal Boundaries</p> <p>21.18.1.1 The minimum setback from internal boundaries for buildings within lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 2 metres.</p>	D

	21.18.1.2 There shall be no minimum setback from internal boundaries within lots 7 and 22 to 27 DP300573 at Closeburn Station.	
<b>21.18.2</b>	<p>Building Height</p> <p>21.18.2.1 The maximum height of any building, other than accessory buildings, within Lots 1 and 6 and 8 to 21 DP 26634 at Closeburn Station shall be 7m.</p> <p>21.18.2.2 The maximum height of any accessory building within Lots 1 to 6 and 8 to 21 DP 26634 at Closeburn Station shall be 5m.</p> <p>21.18.2.3 The maximum height of any building within Lot 23 DP 300573 at Closeburn Station shall be 5.5m.</p> <p>21.18.2.4 The maximum height of any building within Lot 24 DP 300573 at Closeburn Station shall be 5m.</p>	NC
<b>21.18.3</b>	<p>Residential Density</p> <p>In the Rural Zone at Closeburn Station, there shall be no more than one residential unit per allotment (being lots 1-27 DP 26634); excluding the large rural lots (being lots 100 and 101 DP 26634) held in common ownership.</p>	NC
<b>21.18.4</b>	<p>Building Coverage</p> <p>In lots 1-27 at Closeburn Station, the maximum residential building coverage of all activities on any site shall be 35%.</p>	NC

## 21.19

## 21.20 Rules Non-Notification of Applications

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

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