

**BEFORE THE HEARINGS PANEL FOR THE QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER**

of a Variation to the proposed  
Queenstown Lakes District Plan (Te  
Pūtahi Ladies Mile) in accordance with  
Part 5 of Schedule 1 to the Resource  
Management Act 1991

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**STATEMENT OF EVIDENCE OF NICK GEDDES FOR SUBMITTER 55 &  
FURTHER SUBMITTERS: FS 143 – 147, 149 & 150**

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Dated: 20<sup>th</sup> October 2023



**Nick Geddes** Resource Management  
Planner  
BSc, Grad Dip ES

**DD:** +64 3 441 6071

**Cell:** 021 0527 311

**E:** [ngeddes@cfma.co.nz](mailto:ngeddes@cfma.co.nz)

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## **Qualifications and experience**

1. My name is Nicholas Karl Geddes. I hold a degree of Bachelor of Science majoring in Geography and Graduate Diploma in Environmental Science from Otago University.
2. I have twenty years' experience as a resource management practitioner, with past positions as a Planner in local Government in Auckland, private practice in Queenstown and contract work in London, England. I currently hold a planning consultant position with Clark Fortune McDonald & Associates Limited.
3. I was employed by a Queenstown consultancy in 1999 before moving to Auckland City Council in 2001 where I held a senior planning position with Auckland City Environments. Leaving Auckland in 2005 I worked in London as a planner for two and a half years before returning to Queenstown where I have been practicing as a planning consultant since.
4. While my work experience (in part) has been outside of the Lakes District, Queenstown has been my hometown since 1976 so I am very familiar with the landscape and locations within the Queenstown Lakes District and the subject site of this evidence.
5. I have been a practicing consultant involved in a wide range of developments, district plan policy development and the preparation and presentation of expert evidence before Councils and the Environment Court.
6. I have been involved in the Proposed District Plan (**PDP**) process preparing submissions, evidence, attending Commissioner hearings and Court hearings for Topics 25, 30 & 13 in relation to the Wakatipu Basin (Chapter 24).

## **Code of conduct of expert witnesses**

7. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

## Scope of evidence

8. In preparing this statement of evidence I have considered the following documents:
  - (a) Section 32 Evaluation Report: Te Pūtahi Ladies Mile Zones (April 2023) and Appendices.
  - (b) Application for request to use a Streamlined Planning Process and Appendices.
  - (c) Section 42A Hearing Report and Appendices.
  - (d) Statements of Evidence from:
    - Mr Fraser Wilson, Geotechnical evidence for Queenstown Lakes District Council (QLDC), 29<sup>th</sup> September 2023.
    - Ms Bridget Gilbert, Landscape evidence for QLDC, 29<sup>th</sup> September 2023.
    - Mr Steve Skelton, Landscape evidence for QLDC, 29<sup>th</sup> September 2023.
  - (e) The Wakatipu Basin Rural Amenity Zone provisions as confirmed by decisions of the Environment Court.
  - (f) Otago Regional Policy Statements 2019 & 2021.
  - (g) Proposed District Plan (**PDP**) decisions version of Chapters 3,4 & 27.
  - (h) Submission 107.
  
9. I have structured my evidence to include:
  - i. Submission 55
  - ii. Further Submission 149
  - iii. Further Submission 150
  - iv. Further Submissions 143-147
    - Site & Surrounding Area
    - Wakatipu Basin Rural Amenity Zone – Lifestyle Precinct
    - Ladies Mile Zone – Sub-Area K
    - Effects on the Environment
    - Objectives & Policies
    - Section 42A Hearing Report
    - Conclusion

## Executive Summary

10. **Submission 55** the relief sought by this submission is no longer pursued.
11. **Further Submission FS149** does not want any evidence prepared on their behalf beyond the relief sought in the submission and they no longer seek that anyone speaks on their behalf at the hearing.
12. **Further Submission FS150** supports the conclusions reached in the s42A report and does not want any evidence prepared on their behalf and they no longer seek that anyone speaks on their behalf at the hearing.
13. **Further Submissions FS143 – 147** I would like to alert the Panel to the statements prepared by the Cole-Baileys, Rodwells, Arnestedts and Oakes as contained in Appendix 1 to my evidence. I discuss these statements within my evidence, yet I do not want to derogate from the sentiments which are set out in these statements, so I ask the Panel to read these directly and not through my evidence alone.
14. Based upon Mr Skelton's evidence, I consider that the re-zoning sought by the Hutchinson submission will result in unacceptable adverse effects on landscape and visual amenity values as well as the Shotover River ONF in terms of s76(3)<sup>1</sup> and will not achieve sections 6(b), 7 (c) & (f) in terms of Part 2 of the RMA.
15. In my opinion, it is clear that the construction of 58 residential units standing 8m high on top of the large escarpment formation to the east of the further submitters land results in significant and unacceptable adverse effects upon residential privacy / amenity as well as rural amenity values by way of dominance and overlooking. For this reason, I find that the Hutchinson submission will result in unacceptable adverse effects in terms amenity values in terms of s76(3)<sup>2</sup> and will not achieve section 7 (c) & (f) in terms of Part 2 of the RMA.
16. I believe that the noise emission from an additional 55 residential units as sought by the Hutchinson submission is an effect which cannot be

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<sup>1</sup> Whether the provisions [rules] have regard to the actual or potential effects on the environment, including, in particular, any adverse effect.

<sup>2</sup> Ibid.

satisfactorily mitigated whilst a LDR outcome is sought. Therefore, I believe the proposed re-zoning as sought by the Hutchinson submission cannot achieve section 31(1)(d) and will result in a significant and unacceptable effect in terms of s76(3) of the RMA.

17. Noise from construction and development works is generally accepted as being an effect which is not lasting and temporary. However, the construction of 58 residential units on the lower terrace and a total of 341 – 398 residential units across the Hutchinson land invites a significant number of contractors and tradespeople to the site, to the point where I do not believe that the noise generated from these activities could be considered as a temporary effect and would be an effect which cannot achieve section 31(1)(d) nor s76(3) nor section 7 (c) & (f) in terms of Part 2 of the RMA.
18. For the reasons set out in the assessment of effects on the environment, I believe the Hutchinson submission does not achieve:
  - Otago Regional Policy Statement 2021, Objective NFL–O1 and Policy NFL–P3.
  - PDP Chapter 3, Strategic Direction Policies 3.2.5.3, 3.2.5.8 and 3.3.31.
  - PDP Chapter 4, Urban Development Objective 4.2.2 B.
19. The Section 42A Hearing Report considers the Hutchinson submission to be out of scope as it is not “on” the Variation. I agree. Mr Todd will address the matter of scope at the Hearing on behalf of the further submitters.

## **Submission 55**

### Neil McDonald & Clark Fortune McDonald

20. This submission was filed on behalf of Neil McDonald as landowner of 309 Lower Shotover Road and Clark Fortune McDonald & Associates as a business owner located at 309 Lower Shotover Road.
21. Mr McDonald has indicated that he now no longer wishes to pursue the relief set out in Submission 55.
22. Clark Fortune McDonald & Associates (CFMA) notes that its business activities are undertaken during the day and largely outside of peak hours.

Therefore, its business operations will largely remain unaffected should the proposal mode shift fail and subsequently the functionality of the Shotover River bridge be compromised.

23. CFMA generally accepts the amendments suggested in its submission have been adopted by the s42A report by Mr Brown. Sufficiently so, that it considers the relief sought by submission 55 has been satisfied.
24. Based upon the above, the relief sought by this submission is no longer pursued.

#### **Further Submission FS149**

##### Graham & Lynne Sim

25. Graham and Lynne Sim have confirmed they no longer wish that any evidence is prepared on their behalf beyond the relief sought in the submission, and they no longer seek that anyone speaks on their behalf at the hearing.

#### **Further Submission FS150**

##### Grant & Sharon Stalker

26. The Section 42A Hearing Report (**42A report**) considers the Hutchinson submission to be out of scope as it is not “on” the Variation. The Stalker’s agree.
27. The Hutchinson submission has been considered by QLDC’s landscape, urban design, residential economics and transport experts and for the reasons set out in their evidence, they oppose the Hutchinson submission. The Stalker’s agree with the 42A report in this regard.
28. Based upon the Stalker’s agreement with the 42A report, they no longer wish that any evidence is prepared on their behalf, and they no longer seek that anyone speaks on their behalf at the hearing.

#### **Further Submission FS143 – 147**

29. These further submissions are from Dan and Mitzi Cole-Bailey, Dot and Hans Arnedstedt, Graeme Rodwell, Les and Lesley Huckins, and Robert and Joy Oakes (**further submitters**). The further submitters filed submissions

opposing the relief sought in the submission 107 by Anna Hutchinson, Tim Hutchinson and John Tavendale as trustees of the Anna Hutchinson Family Trust (**Hutchinson submission**).

30. I would like to alert the Panel to the statements prepared by the Cole-Baileys, Rodwells, Arnestedts and Oakes as contained in Appendix 1 to my evidence. I will discuss these statements within my evidence, yet I do not want to derogate from the sentiments which are set out in these statements, so I ask the Panel to read these directly and not through my evidence alone.

### **Sites and surrounding area**

31. Photographs of the sites and surrounding area are contained in Appendix 2 to my evidence. As stated in the Cole-Bailey statement, I would encourage the Panel to visit the submitters properties from Spence Road.
32. All of the further submitters own land and live on Spence Road.
33. Spence Road is a no exit road without any thoroughfare. Whilst the historic bridge and the trail network offers a destination for some, predominately, traffic movements are otherwise from residents. As such, Spence Road has a low traffic volume by District standards and the northern part of Spence Road is a low speed environment.
34. Based upon the nature of Spence Road at its northern end, coupled with only six residences, I agree with the statements from further submitters that this is quiet and peaceful settlement and one I consider to be a very low noise environment.
35. The historic features within the settlement at the end of Spence Road have been set out in the Cole-Bailey statement. The settlement originated by way of its location to the Shotover River crossing / bridge as the original road into Frankton and Queenstown. In my opinion, this settlement now appears as a node of rural living and residential occupation within the wider Rural Amenity landscape of the Wakatipu Basin.
36. The topographical relationship between land owned by the submitters and land subject of the Hutchinson re-zoning submission has been captured by the image provided on Attachment C of Mr Skelton's evidence where in Figure 1 I have zoomed in to show the steep escarpment which rises above



the further submitter's dwellings. Land owned by the further submitters is highlighted and a larger copy is contained in Appendix 2 of my evidence alongside some photos of area.



Figure 1: Attachment C, Evidence of Steve Skelton – Appendix 2.

37. The setbacks from the common boundary<sup>33</sup> and the dwellings occupied by the further submitters are pictured in Appendix 2 and Figure 2 below, where the closest is 14.5m and on average 24.5m.



Figure 2: Dwelling Setback – Appendix 2.

<sup>33</sup> To land subject of the Hutchinson re-zoning submission.

## Wakatipu Basin Rural Amenity Zone - Lifestyle Precinct

38. Stage 2 of the Proposed District Plan (**PDP**) review process identified the further submitters properties and immediate area within the Lifestyle Precinct subzone of the Wakatipu Basin Rural Amenity Zone (**WBRAZ**), PDP Chapter 24. The area is within Landscape Category Unit 7 – Domain Road Shotover Terrace.

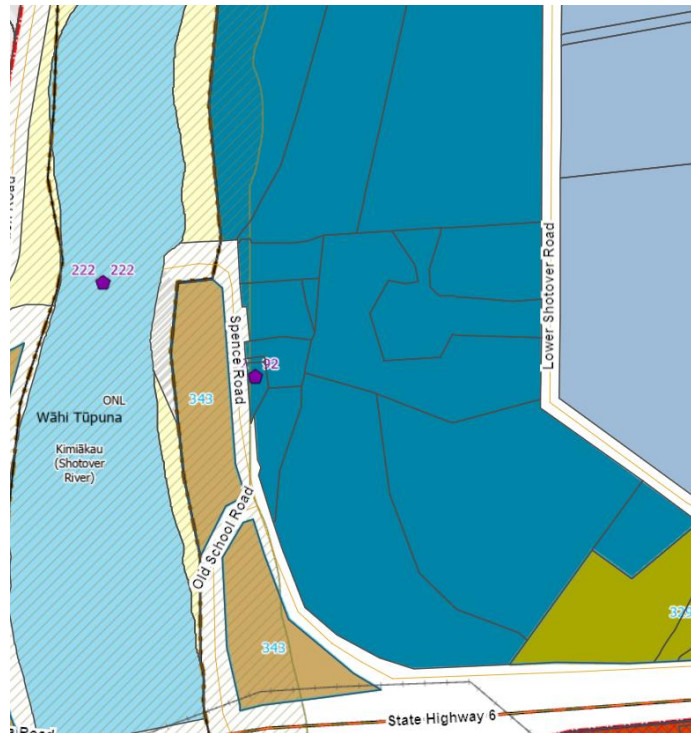


Figure 3: Proposed District Planning Map -- Appendix 2.

39. The submitters properties and immediate area are not the subject of any outstanding Environment Court appeals. The text of Chapter 24 was recently settled by Court decision<sup>4</sup> and this decision attaches the most relevant set of provisions for consideration of the WBRAZ.
40. The Zone Purpose (24.1) states:

*The purpose of the Zone is to maintain or enhance the character and amenity of the Wakatipu Basin, while providing for rural living and other activities...The Precinct is applied to specific areas of land within the broader Rural Amenity Zone that have capacity to absorb rural living development. These areas have a variety of existing lot sizes and patterns of development, with landscape character also*

<sup>4</sup> *Barnhill Corporate Trustee Limited v Queenstown Lakes District Council* [2023] NZEnvC 91 – Appendix 4 of my evidence.

*varying across the Precinct. This includes existing vegetation, including shelterbelts, hedgerows and exotic amenity plantings, which characterise certain areas. Within the Precinct, sympathetically located and well-designed rural living development which achieves minimum and average lot sizes, is anticipated, while still achieving the overall objectives of the Rural Amenity Zone.*

41. The minimum average allotment size<sup>5</sup> and density<sup>6</sup> of rural living within the Lifestyle Precinct subzone is 1ha. Rural living dwellings are anticipated to be no more<sup>7</sup> than 500m<sup>2</sup>, no higher<sup>8</sup> than 6.5m, setback from internal boundaries<sup>9</sup> by 10m and roadside boundaries<sup>10</sup> by 75m. Dwellings are anticipated to achieve several controls including materials and colour<sup>11</sup> and glare.<sup>12</sup>
42. Any resource consent application made to subdivide in the Lifestyle Precinct subzone in accordance with the minimum allotment size and density of rural living is a restricted discretionary activity<sup>13</sup>. Whilst there is no requirement to identify residential building platforms. To construct any residential building within a platform remains a controlled activity<sup>14</sup> which prompts the identification of platforms at the time of subdivision as otherwise, any residential building remains to be considered as a restricted discretionary activity<sup>15</sup>.
43. Any restricted discretionary activity subdivision application is considered against the assessment matters contained within Rule 27.5.9 as well as the matters set out in 27.9.3.3. These matters are contained in Appendix 3 to my evidence.

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<sup>5</sup> Rule 27.6.1 – Chapter 27 (Subdivision & Development)

<sup>6</sup> Rule 24.5.1.1 – Chapter 24 (Wakatipu Basin)

<sup>7</sup> Rule 24.5.5 - Chapter 24 (Wakatipu Basin)

<sup>8</sup> Rule 24.5.8.1 - Chapter 24 (Wakatipu Basin)

<sup>9</sup> Rule 24.5.7 - Chapter 24 (Wakatipu Basin)

<sup>10</sup> Rule 24.5.9.1 - Chapter 24 (Wakatipu Basin)

<sup>11</sup> Rule 24.5.4 - Chapter 24 (Wakatipu Basin)

<sup>12</sup> Rule 24.5.17 - Chapter 24 (Wakatipu Basin)

<sup>13</sup> Rule 27.5.9 - Chapter 27 (Subdivision & Development)

<sup>14</sup> Rule 24.4.5 - Chapter 24 (Wakatipu Basin)

<sup>15</sup> Rule 24.4.6 - Chapter 24 (Wakatipu Basin)

44. To date, I have only successfully obtained three subdivision consents<sup>16</sup> within the Lifestyle Precinct subzone. In my experience, the consenting pathway within Rule 27.5.9 has required a subdivision design and a comprehensive landscape response to the attributes set out in the relevant Landscape Character Unit (**LCU**). Platforms are located where they have a low level of visibility from public places.
45. Based upon the minimum allotment size and density of rural living within the Lifestyle Precinct subzone coupled with the existing residential buildings, less land owned by QLDC, I believe the Hutchinson land<sup>17</sup> can anticipate 11 rural living dwellings each on a separate 1ha allotment.
46. Based upon the extent of landholding, coupled with the landform of the Hutchinson land, I believe that area of the Hutchinson land which adjoins land owned by the further submitters is 2.4ha as pictured in Figure 4 below. I accept that the eastern boundary of this area could be revised to include a further 6,000m<sup>2</sup> enabling 3 rural living dwellings to occupy the lower terrace area pictured.



**Figure 4: Lower terrace under Lifestyle Precinct outcome – Appendix 2.**

<sup>16</sup> RM211027, RM220556 & RM221139.

<sup>17</sup> Lots 2 & 3 DP 516751 & Lots 3 & 4 DP 310444.

47. Based upon my consenting experience with Rule 27.5.9, I suggest that any residential platforms identified on the Hutchinson land would be set back some distance from the edge of the escarpments and residential buildings within these platforms to be 500m<sup>2</sup>, 6.5m in height and in accordance with the controls discussed earlier.

### **Ladies Mile Zone – Sub-Area K**

48. The Hutchinson submission seeks a mixture of Low Density Residential (LDR) and Medium Density Residential (MDR) outcomes where the density sought<sup>18</sup> is 30-35 residential units per hectare. This equates to a total of 341 – 398 residential units across the Hutchinson land.<sup>19</sup>
49. As stated above, I believe that area of the Hutchinson land which adjoins land owned by the further submitters on the lower terrace formation is some 2.4ha. However, with a minimum allotment size of 300m<sup>2</sup>, I believe it would be difficult to include the escarpment in any residential subdivision so the developable area for LDR adjoining land owned by the further submitters is likely to be some 1.75ha as pictured in Figure 5 below.



**Figure 5: Lower terrace under LDR outcome – Appendix 2.**

<sup>18</sup> By recommended bespoke standard 49.5.12 – Submission 107.

<sup>19</sup> Lots 2 & 3 DP 516751 as well as Lots 3 & 4 DP 310444.

50. In my opinion, an LDR outcome on the lower terrace as pictured above is likely to equate to 58 residential units.

### **Effects on the Environment**

51. Based upon the evidence of QLDC, the statements made by further submitters<sup>20</sup> and in relation to the Hutchinson submission I consider that the actual and potential effects on the environment for the purposes of my assessment to relate to the following:

- (a) Landscape and visual amenity values.
- (b) Rural & residential amenity values.
- (c) Noise.

#### Landscape and Visual Amenity Values

52. The subdivision and development in accordance with the provisions of the Lifestyle Precinct will ensure the maintenance of landscape and visual amenity values.
53. In terms of actual and potential effects from the Hutchinson submission on landscape and visual amenity values, I am reliant on the evidence of QLDC's Landscape expert Mr Skelton.
54. In terms of visual effects, Mr Skelton considers:
- a) From Old Lower Shotover Bridge: The visual amenity experienced from the Old Lower Shotover Bridge would be adversely affected to a high degree.<sup>21</sup>
  - b) From Tucker Beach Road and parts of the Queenstown Trail: The submitter's land would be highly visible and present a moderate to high adverse visual effects.<sup>22</sup>

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<sup>20</sup> Contained in Appendix 1 of my evidence.

<sup>21</sup> Paragraph 86, Evidence of Steve Skelton, 29<sup>th</sup> September 2023.

<sup>22</sup> Paragraph 87, Evidence of Steve Skelton, 29<sup>th</sup> September 2023.

- c) From Jims Way: The proposed development on the Anna Hutchinson Family Trust's land would be highly visible and I consider the extent of adverse visual effect from Jims Way area would be moderate to high.<sup>23</sup>
- d) From SH6: I consider that if the Anna Hutchinson Family Trust's land was included in the TPLM Structure Plan (as sought by the submission), this would result in moderate to high adverse effects on the significant shared and recognised visual amenity values experienced by the public on SH6.<sup>24</sup>

55. In terms of Landscape Character, Mr Skelton considers:

- a) Should the Anna Hutchinson Family Trust's land be included in the TPLM Variation area, I consider the natural character of the Shotover River terraces could be adversely affected to a moderate degree as their legibility would not be experienced as part of an open character area, but instead as part of an urban area, rendering them less appreciable.<sup>25</sup>
- b) The adverse effects on natural and open character addressed above would not be confined to the site. The Shotover River ONF is 80m (at its closest point) in distance from the Anna Hutchinson Family Trust's land. The Shotover River is a large ONF, and in the context of the greater ONF, I consider the adverse effects associated with the Anna Hutchinson Family Trust's proposal would be low in extent. However, in the context of the immediate SH6 and Old Lower Shotover Bridge area, I consider the proposed extension of the TPLM Variation Area would result in moderate adverse effects on the open natural character of the Shotover River ONF.<sup>26</sup>

56. In my reading, no landscape evidence supports the Hutchinson submission.

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<sup>23</sup> Paragraph 88, Evidence of Steve Skelton, 29<sup>th</sup> September 2023.

<sup>24</sup> Paragraph 92, Evidence of Steve Skelton, 29<sup>th</sup> September 2023.

<sup>25</sup> Paragraph 100, Evidence of Steve Skelton, 29<sup>th</sup> September 2023.

<sup>26</sup> Paragraph 101, Evidence of Steve Skelton, 29<sup>th</sup> September 2023.

57. Based upon Mr Skelton's EIC, I consider that the re-zoning sought by the Hutchinson submission will result in unacceptable adverse effects on landscape and visual amenity values in terms of s76(3)<sup>27</sup> and will not achieve section 7 (c) & (f) in terms of Part 2 of the RMA.
58. Based upon Mr Skelton's conclusion in relation to moderate adverse effects on the open natural character of the Shotover River ONF.<sup>28</sup> I believe this confirms that the re-zoning sought by the Hutchinson submission does not achieve section 6 (b) in terms of Part 2 of the RMA.

#### Rural & Residential Amenity Values

59. I consider the existing rural amenity values enjoyed by existing residents in the surrounding area are predominately derived from a mixture of outlook / views, spaciousness and the absence of any significant acoustic nuisances.
60. Based upon my assessment of the WBRAZ<sup>29</sup>, I believe that subdivision and development in accordance with the provisions of the Lifestyle Precinct will ensure the maintenance of existing rural amenity and residential values.
61. In my reading, the Hutchinson submission does not specify any no-build areas nor setbacks from the common boundary with land owned by the further submitters aside of the 2m setback specified in Rule 49.5.6.3 of the Low Density Residential provisions.
62. The Hutchinson submission does not contemplate any landscape buffer or transition between the urban zone sought and the existing Lifestyle Precinct subzone of the wider WBRAZ.
63. The nature of the escarpment formation is pictured in Figure 1 above<sup>30</sup> and the setbacks between dwellings occupied by the further submitters is estimated to be 14.5m at the closest and on average 24.5m.

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<sup>27</sup> Whether the provisions [rules] have regard to the actual or potential effects on the environment, including, in particular, any adverse effect.

<sup>28</sup> Paragraph 101, Evidence of Steve Skelton, 29<sup>th</sup> September 2023.

<sup>29</sup> Paragraphs 38 – 47 of my evidence.

<sup>30</sup> A larger version is contained in Appendix 2 of my evidence.



64. Based upon my site visit to the further submitters properties and the photographs contained in Appendix 2, it is clear in my opinion, that the construction of 58 residential units standing 8m high on top of this large escarpment formation results in significant and unacceptable adverse effects upon residential privacy / amenity as well as rural amenity values by way of dominance and overlooking. For this reason, I find that the Hutchinson submission will result in unacceptable adverse effects in terms amenity values in terms of s76(3)<sup>31</sup> and will not achieve section 7 (c) & (f) in terms of Part 2 of the RMA.
65. I believe the Images 1B, 2B and 3B contained in Attachment D of Mr Skelton's evidence provide some indication of the 8m LDR outcome on the lower terrace of the Hutchinson land yet I would encourage the Panel to visit the properties of the further submitters if possible.
66. The loss of residential privacy / amenity as well as rural amenity values may well be mitigated by a setback from the common boundary. However, I believe this setback would need to at least be 20m. When the lower terrace is only some 35m in places, I question whether the remaining 15m of terrace does not suggest that development of an LDR outcome in this location is somewhat unpractical.

### Noise

#### *Lower terrace*

67. As stated,<sup>32</sup> I believe that a Lifestyle Precinct outcome on the area of the Hutchinson land lower terrace formation that adjoins land owned by the further submitters could accommodate 3 rural living dwellings.
68. As stated,<sup>33</sup> I believe the lower terrace under a LDR outcome is likely to be 1.75ha of developable land or some 55 residential units above the Lifestyle Precinct outcome.

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<sup>31</sup> Whether the provisions [rules] have regard to the actual or potential effects on the environment, including, in particular, any adverse effect.

<sup>32</sup> Paragraph 46 of my evidence.

<sup>33</sup> Paragraph 50 of my evidence.

69. The closest distance from residential units occupied by the further submitters to the common boundary is 14.5m and on average 24.5m.<sup>34</sup> I must acknowledge that the escarpment formation on the common boundary represents a considerable vertical displacement over the common boundary.
70. Irrespective of the vertical displacement, I believe that the noise emission from an additional 55 residential units, including vehicle movements and residential activities is an effect which cannot be satisfactorily mitigated whilst a LDR outcome is sought. Therefore, I believe the proposed re-zoning as sought by the Hutchinson submission cannot achieve section 31(1)(d)<sup>35</sup> and will result in a significant and unacceptable effect in terms of s76(3)<sup>36</sup> of the RMA.
71. In my opinion, noise from construction and development works is generally accepted as being an effect which is not lasting and temporary. However, the construction of 58 residential units on the lower terrace and a total of 341 – 398 residential units across the Hutchinson land invites a significant number of contractors and tradespeople to the site over a considerable period of time, to the point, where I do not believe that the noise generated from these activities could be considered as a temporary effect and would be an effect which cannot achieve section 31(1)(d) nor s76(3) nor section 7 (c) & (f) in terms of Part 2 of the RMA.

#### *Large Lot Residential B*

72. I did contemplate whether a Large Lot Residential B outcome would alleviate the adverse effects identified in my assessment above. In my assessment this would result in 6 residential units on the lower terrace as depicted in Figure 4. However, in my opinion, this outcome would need to identify platforms by way of a structure plan so as they are seated at the back of the terrace, and I am uncertain as to whether any 'scope' exists in this PDP variation to consider this residential typology.

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<sup>34</sup> Setbacks are pictured in Figure 2 and a larger version is contained in Appendix 2 of my evidence.

<sup>35</sup> The control of the emission of noise and the mitigation of the effects of noise.

<sup>36</sup> Whether the provisions [rules] have regard to the actual or potential effects on the environment, including, in particular, any adverse effect.

## Objectives & Policies

### Proposed Otago Regional Policy Statement

73. As the Otago Regional Policy Statement 2021 has been notified and hearings held but no decision released, I consider that less weight should be given to it than the Otago Regional Policy Statement 2019. Irrespective, in relation to the Hutchinson submission, I consider the provisions of these two policy statements are closely aligned.

74. I have considered the relevant provisions of the Proposed Otago Regional Policy Statement in the sense required by s74(2)<sup>37</sup>:

#### *NFL–O1 – Outstanding and highly valued natural features and landscapes*

*The areas and values of Otago’s outstanding and highly valued natural features and landscapes are identified, and the use and development of Otago’s natural and physical resources results in:*

- (1) the protection of outstanding natural features and landscapes, and*
- (2) the maintenance or enhancement of highly valued natural features and landscapes.*

#### *NFL–P3 – Maintenance of highly valued natural features and landscapes*

*Maintain or enhance highly valued natural features and landscapes by:*

- (1) avoiding significant adverse effects on the values of the natural feature or landscape, and*
- (2) avoiding, remedying or mitigating other adverse effects.*

75. Based upon Mr Skelton’s conclusions<sup>38</sup> in relation to landscape and visual amenity values as well as the Shotover River ONF, I believe the Hutchinson submission does not achieve Objective NFL–O1 nor Policy NFL–P3.

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<sup>37</sup> Whether the provisions give effect to the regional policy statement (s75(3)(c)) and have regard to any proposed regional policy statement.

<sup>38</sup> Paragraphs 54 & 55 of my evidence.

76. I have considered the relevant policies in the sense required by s.32(1)(b):<sup>39</sup>

PDP Chapter 3 – Strategic Direction

77. A consolidated version of this Chapter was issued 16<sup>th</sup> June 2021. Therefore, I consider the Chapter 3 objectives and policies have proceeded through the objection and appeal process sufficiently to replace the ODP Part 4 (District Wide) and no further reference to Part 4 is required.

*Policy 3.2.3.1 The District's important historic heritage values are protected by ensuring development is sympathetic to those values.*

78. As discussed in the Cole-Bailey statement,<sup>40</sup> the Old Ferry Hotel is a listed heritage item which is depicted on the planning map by a purple insignia (Figure 3). Acknowledging there has been no heritage assessment of the Hutchinson submission in relation to the Old Ferry Hotel, I can only alert the Panel that a higher order provision exists in the District Plan in relation to protecting historic heritage values and prefer that the evidential burden of confirming this policy has been achieved by Hutchinson submission lies with that submitter.

*Policy 3.2.5.3 In locations other than in the Rural Zone, the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development.*

*Policy 3.3.31 Avoid adverse effects on the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes from residential subdivision, use and development where there is little capacity to absorb change.*

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<sup>39</sup> Whether the policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness.

<sup>40</sup> Contained in Appendix 1 of my evidence.

79. Based upon Mr Skelton’s conclusion in relation to moderate adverse effects on the open natural character of the Shotover River ONF.<sup>41</sup> I believe the Hutchinson submission does not achieve Policies 3.2.5.3 and 3.3.31.

*Policy 3.2.5.8 Within the Wakatipu Basin Rural Amenity Zone, adverse effects on landscape character and visual amenity values from subdivision or development are anticipated and effectively managed, through policies and rules, so that:*

- a) landscape character is maintained, and visual amenity values are maintained or enhanced, as identified in Schedule 24.8; and*
- b) landscape capacity is not exceeded.*

80. Based upon Mr Skelton’s conclusions in relation to landscape and visual amenity values<sup>42</sup>, I believe the Hutchinson submission does not achieve Policy 3.2.5.8 (a) and (b).

#### PDP Chapter 4 – Urban Development

81. A consolidated version of this Chapter has been issued and I consider the Chapter 4 objectives and policies have proceeded through the objection and appeal process sufficiently to replace the ODP Part 4 (District Wide) and no further reference to Part 4 is required.

*Objective 4.2.2 B Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna.*

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<sup>41</sup> Paragraph 101, Evidence of Steve Skelton, 29<sup>th</sup> September 2023.

<sup>42</sup> Paragraphs 54 & 55 of my evidence.

82. For the reasons listed under policies 3.2.5.3 and 3.2.5.8 above coupled with my own assessment<sup>43</sup> of Rural Amenity, I believe the Hutchinson submission does not achieve Objective 4.2.2 B.

### **Section 42A Hearing Report**

83. The Section 42A Hearing Report considers the Hutchinson submission to be out of scope as it is not “on” the Variation. I agree. Mr Todd will address the matter of scope at the Hearing on behalf of the further submitters.
84. The Hutchinson submission has been considered by QLDC’s landscape, urban design, residential economics and transport experts and for the reasons set out in their evidence, they oppose the Hutchinson submission. I agree with the 42A report in this regard.

### **Conclusions**

85. Based upon Mr Skelton’s evidence, I consider that the re-zoning sought by the Hutchinson submission will result in unacceptable adverse effects on landscape and visual amenity values and the Shotover River ONF in terms of s76(3) and will not achieve sections 6(b), 7 (c) & (f) in terms of Part 2 of the RMA.
86. In my opinion, it is clear that the construction of 58 residential units standing 8m high on top of the large escarpment formation to the east of the further submitters land results in significant and unacceptable adverse effects upon residential privacy / amenity as well as rural amenity values by way of dominance and overlooking. For this reason, I find that the Hutchinson submission will result in unacceptable adverse effects in terms amenity values in terms of s76(3) and will not achieve section 7 (c) & (f) in terms of Part 2 of the RMA.
87. I believe that the noise emission from an additional 55 residential units beyond the Lifestyle Precinct outcome as sought by the Hutchinson submission is an effect which cannot be satisfactorily mitigated whilst a LDR outcome is sought. Therefore, I believe the proposed re-zoning as sought by

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<sup>43</sup> Paragraphs 59 - 66 of my evidence.

the Hutchinson submission cannot achieve section 31(1)(d) and will result in a significant and unacceptable effect in terms of s76(3) of the RMA.

88. For the reasons set out in the assessment of effects on the environment, I believe the Hutchinson submission does not achieve:

- Otago Regional Policy Statement 2021, Objective NFL–O1 and Policy NFL–P3.
- PDP Chapter 3, Strategic Direction Policies 3.2.5.3, 3.2.5.8 and 3.3.31.
- PDP Chapter 4, Urban Development Objective 4.2.2 B.

Dated: 20<sup>th</sup> October 2023



Nick Geddes  
Planner

# Appendix 1

Statements from further submitters



## **Dan & Mitzi Cole-Bailey**

### **92 Spence Road, supporting account of residential development, triggered by submission 107 to extend the Western Boundary of Ladies Mile.**

Our home and business is located at 92 Spence Road, the site of the 150-year-old Historic Ferry Hotel circa 1863. We bought the property back in 2015 after admiring it from a far for a number of years.

We operate a traditional Bed & Breakfast and since taking over, have spent a lot of time, money and energy restoring and building up a successful business. [Currently ranked number 1 on Trip Advisor for Bed & Breakfast Accommodation in Queenstown.]

We love our location in a quiet rural setting, and see this as a major selling point especially being located only 15 minutes in either direction to Queenstown or Arrowtown, yet still feeling like we are tucked away from all the hustle and bustle. Our guests agree and frequently reference the serenity and outstanding natural beauty of our location in online reviews.

The business is our sole source of income for our family, which was hit with a tough couple of years trading through the disruption of the Covid Pandemic. We are now operating back at pre Covid levels, and are concerned that if a subdivision would go ahead in our backyard, the disruption would be detrimental once again. The noise, dust, heavy machinery, and increased traffic associated with the initial development would go on for years. Then once established we could have potentially 900 houses up to 13 meters high in places, changing our landscape from a rural Bed & Breakfast to one on the edge of an intensive subdivision.

The quiet rural aspect of our current location, would be ruined or at the very least severely compromised, should a subdivision be built on the land above us. The increase in noise, street lighting, car movements and general living of a subdivision is in stark contrast to our existing rural living. The land is also considerably higher and sits above the current homes on Spence Road. Any dwellings built along the proposed boundary would dramatically overlook all of our existing properties, severely effecting our privacy, as they would tower above us.

We have no objection to the land connected with submission 107 being used or developed into Lifestyle Precinct sections, in accordance with the current district plan. We believe Lower Shotover Road is the defensible edge to the urban development sought by the notified Ladies Mile Plan amendment, once it is crossed the whole area is open for potential urban sprawl. The cemetery at the end of Spence Road confirms the barrier between the proposed Ladies Mile and the rural nature of Spence Road and the river edge

We were already against the current Ladies Mile master plan and had entered a submission before we knew about the extension 107. The current traffic through Ladies Mile is already a significant problem, without adding the additional movements that will be generated by the submission 107 development. There also seems to be no confirmation of shops, schools or facilities being built alongside or prior to any homes being built, thus increasing travelling over the bridge every day. Furthermore, we are also approximately a good 25-minute walk from the proposed Ladies Mile commercial area. We believe this is outside of what is considered a walkable distance, meaning it will not prevent, but only encourage small car trips within this area. A mode shift to public transport in the numbers required to make a difference to the traffic woes is extremely unlikely if not impossible due to people needing their vehicles for work etc.

In summary submission 107 came as a huge surprise, as it was not part of the original Ladies Mile focus area and our street had never been identified in the spatial plan. The Hutchinson's notified us of their intention through The Property Group after the original Ladies Mile submissions had closed.

The nature of how they are trying to push through their submission without proper public consultation, means that we, along with neighbours, are possibly the only people able to appeal against it, through further submissions being more affected than minor. It is really frustrating that we are having to invest our time and money into fighting what essentially is an opportunity by the Hutchinsons to cash in, by trying to rezone their land under the umbrella of Ladies Mile Masterplan.

The final insult is when the Property Group state that the subject site was considered "low hanging fruit" for development given the proximity of existing water and wastewater infrastructure. None of our properties along Spence Road are connected to town supply, and use our own septic tanks for wastewater.

After reading the 42a report we can see that there is mention to how Glenpanel will be affected by the Ladies Mile Masterplan due to its historic nature.

Why has there been no heritage report commissioned from QLDC experts on the impact of Submission 107 on The Old Ferry Hotel?

Again, we believe this is another reason that confirms to us the Hutchinson submission and wider Ladies Mile Masterplan appears to be taking some priority over our home, business and livelihood.

The Old Ferry Hotel is one of the oldest continually inhabited buildings in Central Otago and has a strong connection to Queenstown and the original Lower Shotover community which predates Glenpanel by nearly 50 years.

Chapter 26 of Historic Heritage Queenstown Lakes Proposed Plan [Part 5 Section C] states existing views of the listed heritage feature from adjoining public places [ie Old Shotover Bridge] or publicly accessible places [ie Twin Rivers Trail] within the setting or extent or place are maintained as far as is practicable. The current views of The Old Ferry Hotel from these local areas that people have admired for over 100 years would be lost forever if submission 107 would be granted.

We also agree with Stephen Skelton in regards to his opinion on the impact of submission 107 on the views from the Old Shotover Bridge, Quail Rise, Jims Way and the Shotover River terraces, although feel that the impact on Spence Road is missing from his report.

Whilst we believe Stephen Skelton's Images 1B and 2B (page 49 and 51) capture the towering urban development we are being asked to live with, we would encourage and invite all commissioners to come to Spence Road and pop into our homes & gardens to see for themselves the effects this proposed development would have.

This whole process is wrong and has left us feeling stressed, overwhelmed and not to mention financially burdened, it should never have been able to get to this point.

Thank you

Dan & Mitzi Cole-Bailey

The Ferry Bed & Breakfast

92 Spence Road, RD1.

## **GRAEME & VICKY RODWELL, 107 SPENCE ROAD AGAINST SUBMISSION 107**

We are Graeme and Vicky Rodwell and own 7ha at 107 and 108 Spence Road. Our driveways are at the end of the cul-de-sac by the entrance to the historic Lower Shotover Bridge. I, Graeme, bought this property in 1995 (28 years ago) from the original owners Jack & Mo Spence - their surname is the street's namesake.

We absolutely adore our home and land with its rural and natural setting right alongside the Shotover River, uninterrupted views to Coronet Peak, The Remarkables and across the river to Ferry Hill. The peacefulness, outstanding natural landscape, abundant birdlife and large trees make this an extraordinary place.

We live and work on the property, so we especially value the peace and quiet, birdlife, and rural surroundings. We have several farm animals which we classify as pets including donkeys, alpaca, sheep, chickens and a very friendly Kune kune pig. These animals add to the rural nature of where we have chosen to live together with our many fruit and other specimen trees.

We are now zoned as Lifestyle Precinct and thoroughly support this recent change as it retains the rural amenity values which we have come to enjoy on our property and the Spence Road area. We therefore have no objection to the land connected with submission 107 being used or developed into the allowable Lifestyle Precinct sections. However, we definitely do not support a change in this to a more urban, intensified housing development such as being proposed in Submission 107.

Being right on the edge of the river, Spence Road is a tranquil buffer between housing developments, light industrial areas, and shopping centres etc. Our short (and narrow) street ends at the historic Lower Shotover Bridge with the trails and riverbed used by many locals and tourists. This area provides a welcome 'relief' from urban noise and sights and is easy to reach. It is a significant historic location in the Queenstown area with the well-kept landmarks of the original bridge across the Shotover river and the Ferry Hotel BnB (which was a last watering hole before crossing the Shotover River into Queenstown and beyond). Having these in a peaceful, natural setting makes it an attractive and enjoyable destination for all ages and easily accessible for a 'before work', after work or lunch time stroll.

If the submission 107 were to go ahead, this special area would change drastically and have a detrimental effect on the area and on our property.

The increase in traffic alone would be a huge problem for the whole town let alone our particular area with its narrow rural roads feeding onto the state highway. This is already a significant problem and of concern for the general commuting public and when needing emergency services.

The addition of substantially more houses as proposed will also increase noise both while being built over a number of years, and when occupied by residents. The proposed houses would look down on our property reducing our privacy and peace markedly.

The beautiful natural views from the river and the bridge would be dominated with an intensive housing development on a higher terrace making them stand out significantly.

The unfettered night sky currently enjoyed by us would also be permanently affected.

For all these reasons we strongly oppose the Submission 107.

Graeme & Vicky Rodwell  
107 & 108 Spence Road  
Lower Shotover  
Queenstown

## **82 Spence Road, Queenstown – supporting account of the impacts of residential development enabled by submission 107 on our property**

We have been living in Queenstown for 43 years, 41 of those in our home that we built ourselves at 82 Spence Road.

What initially drew us to the district was the stunning scenery and country-like lifestyle. Rather than purchasing a property in the more urban areas of Frankton and Queenstown, we specifically sought a section that would provide us with rural living in a peaceful, picturesque and private area. It was for these reasons that we purchased the land at 82 Spence Road.

Spence Road is a quiet, narrow and dead end road leading to the pedestrianised Shotover Bridge. The same small number of homes are located on it as when we first built ours, and it remains a relatively quiet, rural road that is currently well used by walkers and cyclists utilising the Queenstown Trail. We highly value being able to freely walk and cycle on the road ourselves, with low traffic volumes giving it a sense of safety.

It was important for us to maximise the outlook to the stunning mountains from our property, and our home has been designed to enable unobstructed views of Coronet Peak and the Remarkables. We have also enjoyed unfettered night sky, with no light pollution from pedestrian lighting or the like.

The rural aspect of our property means we graze sheep and also have poultry freely roaming on our section. We have highly valued being able to keep stock on our property, and it has provided a treasured farm-like experience for our children growing up, and now our grandchildren. The tranquillity of the area has also drawn many native birds to our garden over the years.

Most importantly for us, our property provides us peace and privacy. The limited amount of buildings visible from our section means we have a sense of remoteness and a place where we can escape from the hustle and bustle of Queenstown and Frankton.

We believe the residential development enabled by submission 107 will significantly impact on the values we hold as described above.

From the perspective of our property, the dramatic increase in houses, roads and street lighting will adversely affect the picturesque, quiet rural area we live in and treasure so much.

We hold grave concerns that the increase in traffic on Spence Road will mean it no longer remains a safe road able to be freely used by walkers and cyclists. We believe the development will also diminish the experience of those walkers and cyclists using the Queenstown Trail.

The noise from the construction of the subdivision over many years will seriously impact on the peace and quiet we enjoy from our property. Indeed, once residents are living in the development the sound and light disturbance will continue to affect us, and we are worried there will be an increase in storm water run-off into our property from the housing proposed as well.

We fear the development enabled under submission 107 will also result in a loss of privacy and a feeling of being dominated by the buildings located on elevated land behind our property. The proposed buildings on these elevated sites will further obstruct the stunning mountain views we love.

We believe the increase in residents through this development will lead to a larger number of domestic pets in the area. We are very concerned that this will disturb the livestock and poultry we have on our property, and may mean that we are no longer able to keep them, particularly if dogs or cats cause safety concerns.

In summary, our small and close-knit community greatly values the preservation of this 'jewel in the crown' and the quality of life it affords us all, and that this incredibly special area remains as such for our children and grandchildren.

***Hans and Dot Arnestedt***

***September 2023***

## **Robert and Joy Oakes**

### **96 Spence Road, supporting account objecting to submission 107 to rezone land and extend western boundary of Ladies Mile submission.**

We arrived in Queenstown in 2006 after living between Australia and New Zealand for most of our adult life. Working in the hospitality and travel industry having resulted in many moves and mostly city living. The nature of our working lives very customer service and people focused.

In 2012 after 6 years of looking for a place to buy and call home we finally found 96 Spence Road. It was our perfect location. At the end of a dead-end single lane country road within an historic precinct featuring the old Shotover Bridge and the Ferry Bed and Breakfast and a few country dwellings. Easy access to the river walking trails which is where we had walked our dogs for years and how we came to discover this little idyl away from our busy working life and the increasingly hectic feel to living in downtown Queenstown. We now enjoy dark night skies, waking up to dawn breaking to hear birds chirping, donkeys heehawing and roosters crowing – sounds of the country.

Our views from our garden and from the walking trails and Shotover Bridge are of terraced hillsides, Coronet Peak and the Remarkables. We enjoy them daily as do all the tourists, walkers and cyclists that frequent the area.

The trade off for this rural lifestyle was no town water, sewage system, properly maintained storm water system and the need to invest in Lightspeed internet because mainstream providers couldn't offer adequate services for our location. We thought the extra living expenses were worth having a rural lifestyle.

When we bought our home, it was classified general rural and then not long ago was rezoned in the Queenstown District Plan as Rural Lifestyle which moving forward we think is totally appropriate.

We have recently retired and were just back from visiting our sons in Brisbane when a letter arrived from The Property Group advising that they were acting for the Hutchinsons who own land bordering the properties on Spence Road and were applying to rezone their land from rural lifestyle to low and medium density housing. This was a total shock as it was never part of the original Ladies Mile plan and basically equated to 900 houses up to 13 metres high built on the terraces above us not 40 metres away from our back door for as far as our eyes could see. Housing not within walking distance of the proposed Ladies Mile commercial precinct, existing schools and supermarkets or public transport. Daily

traffic at peak times on SH6 shows how urban sprawl has already impacted our roads without the addition of the last minute add on of submission 107.

We were made aware of all this early June which left us little time to investigate so we were forced to seek legal and specialist advice something we certainly hadn't budgeted for. We could have been none the wiser if we'd travelled a month later. The Hutchinsons had sneaked in their submission so it could be fast tracked along with the original ladies Mille submission and without it being made public knowledge as the original submission was closed.

Our peaceful idyl could well become a building site that would mean years of construction. We would lose all sense of country living, no more dark night skies, be totally overlooked so losing all privacy, no peace and quiet.

Surely all this is unjust.

Robert and Joy Oakes  
96 Spence Road  
RD1  
Queenstown



# Appendix 2

Figures 1 – 5

Photographs



Figure 1: Attachment C, Evidence of Steve Skelton – Appendix 2.



Figure 2: Dwelling Setback – Appendix 2.



Figure 3: Proposed District Planning Map - - Appendix 2.



Figure 4: Lower terrace under Lifestyle Precinct outcome – Appendix 2.



Figure 5: Lower terrace under LDR outcome – Appendix 2.



Photo taken from Oakes property at 96 Spence Road, looking southeast to the escarpment edge on the common boundary with Hutchinson land.



Photo taken from Oakes property at 96 Spence Road, looking east to the escarpment edge on the common boundary with Hutchinson land.



Photo taken from Huckins property at 94 Spence Road, looking southeast to the escarpment edge on the common boundary with Hutchinson land.



Photo taken from Huckins property at 94 Spence Road, looking northeast to the escarpment edge on the common boundary with Hutchinson land.





Photo taken from Arnestedt property at 82 Spence Road, looking southeast to the escarpment edge on the common boundary with Hutchinson land.



Photo taken from Arnestedt property at 82 Spence Road, looking southeast to the escarpment edge on the common boundary with Hutchinson land.



Photo taken from Arnestedt property at 82 Spence Road, looking northeast to the escarpment edge on the common boundary with Hutchinson land.

# Appendix 3

Rule 27.5.9 and related assessment matters

	Subdivision Activities - District Wide	Activity Status
<b>27.5.9</b>	<p>All subdivision activities, unless otherwise provided for, in the Wakatipu Basin Rural Amenity Zone or the Wakatipu Basin Lifestyle Precinct.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Location of building platforms and vehicle access;</li> <li>b. Subdivision design and lot layout including the location of boundaries, lot shape and dimensions (but excluding lot area);</li> <li>c. Location, scale and extent of landform modification, and retaining structures;</li> <li>d. Property access and roading;</li> <li>e. Esplanade provision;</li> <li>f. Natural hazards;</li> <li>g. Firefighting water supply and access;</li> <li>h. Water supply;</li> <li>i. Network utility services, energy supply and telecommunications;</li> <li>j. Open space and recreation provision;</li> <li>k. Opportunities for nature conservation values, and natural landscape enhancement;</li> <li>l. Easements;</li> <li>m. Vegetation, and proposed planting;</li> <li>n. Fencing and gates;</li> <li>o. Wastewater and stormwater management;</li> <li>p. Connectivity of existing and proposed pedestrian networks, bridle paths, cycle networks;</li> <li>q. Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contributions of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment.</li> </ul> <p><u>Advice Note:</u></p> <p>Refer to the Wakatipu Basin Rural Amenity Zone location specific rules in 27.7.18 – 27.7.21.</p>	RD
<b>27.5.10</b>	<p>Subdivision of land in any zone within the National Grid Corridor except where any allotment identifies a building platform to be located within the National Grid Yard.</p> <p>Discretion is restricted to:</p>	RD

- a. The extent to which subdivision design (including the location of building platforms) manages effects on landscape values, landscape character and visual amenity values;
- b. the extent to which the location and size of building platforms could adversely affect adjoining non residential land uses;
- c. whether and what controls are required on buildings within building platforms to manage their external appearance or visibility from public places, or their effects on landscape character and visual amenity;
- d. the extent to which lots have been orientated to optimise solar gain for buildings and developments;
- e. whether lot sizes and dimensions are appropriate in respect of widening, formation or upgrading of existing and proposed roads and any provision required for access for future subdivision on adjoining land.
- f. whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;
- g. the effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;
- h. whether the location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways is appropriate, including as regards their safety and efficiency;
- i. whether the purposes for the creation of esplanade reserves or strips set out in section 229 of the Act are achieved;
- j. whether services are to be provided in accordance with Council's Code of Practice for Subdivision;
- k. whether effects on electricity and telecommunication networks are appropriately managed;
- l. whether appropriate easements are provided for existing and proposed access and services;
- m. where no reticulated water supply is available, whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is provided.
- n. the extent to which a natural hazard risk is appropriately managed in accordance with the relevant provisions of Chapter 28.

27.9.3.3 Assessment Matters in relation to Rule 27.5.9 (Wakatipu Basin Rural Amenity zone and Wakatipu Basin Lifestyle Precinct Subdivision Activities)

#### Subdivision Design and Landscape

- a. The extent to which the location of future buildings, ancillary elements and landscaping responds to the identified elements set out in Schedule 24.8 - Landscape

Character Units for the relevant landscape unit, and the following assessment matters:

- i. the retention of existing vegetation and landform patterns;
  - ii. the alignment of lot boundaries in relation to landform and vegetation features and neighbouring development;
  - iii. earth mounding, and framework planting to integrate buildings and vehicle access;
  - iv. planting of appropriate species that are suited to the general area, including riparian restoration planting;
  - v. the retirement of steep slopes over 15° and restoration planting to promote slope stabilisation and indigenous vegetation enhancement;
  - vi. the integration of controls for future development that address building height, building colours and materials, building coverage, earthworks, retaining, fencing, gates, vehicle access (including paving materials), external lighting, and domestic infrastructure (including water tanks);
  - vii. the integration of existing and provision for new public walkways and cycleways/bridlepaths;
  - viii. whether the use of varied allotment sizes maintains a sense of spaciousness, or successfully integrates development with existing landform, vegetation or settlement patterns.
- b. The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the conditions governing the proposed development.
  - c. Where the site adjoins an ONF or ONL, the extent to which the development affects the values of that ONF or ONL.
  - d. The extent to which development affects Escarpment, Ridgeline and River Cliff Features shown on the District Plan web mapping application, and in particular whether a building platform, access or associated earthworks would be visually prominent on escarpments, river cliff features and ridgelines, as viewed from any public place, including roads.
  - e. Where building platforms are proposed to be located within the road setback, the extent to which future development (including landscaping and mounding) will maintain views to Outstanding Natural Features and the surrounding Outstanding Natural Landscape mountain context when viewed from the road.
  - f. Where the site size and dimensions are such that compliance with the setback from roads, or the setback from any Escarpment, Ridgeline or River Cliff Feature is not practicable, the extent to which any adverse effects arising from the visibility of future buildings or access is mitigated or remedied, acknowledging the constraints of the site.
  - g. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or consent notices.
  - h. Whether the layout of reserves and accessways provides for adequate public access and use.

- i. Whether the proposed subdivision provides an opportunity to maintain landscape character and visual amenity through the registration of covenants or consent notices requiring open space to be maintained.

#### Access and Connectivity

- j. Whether proposed sites are located and designed so that each site has a minimum frontage that provides for practical, legal and safe access from a formed public road that is suitable for both normal road going vehicles and construction traffic.
- k. Whether the location and design of any proposed pedestrian, cycle, bridlepaths and vehicle access on the proposed site(s) avoid or minimise any adverse effects on soil stability, landform patterns and features, and vegetation.
- l. Whether subdivision provides for safe and practical pedestrian paths and cycle ways (whether sealed or unsealed) and bridle paths that are located in a manner which connect, or have the potential to connect, to reserves (existing or proposed), roads and existing rural walkways and cycle ways.
- m. Whether site design recognises any impact of roading and access on waterbodies, ecosystems, drainage patterns and ecological values.
- n. Whether any subdivision provides for future roads to serve surrounding land or for road links that need to pass through the subdivision.

#### Infrastructure and Services

- o. Ensuring there is sufficient capacity and treatment to provide for the safe and efficient disposal of stormwater and wastewater from possible future development without adversely affecting natural water systems and ecological values.
- p. Ensuring the design of stormwater and wastewater disposal systems incorporate measures to reduce runoff rates where there may be damage caused to natural waterway systems.
- q. Whether any subdivision proposal demonstrates how any natural water system on the site will be managed, protected or enhanced.
- r. Whether subdivision provides for an adequate and reliable supply of potable water to each proposed site.
- s. Whether subdivision provides for an adequate and reliable supply of emergency water supply to each site in the event of fire.
- t. Whether subdivision has sufficient capacity for the disposal of any effluent or other wastewater flow within the boundaries of each proposed site regardless of seasonal variations and loading.
- u. Assessing where more than one site will be created, whether a shared or individual wastewater treatment and disposal system is the most appropriate, having regard to any known physical constraints.
- v. Considering the extent to which easements and consent notices should be applied to protect the integrity of stormwater and/or wastewater treatment and disposal systems.



- w. Assessing the extent to which access easements should provide for lines, including electric lines, telecommunication lines and other lines, where such lines or cables are or may be located within any private property and serve other properties or sites.
- x. Whether sites can be connected to services such as telecommunications and electricity using low impact design methods including undergrounding of services.

#### Nature Conservation and Cultural values

- y. Considering the extent to which the subdivision provides for ecological restoration and enhancement. Ecological enhancement may include enhancement of existing vegetation, replanting and weed and pest control.
- z. Assessing the extent to which the subdivision design and layout preserves or enhances areas of archaeological, cultural or spiritual significance.
- aa. Considering the benefits of the removal of identified wilding exotic trees.
- bb. Where the subdivision land includes waterbodies, considering the extent to which remediation measures and methodologies can be employed to avoid, remedy or mitigate any adverse effects on human health, water quality, and to the downstream receiving environment.

#### Hazards

- cc. The extent to which natural hazard risk is appropriately managed in accordance with the relevant provisions of Chapter 28.

#### Lake Hayes Catchment

In addition to the matters above, where the site is located within the Lake Hayes Catchment identified in Schedule 24.9, the following are applicable.

- dd. The extent to which the proposal minimises erosion or sediment during construction, having regard to the provisions of Chapter 25 Earthworks, in particular Policies 25.2.1.1 and 25.2.1.7 and Assessment Matters 25.8.2 and 25.8.6.
- ee. The extent to which the proposal avoids or mitigates any potential adverse effects on surface waterbodies and ecological values through the adoption of measures to reduce stormwater runoff adverse effects from the site, including the implementation of low impact design techniques.
- ff. Where a waterbody is located on the site, the effectiveness of riparian planting to filter sediment and reduce sediment concentrations in stormwater runoff.
- gg. The extent to which erosion and sediment management and/or on-site stormwater management systems are commensurate with the nature, scale and location of the activity.
- hh. The extent to which the proposal contributes to water quality improvement, including by:
  - i. stabilising the margins of waterways, riparian planting and ongoing management;
  - ii. Reducing inputs of phosphorus and nitrogen into the catchment;

- iii. Implementing a nutrient management plan;
  - iv. Restoring, maintaining, and constructing new, wetlands for stormwater management;
  - v. Offering any voluntary contribution (including financial) to water quality improvement works off-site in the catchment.
- ii. Practicable constraints limited to situations where no further improvements to stormwater runoff management can be achieved.
  - jj. Whether new development can be connected to reticulated services, or if connections are not available, whether onsite systems provide for the safe disposal of stormwater and wastewater without adversely affecting natural water systems and ecological values.

#### **27.9.4 Restricted Discretionary Activity - Subdivision Activities within National Grid Corridor**

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rules 27.5.10, the Council shall have regard to the following assessment criteria:

##### **27.9.4.1 Assessment Matters in relation to Rule 27.5.10. (National Grid Corridor)**

- a. whether the allotments are intended to be used for residential or commercial activity;
- b. the need to identify a building platform to ensure future buildings are located outside the National Grid Yard;
- c. the ability of future development to comply with NZECP34:2001;
- d. potential effects of the location and planting of vegetation on the National Grid;
- e. whether the operation, maintenance and upgrade of the National Grid is restricted;
- f. the extent to which Policy 27.2.2.8 is achieved.

#### **27.9.5 Controlled Subdivision Activities – Structure Plan**

In considering whether or not to impose conditions in respect to subdivision activities undertaken in accordance with a structure plan under Rules 27.7.1 and 27.7.2.1, the Council shall have regard to the following assessment criteria:

##### **27.9.5.1 Assessment Matters in relation to Rule 27.7.1**

- a. consistency with the relevant location specific objectives and policies in part 27.3;
- b. the extent and effect of any minor inconsistency or variation from the relevant structure plan.

##### **27.9.5.2 Assessment Matters in relation to Rule 27.7.2.1 (Kirimoko)**

- a. the assessment criteria identified under Rule 27.7.1;
- b. the appropriateness of any earthworks required to create any road, vehicle accesses, of building platforms or modify the natural landform;

# Appendix 4

*Barnhill Corporate Trustee Limited v  
Queenstown Lakes District Council [2023]  
NZEnvC 91*

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

**Decision No. [2023] NZEnvC 91**

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN BARNHILL CORPORATE TRUSTEE LIMITED and all other appellants concerning Topics 25 and 30 of Stage 2 of the proposed Queenstown Lakes District Plan

(ENV-2019-CHC-086)

Appellants

AND QUEENSTOWN LAKES DISTRICT COUNCIL

Respondent

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

Hearing: On the papers

Last case event: 21 April 2023

Date of Decision: 12 May 2023

Date of Issue: 12 May 2023

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**FINAL DECISION OF THE ENVIRONMENT COURT**

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A: Directions are made for Queenstown Lakes District Council to amend the proposed Queenstown District Plan as set out in the attached Appendix A,

QTN PDP – TOPICS 25 AND 30 RE WAKATIPU BASIN TEXT – FINAL DECISION 2023



for the provisions shaded green and purple. All orange shaded provisions are to remain on hold and not be included in the District Plan until after the determination of the relevant Topic 31 appeals.

B: Costs are reserved. A timetable for costs is underway.

## REASONS

### Introduction

[1] On 12 April 2022, the court issued its First Interim Decision<sup>1</sup> in the staged review of the Queenstown District Plan ('PDP') concerning appeal points allocated to Topics 25 and 30, Stage 2, pertaining to the Wakatipu Basin Rural Amenity Zone provisions.

[2] On 13 March 2023, the court issued its Second Interim Decision<sup>2</sup> which included directions for Queenstown Lakes District Council ('QLDC') to file a reporting memorandum identifying any minor errors and omissions needing correction, and proposing further directions for all outstanding matters.

### Subsequent actions

[3] The court received QLDC's memorandum dated 4 April 2023 which identified some corrections to be made and set out QLDC's preferred approach and directions for final determination of all matters, including costs.

[4] QLDC uploaded a tracked change version of the Topics 25 and 30 provisions and the First and Second Interim decisions to its website. The tracked change version of provisions shaded the provisions to reflect the determinations made by the two decisions (green and purple shading) and also the provisions that

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<sup>1</sup> [2022] NZEnvC 58.

<sup>2</sup> [2023] NZEnvC 41.

remain subject to Topic 31 appeals (orange shading). All orange shaded provisions are to remain on hold and not be included in the PDP until after the determination of the relevant Topic 31 appeals.

[5] Parties to Topics 25 and 30 were able to raise drafting issues relative to the green and purple shaded provisions with the court and QLDC. In its 21 April 2023 memorandum, QLDC reported that the only feedback received on the provisions was on behalf of the Anderson Lloyd parties. They recommended minor drafting changes to Rule 24.5.1.6 and 24.1 (Zone Purpose). QLDC has amended the provisions to reflect this feedback. Anderson Lloyd also suggested that Rule 24.4.1 be amended so that it refers to 'Table 24.1' in the singular, rather than plural. QLDC proposes that this minor technical amendment be made under cl 16 Sch 1 RMA and we agree.

[6] QLDC provided a final version of the Topic 25 and 30 provisions incorporating the above changes. QLDC confirmed that the provisions are now ready for inclusion in the PDP. No party raised anything further with the court.

### **Evaluation**

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

### **Outcome**

[8] Under ss 279(1)(b) and 290(2) RMA, the provisions shaded in purple and green as set out in Appendix A are approved. QLDC is directed to amend the PDP as set out in the attached Appendix A, for the provisions shaded green and purple.

[9] All orange shaded provisions in Appendix A are to remain on hold and not be included in the PDP until after the determination of the relevant Topic 31

appeals.

[10] Costs are reserved. A timetable for costs is underway.<sup>3</sup>

For the court



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

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<sup>3</sup> Minute issued 5 April 2023.

# Appendix A – final Topic 25 and 30 provisions for inclusion in the PDP

## PART 4

## WAKATIPU BASIN 24

Green highlighting - provisions determined by *Barnhill Corporate Trustee Limited v Queenstown Lakes District Council* [2022] NZEnvC 58 (First Interim Decision)

Purple highlighting - provisions determined by *Barnhill Corporate Trustee Limited v Queenstown Lakes District Council* [2023] NZEnvC 41 (Second Interim Decision)

Orange highlighting – provisions for final determination through Topic 31

### 3 Strategic Direction

...

#### 3.1B Interpretation and Application of this Chapter

...

3.1B.5 In this Chapter:

...

b. 'Landscape capacity':

- i. in relation to an Outstanding Natural Feature or Outstanding Natural Landscape, means the capacity of a landscape or feature to accommodate subdivision and development without compromising its identified landscape values;
  - ii. in relation to a landscape character area in a Rural Character Landscape, means the capacity of the landscape character area to accommodate subdivision and development without compromising its identified landscape character and while maintaining its identified visual amenity values;
  - iii. in relation to those parts of the Wakatipu Basin Rural Amenity Zone that are identified in Schedule 24.8 to have Moderate capacity, means the capacity of the landscape character unit to accommodate subdivision and development without compromising its identified landscape character and while maintaining its identified visual amenity values;
  - iv. in relation to those parts of the Wakatipu Basin Rural Amenity Zone that are identified in Schedule 24.8 to have Very Low, Low or Moderate-Low capacity, means the capacity of the landscape character unit and that of the Basin as a whole to accommodate subdivision and development without compromising its identified landscape character and while maintaining its identified visual amenity values.
- c. 'Landscape values' in relation to any Outstanding Natural Feature, Outstanding Natural Landscape or Rural Character Landscape includes biophysical, sensory and associative attributes (and 'values' has a corresponding meaning);
- d. 'Rural Living' means residential-type development in the Wakatipu Basin Rural Amenity Zone, a Rural Character Landscape or on an Outstanding Natural Feature or in an Outstanding Natural Landscape, including of the nature anticipated in a Rural



## PART 4

## WAKATIPU BASIN 24

Residential or Rural Lifestyle zone but excluding residential development for farming or other rural production activities;

e. ...

### 3.2 Strategic Objectives

...

#### 3.2.5 The retention of the District's distinctive landscapes. (addresses Issues 2 and 4)

(Strategic Objectives 3.2.5.1 – 3.2.5.7~~8~~ inclusive elaborate on Strategic Objective 3.2.5. In addition, SO 3.2.1.7, 3.2.1.8 and 3.2.2.1 also elaborate on SO 3.2.5).

...

[add new SO after 3.2.5.7]

#### Wakatipu Basin Rural Amenity Zone

##### 3.2.5.8 Within the Wakatipu Basin Rural Amenity Zone:

- a. the landscape character and visual amenity values of the Basin and of its Landscape Character Units, as identified in Schedule 24.8 are maintained or enhanced; and
- b. the landscape capacity of each Landscape Character Unit and of the Basin as a whole is not exceeded.

## 24. Wakatipu Basin

### 24.1 Zone Purpose

This chapter applies to the Wakatipu Basin Rural Amenity Zone (Rural Amenity Zone) and its sub-zone, the Wakatipu Basin Lifestyle Precinct (Precinct). The purpose of the Zone is to maintain or enhance the character and amenity of the Wakatipu Basin, while providing for rural living and other activities.

The Rural Amenity Zone is applied to areas of the Wakatipu Basin which have either reached, or are nearing a threshold where further landscape modification arising from additional residential subdivision, use and development (including buildings) is not likely to maintain the Wakatipu Basin's landscape character and visual amenity values. There are some areas within the Rural Amenity Zone that have a landscape capacity rating to absorb additional development of Moderate, Moderate-High or High. In those areas limited and carefully located and designed additional residential subdivision and development is provided for while maintaining or enhancing landscape character and visual amenity values.

Other activities that rely on the rural land and landscape resource are contemplated in the Rural Amenity Zone including recreation, commercial and tourism activities. Farming activities are enabled while noting that farming is not the dominant activity in many locations.

The Precinct is applied to specific areas of land within the broader Rural Amenity Zone that have capacity to absorb rural living development. These areas have a variety of existing lot sizes and patterns of development, with landscape character also varying across the Precinct. This includes existing vegetation, including shelterbelts, hedgerows and exotic amenity plantings, which characterise certain areas. Within the Precinct, sympathetically located and well-designed rural living development which achieves minimum and average lot sizes, is anticipated, while still achieving the overall objectives of the Rural Amenity Zone.

While the Rural Amenity Zone does not contain Outstanding Natural Features or Outstanding Natural Landscapes, it is a distinctive and high amenity value landscape located adjacent to, or nearby to, Outstanding Natural Features and Outstanding Natural Landscapes. There are no specific setback rules for development adjacent to Outstanding Natural Features or Outstanding Natural Landscapes. However, all buildings (except small farm buildings) and subdivision require resource consent to ensure that inappropriate buildings and/or subdivision does not occur adjacent to those features and landscapes.

Escarpment, ridgeline and river cliff features are identified on the District Plan web mapping application. Buildings proposed within the prescribed setback of these features require assessment to ensure the values of these landscape features are maintained.

Integral to the management of the Rural Amenity Zone and Precinct is Schedule 24.8, which defines 24 Landscape Character Units. These Landscape Character Units are a tool that assists with the identification of the Basin's landscape character and visual amenity values that are to be maintained ~~or~~ and enhanced.

Proposals in areas rated to have Very Low, Low or Moderate-Low development capacity are to be assessed against the landscape character and amenity values of the landscape character unit they are located within, as well as the Wakatipu Basin as a whole.

## PART 4

## WAKATIPU BASIN 24

Proposals in areas rated to have Moderate development capacity are to be assessed against the landscape character and amenity values of the landscape character unit they are located within. Controls on the location, scale and visual effects of buildings are used to provide a design led response to the identified character and values.

### 24.2 Objectives and Policies

Objectives 24.2.1 to 24.2.4 and related policies apply to both the Rural Amenity Zone and the Precinct except the following policies do not apply to the Precinct; 24.2.1.1. 24.2.1.1A. 24.2.1.1B. 24.2.1.3. 24.2.1.6. 24.2.1.9, 24.2.1.11 and 24.2.1.14. Objective 24.2.5 and related policies apply to the Precinct only.

**24.2.1 Objective - Landscape character and visual amenity values in the Wakatipu Basin are maintained or enhanced.**

#### Policies

24.2.1.1X Identify in Schedule 24.8 and on the planning maps the landscape capacity of areas outside of the Precinct to absorb subdivision and residential development according to the following rating scale:

- a. Very Low capacity;
- b. Low capacity;
- c. Moderate-Low capacity;
- d. Moderate capacity;
- e. Moderate-High capacity; and
- f. High Capacity.

24.2.1.1 Require an 80 hectare minimum site area be maintained within the Wakatipu Basin Rural Amenity Zone outside of the Precinct. Subdivision or residential development in all areas outside of the Precinct that are identified in Schedule 24.8 to have Very Low, Low or Moderate-Low capacity must be of a scale, nature and design that:

- a. is not inconsistent with any of the policies that serve to assist to achieve objective 24.2.1; and
- b. ensures that the landscape character and visual amenity values identified for each relevant Landscape Character Unit in Schedule 24.8 and the landscape character of the Wakatipu Basin as a whole are maintained or enhanced by ensuring that landscape capacity is not exceeded.

24.2.1.1XX Subdivision or residential development in all areas of the Wakatipu Basin Rural Amenity Zone outside of the Precinct that are identified in Schedule 24.8 to have Moderate capacity must be of a scale, nature and design that:

- a. is not inconsistent with any of the policies that serve to assist to achieve objective 24.2.1; and
- b. ensures that the landscape character and visual amenity values of each relevant LCU as identified in Schedule 24.8 is maintained or enhanced by ensuring that landscape capacity is not exceeded.

## PART 4

## WAKATIPU BASIN 24

24.2.1.1A Within those areas identified as having a landscape capacity rating of Moderate, do not allow any new residential development and subdivision for residential activity that is not located and designed so as to:

- a. avoid sprawl along roads;
- b. maintain a defensible edge to and not encroach into ~~to~~ any area identified as having Moderate-Low, Low or Very Low landscape capacity rating;
- c. minimise incremental changes to landform and vegetation patterns associated with mitigation such as screen planting and earthworks which adversely affect important views of the landform and vegetation character identified for the relevant Landscape Character Units in Schedule 24.8; and
- d. not degrade openness when viewed from public places if that is identified in Schedule 24.8 as an important part of the landscape character of the relevant area, including as a result of any planting or screening along roads or boundaries.

24.2.1.1B Ensure the following outcomes in the consideration of any proposal for subdivision or residential development:

- a. in the part of LCU 3 described in Schedule 24.8 as 'Fitzpatrick Road South':
  - i. avoid all development on the elevated knoll landform near Fitzpatrick Road and on the south facing elevated slopes along the southern margins of the area (above the Shotover River cliffs); and
  - ii. minimise the visibility of development in views from Tucker Beach, the Queenstown Trail and Fitzpatrick Road.
- b. in the part of LCU 11 described in Schedule 24.8 as 'East of Lower Shotover Road' minimise the visibility of development in views from Lower Shotover Road, the Queenstown Trail and Slopehill Road;
- c. in LCU 15 described in Schedule 24.8 as 'Hogans Gully' minimise the visibility of development from McDonnell Road, Centennial Avenue, Hogans Gully Road and the Queenstown Trail, and from elevated public places outside the Zone including from the Crown Range Road and Zig Zag lookout;
- d. in LCU 22 described in Schedule 24.8 as 'Hills':
  - i. minimise the visibility of development from McDonnell Road, Centennial Avenue, Hogans Gully Road and the Queenstown Trail; and
  - ii. ensure development is visually recessive from elevated public places outside the Zone including from the Crown Range Road and Zig Zag lookout.
- e. in the part of LCU 23 described in Schedule 24.8 as 'Millbrook Malaghans Road South':
  - i. ensure no development is visible from Malaghans Road;
  - ii. confine development to the flat land on the south side of the roche moutonnée near Malaghans Road;
  - iii. ensure all access is only from the Millbrook Resort Zone; and
  - iv. visually integrate any development with the Millbrook Resort Zone.
- f. in the part of LCU 23 described in Schedule 24.8 as 'Millbrook Arrowtown Lake Hayes East':
  - i. avoid built development on the low-lying land adjacent to Butel Road and Arrowtown Lake Hayes Road;

## PART 4

## WAKATIPU BASIN 24

- ii. confine development to locations where existing landform or vegetation features serve to limit visibility and provide for visual integration with the Millbrook Resort Zone.

- 24.2.1.2 Ensure subdivision and development is designed (including accessways, services, utilities and building platforms) to minimise inappropriate modification to the natural landform.
- 24.2.1.3 Ensure that subdivision and development maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.
- 24.2.1.4 Maintain or enhance the landscape character and visual amenity values of the Rural Amenity Zone including the Precinct and surrounding landscape context by:
  - a. controlling the colour, scale, form, coverage, location (including setbacks) and height of buildings and associated infrastructure, vegetation and landscape elements.
- 24.2.1.5 Require all buildings to be located and designed so that they do not compromise the landscape and amenity values and the natural character of Outstanding Natural Features and Outstanding Natural Landscapes that are either adjacent to the building or where the building is in the foreground of views from a public road or reserve of the Outstanding Natural Landscape or Outstanding Natural Feature.
- 24.2.1.6 Provide for farming, commercial, community, recreation, tourism related and other non-residential activities that rely on the rural land resource, subject to maintaining or enhancing landscape character and visual amenity values.
- 24.2.1.7 Locate, design operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.
- 24.2.1.8 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.
- 24.2.1.9 Control earthworks and vegetation clearance to minimise adverse effects on landscape character and visual amenity values.
- 24.2.1.10 Enable residential activity within approved and registered building platforms subject to achieving appropriate standards.
- 24.2.1.11 Provide for activities that maintain a sense of spaciousness in which buildings are subservient to natural landscape elements.
- 24.2.1.12 Manage lighting so that it does not cause adverse glare to other properties, roads or public places, or degrade views of the night sky.
- 24.2.1.13 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata Whenua in the manner directed in Chapter 5: Tangata Whenua.
- 24.2.1.14 Ensure subdivision and development maintains a defensible edge between areas of rural living in the Precinct and the balance of the Rural Amenity Zone.

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## WAKATIPU BASIN 24

24.2.1.15 Require buildings, or building platforms identified through subdivision, to maintain views from roads to Outstanding Natural Features and the surrounding mountain Outstanding Natural Landscape context, where such views exist; including by:

- a. implementing road setback standards; and
- b. ensuring that earthworks and mounding, and vegetation planting within any road setback, particularly where these are for building mitigation and/or privacy, do not detract from views to Outstanding Natural Features or Outstanding Natural Landscapes; while
- c. recognising that for some sites, compliance with a prescribed road setback standard is not practicable due to the site size and dimensions, or the application of other setback requirements to the site.

### **24.2.2 Objective – Non-residential activities maintain or enhance amenity values.**

#### **Policies**

- 24.2.2.1 Ensure traffic, noise and the scale and intensity of non-residential activities do not have an adverse impact on landscape character and amenity values, or affect the safe and efficient operation of the roading and trail network or access to public places.
- 24.2.2.2 Ensure the effects generated by non-residential activities (e.g. traffic, noise, hours of operation) are compatible with surrounding uses.
- 24.2.2.3 Ensure non-residential activities other than farming, with the potential for nuisance effects from dust, visual, noise or odour effects, are located a sufficient distance from formed roads, neighbouring properties, waterbodies and any residential activity.
- 24.2.2.4 Ensure informal airports are located, operated and managed to maintain the surrounding rural amenity.
- 24.2.2.5 Provide for residential visitor accommodation and homestays within residential units without compromising the surrounding character and amenity and minimising conflict with surrounding activities by limiting the scale, intensity and frequency of these activities.

### **24.2.3 Objective – Reverse sensitivity effects are avoided or mitigated where rural living opportunities, visitor and tourism activities, community and recreation activities occur.**

#### **Policies**

- 24.2.3.1 Ensure informal airports are not compromised by the establishment of incompatible activities.
- 24.2.3.2 Ensure reverse sensitivity effects on rural living and non-residential activities are avoided or mitigated.
- 24.2.3.3 Support productive farming activities such as agriculture, horticulture and viticulture in the Rural Amenity Zone by ensuring that reverse sensitivity issues do not constrain productive activities.

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**24.2.4 Objective – Subdivision and development, and use of land, maintains or enhances water quality, ecological quality, and recreation values while ensuring the efficient provision of infrastructure.**

### Policies

- 24.2.4.1 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.
- 24.2.4.2 Restrict the subdivision, development and use of land in the Lake Hayes catchment, unless it can contribute to water quality improvement in the catchment commensurate with the nature, scale and location of the proposal.
- 24.2.4.3 Provide for improved public access to, and the maintenance and enhancement of, the margins of waterbodies including Mill Creek and Lake Hayes.
- 24.2.4.4 Provide adequate firefighting water and emergency vehicle access to ensure an efficient and effective emergency response.
- 24.2.4.5 Ensure development has regard to servicing and infrastructure costs that are not met by the developer.
- 24.2.4.6 Facilitate the provision of walkway and cycleway networks and consider opportunities for the provision of bridle path networks.
- 24.2.4.7 Ensure traffic generated by non-residential development does not individually or cumulatively compromise road safety or efficiency.
- 24.2.4.8 Encourage the removal of wilding exotic trees.
- 24.2.4.9 Encourage the planting, retention and enhancement of indigenous vegetation that is appropriate to the area and planted at a scale, density, pattern and composition that enhances indigenous biodiversity values, particularly in locations such as gullies and riparian areas, or to provide stability.

**24.2.5 Objective – Rural living opportunities in the Precinct are enabled, provided landscape character and visual amenity values are maintained or enhanced.**

### Policies

- 24.2.5.1 Provide for rural living, subdivision, development and use of land in a way that maintains or enhances the landscape character and visual amenity values identified in Schedule 24.8 - Landscape Character Units.
- 24.2.5.2 Ensure that any development or landscape modification occurs in a sympathetic manner in both developed and undeveloped areas, by promoting design-led and innovative patterns of subdivision and development that maintain or enhance the landscape character and visual amenity values of the Wakatipu Basin overall.
- 24.2.5.3 Provide for non-residential activities, including restaurants, visitor accommodation, commercial recreation, and recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures that the character and visual amenity values of the Precinct are maintained or enhanced.

## PART 4

## WAKATIPU BASIN 24

- 24.2.5.4 Implement lot size and development standards that provide for subdivision and development while ensuring the landscape character and visual amenity values of the Precinct, as identified in Schedule 24.8 – Landscape Character Units, are not compromised by the cumulative adverse effects of development.
- 24.2.5.5 Encourage the retention and planting of vegetation that contributes to landscape character and visual amenity values of the Precinct, particularly where vegetation is identified as an important element in Schedule 24.8, provided it does not present a high risk of wilding spread.
- 24.2.5.6 Require buildings, or building platforms identified through subdivision, or any vehicle access located within a prescribed Escarpment. Ridgeline and River Cliff Features setback as identified on the District Plan web mapping application, to maintain the values of those features, including by:
- ensuring that any buildings, earthworks and landform modification are located and designed so that the values of the feature are maintained; while
  - recognising that for some sites compliance with the prescribed setback is not practicable due to the site size and dimensions, presence of existing buildings, or the application of other setback requirements.

### 24.3 Other Provisions and Rules

#### 24.3.1 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
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation and Biodiversity
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	District Plan web mapping application	

#### 24.3.2 Interpreting and Applying the Rules

- 24.3.2.1 A permitted activity must comply with all of the rules (in this case of Chapter 24) and any relevant district wide rules.
- 24.3.2.2 The surface of lakes and rivers are zoned Rural.
- 24.3.2.3 Guiding Principle: Previous Approvals



## PART 4

## WAKATIPU BASIN 24

- a. Requirements relating to building platforms and conditions of consents, including landscaping or other visual mitigation, that are registered on a site's computer freehold register as part of a resource consent approval by the Council are considered by the Council to remain relevant and will remain binding unless altered or cancelled.
- b. Applicants may apply to alter or cancel any conditions of an existing resource consent as a component of an application for resource consent for development. Whether it may be appropriate for the Council to maintain, or to alter or cancel these conditions shall be assessed against the extent to which a resource consent application accords with the objectives and provisions of the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct (as applicable).

24.3.2.4 These abbreviations for the class of activity status are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

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

24.3.2.5 The Wakatipu Basin Lifestyle Precinct is a sub-zone of the Wakatipu Basin Rural Amenity Zone and all rules in Table 24.1 apply to the Precinct. Where specific rules and standards are identified for the Precinct, these prevail over the Rural Amenity Zone rules in Table 24.1.

24.3.2.6 All activities, including any listed permitted activities are subject to the rules and standards contained in Tables 24.1 and 24.2.

24.3.2.7 For Plantation Forestry the Resource Management (National Environmental Standard for Plantation Forestry) Regulation 2017 prevails.

24.3.2.8 Rules 24.5.1.1 to 24.5.1.5 do not apply to residential units, including residential flats, located within a building platform approved by resource consent, and registered on the applicable record of title.

### 24.3.3 Advice Notes

- 24.3.3.1 Clarifications of the meaning of root protection zone, minor trimming of a hedgerow, minor trimming and significant trimming are provided in Chapter 2 – Definitions.
- 24.3.3.2 On-site wastewater treatment is subject to the Otago Regional Plan: Water. In particular, Rule 12.A.1.4 of the Otago Regional Plan: Water requires that within the Lakes Hayes Catchment all on-site wastewater treatment systems are operated in accordance with a resource consent obtained from the Otago Regional Council. The Lake Hayes Catchment is identified in Schedule 24.9.
- 24.3.3.3 All objectives, policies and assessment matters will be applicable as part of any subdivision application, to the extent that they are relevant, despite policies 24.2.1.15 and 24.2.5.6 referring to the terms subdivision and building platform specifically.

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## WAKATIPU BASIN 24

24.3.3.4 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:200”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

### 24.4 Rules – Activities

	Table 24.1 – Activities	Activity Status
24.4.1	Any activity not listed in Tables 24.1.	NC
24.4.2	Farming activity.	P
	<b>Residential activities and buildings</b>	
24.4.3	The use of land or buildings for residential activity except as otherwise provided for in Table 24.1 and subject to the standards in Table 24.2.	P
24.4.4	The alteration of any lawfully established building used for residential activity.	P
24.4.5	The construction of buildings for residential activity, including residential flats, that are located within a building platform approved by a resource consent and registered on the applicable record of title.  Control is reserved over: <ol style="list-style-type: none"> <li>Effects on landscape character associated with the bulk and external appearance of buildings;</li> <li>Access;</li> <li>Infrastructure;</li> <li>Landform modification, exterior lighting, landscaping and planting (existing and proposed).</li> <li>Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment.</li> </ol>	C
24.4.6	The construction of buildings for residential activity not provided for by Rules 24.4.5 or to 27.4.7A Rule 24.4.7.  Discretion is restricted to: <ol style="list-style-type: none"> <li>Effects on landscape character associated with the bulk and external appearance of buildings;</li> <li>Access;</li> <li>Infrastructure;</li> </ol>	RD

Commented [SG1]: Council to make change using clause 16.

## PART 4

## WAKATIPU BASIN 24

	Table 24.1 – Activities	Activity Status
	<p>d. Landform modification, exterior lighting, landscaping and planting (existing and proposed);</p> <p>e. Natural hazards.</p> <p>f. Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment.</p> <p>g. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.</p>	
<b>24.4.7</b>	The construction of buildings for residential activity outside a building platform approved by a resource consent and registered on the applicable record of title on a site where there is such a building platform.	NC
<b>24.4.7A</b>	<u>Any new residential activity including the construction of buildings for that residential activity within those areas identified in Rule 24.5.1.6.</u>	<u>D</u>
	<b>Non-residential activities and buildings</b>	
<b>24.4.8</b>	Farm buildings.	P
<b>24.4.9</b>	Roadside stall buildings.	P
<b>24.4.10</b>	Home occupation.	P
<b>24.4.11</b>	The alteration of any lawfully established building used for a non-residential activity.	P
<b>24.4.12</b>	24.4.12.1 Informal airports in the Wakatipu Basin Rural Amenity Zone. 24.4.12.2 Informal airports in the Lifestyle Precinct.	P D
<b>24.4.13</b>	Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site.	P
<b>24.4.14</b>	Commercial recreational activities that are undertaken on land, outdoors and involve not more than 12 persons in any one group.	P
<b>24.4.15</b>	Residential visitor accommodation and homestays.	P

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	<b>Table 24.1 – Activities</b>	<b>Activity Status</b>
<b>24.4.16</b>	<p>Retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site where the access is onto a State Highway.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Access to, and safety of, the transport network;</li> <li>b. On-site parking in relation to safety and manoeuvring.</li> </ul>	RD
<b>24.4.17</b>	<p>Industrial activities directly associated with wineries and underground cellars within a vineyard.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Noise;</li> <li>b. Access and parking in relation to safety and manoeuvring;</li> <li>c. Traffic generation;</li> <li>d. Odour;</li> <li>e. Hours of operation;</li> <li>f. Waste treatment and disposal.</li> </ul>	RD
<b>24.4.18</b>	<p>The construction of buildings for non-residential activities, not otherwise provided for in Table 24.1.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Landscape character;</li> <li>b. Visual amenity;</li> <li>c. Access;</li> <li>d. Natural hazards;</li> <li>e. Infrastructure;</li> <li>f. Landform modification, landscaping and planting (existing and proposed).</li> <li>g. Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment.</li> <li>h. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.</li> </ul>	RD
<b>24.4.19</b>	<p>Commercial recreational activities that are undertaken on land, outdoors and involve more than 12 persons in any one group.</p>	D
<b>24.4.20</b>	<p>Cafes and restaurants.</p>	D
<b>24.4.21</b>	<p>Visitor accommodation.</p>	D

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## WAKATIPU BASIN 24

	Table 24.1 – Activities	Activity Status
24.4.22	Community activities.	D
24.4.23	Any commercial or Industrial activity not otherwise provided for in Table 24.1 including those associated with farming.	NC
24.4.24	Panelbeating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motorbody building, or any activity requiring an Offensive Trade Licence under the Health Act 1956 except where such activities are undertaken as part of a farming activity, residential activity or as a permitted home occupation.	
	24.4.24.1 Within the Wakatipu Basin Rural Amenity Zone	NC
	24.4.24.2 Within the Lifestyle Precinct	PR
24.4.25	Buildings, associated infrastructure and earthworks within any Building Restriction Area.	NC

### 24.5 Rules - Standards

The following standards apply to all activities.

	Table 24.2 - Standards	Non-compliance status
24.5.1	<b>Residential Density</b>	
24.5.1.1	For sites with a net site area of 1 hectare or less and zoned in part or whole Wakatipu Basin Lifestyle Precinct, a maximum of one residential unit per site.	NC
24.5.1.2	For sites with a net site area greater than 1 hectare and zoned in part or whole Wakatipu Basin Lifestyle Precinct, no more than one residential unit per hectare on average of the net site area zoned Wakatipu Basin Lifestyle Precinct.	NC
24.5.1.3	Where Rule 24.5.1.1 or Rule 24.5.1.2 applies, all residential units (including residential flats) must be located within the area zoned Wakatipu Basin Lifestyle Precinct.	NC
24.5.1.4	Any site in the Wakatipu Basin Rural Amenity Zone located wholly outside the Precinct in respect of which resource consent creating the site was granted before 21 March 2019, and a record of title	NC

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	<b>Table 24.2 - Standards</b>	<b>Non-compliance status</b>
	subsequently issued, and with an area less than 80 hectares, a maximum of one residential unit per site. <u>Except this rule shall not apply where Rule 24.5.1.6 is applied.</u>	
<b>24.5.1.5</b>	For that part of all other sites in the Wakatipu Basin Rural Amenity Zone wholly located outside of the Precinct, a maximum of one residential unit per 80 hectares net site area. <u>Except this rule shall not apply where Rule 24.5.1.6 is applied.</u>	NC
<b>24.5.1.6</b>	<p><u>Any site located within a Landscape Character Unit or area identified on the District Plan web mapping application a maximum of one residential unit per net site area and average area:</u></p> <p><u>24.5.1.6.1 LCU 3 limited to the area identified as Fitzpatrick Road South: XX minimum and 3ha average</u></p> <p><u>24.5.1.6.2 LCU 11 limited to the area identified as East of Lower Shotover Road: XX minimum and 2ha average</u></p> <p><u>24.5.1.6.3 LCU 6 limited to the area identified as Hunter Road West: 6,000m<sup>2</sup> minimum and 5 ha average</u></p> <p><u>24.5.1.6.4 LCU 6 limited to the area identified as Mooney Road: XX minimum and 4 ha average</u></p> <p><u>24.5.1.6.6 LCU 12 limited to the area identified as Hogans Gully Road South: 6,000m<sup>2</sup> minimum and 2 ha average</u></p> <p><u>24.5.1.6.7 LCU 15 Hogans Gully (entire LCU outside of the Hogans Gully Resort Zone): 4ha minimum and 6 ha average</u></p>	NC

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	Table 24.2 - Standards	Non-compliance status
	<p><u>24.5.1.6.8 LCU 22 Hills (entire LCU): 3ha minimum and 4 ha average</u></p> <p><u>24.5.1.6.9 LCU 23 limited to the area identified as Malaghans Road South: XX minimum and 1.5ha average</u></p> <p><u>24.5.1.6.10 LCU 23 limited to the area identified as Arrowtown Lake Hayes Road East: XX minimum and 1 ha average</u></p> <p><u>24.5.1.6.11 LCU 24 South Arrowtown (entire LCU): XX minimum and 3ha average</u></p>	
<b>24.5.2</b>	<p><b>Residential Flats</b></p> <p>24.5.2.1 Within the Wakatipu Basin Lifestyle Precinct, any residential flat must be separated from the principal residential unit by no more than 10 metres.</p> <p>24.5.2.2 Rule 24.5.2.1 does not apply to a residential flat located within a building platform approved by a resource consent, and registered on the applicable record of title.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects on landscape character associated with the location of buildings and cumulative adverse effects.</p>
<b>24.5.3</b>	<p><b>Alterations to buildings for residential activities not located within a building platform</b></p> <p>Alterations to a building not located within a building platform must not increase the ground floor area by more than 30% in any ten year period.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects on landscape character associated with the bulk and external appearance of buildings;</p> <p>b. Landform modification, landscaping and planting (existing and proposed);</p> <p>c. Infrastructure.</p> <p>d. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any</p>

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	<b>Table 24.2 - Standards</b>	<b>Non-compliance status</b>
		adverse effects on that infrastructure.
<b>24.5.4</b>	<p><b>Building Material and Colours</b></p> <p>Any building and its alteration, including shipping containers that remain on site for more than six months, are subject to the following:</p> <p>All exterior surfaces* must be coloured in the range of browns, greens or greys including;</p> <p>24.5.4.1 Pre-painted steel and all roofs must have a light reflectance value not greater than 20%; and</p> <p>24.5.4.2 All other exterior surface** finishes, except for schist, must have a light reflectance value of not greater than 30%.</p> <p>* Excludes soffits, windows and skylights (but not glass balustrades).</p> <p>** Includes cladding and built landscaping that cannot be measured by way of light reflectance value but is deemed by the Council to be suitably recessive and have the same effect as achieving a light reflectance value of 30%.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Effects on landscape character associated with the bulk and external appearance of buildings;</li> <li>b. Visual prominence from both public places and private locations.</li> </ul>
<b>24.5.5</b>	<p><b>Building Ground Floor Area</b></p> <p>Where a residential building is constructed within a building platform under Rule 24.4.5, the ground floor area of all buildings must not exceed 500m<sup>2</sup>.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Building scale and form;</li> <li>b. Visual prominence from both public places and private locations.</li> </ul>
<b>24.5.6</b>	<p><b>Building coverage</b></p> <p>The building coverage of all buildings on a site not subject to Rule 24.5.5 must not exceed 15% of net site area, or 500m<sup>2</sup>, whichever is the lesser.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Building scale and form;</li> <li>b. Visual prominence from both public places and private locations.</li> </ul>
<b>24.5.7</b>	<p><b>Setback from internal boundaries</b></p>	RD



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	<b>Table 24.2 - Standards</b>	<b>Non-compliance status</b>
	The minimum setback of any building from internal boundaries shall be 10m.	Discretion is restricted to: <ul style="list-style-type: none"> <li>a. Building location, character, scale and form;</li> <li>b. External appearance including materials and colours;</li> <li>c. Landform modification/planting (existing and proposed).</li> </ul>
<b>24.5.8</b>	<b>Height of buildings</b>	
<b>24.5.8.1</b>	The maximum height of buildings shall be 6.5m.	RD For buildings with a height greater than 6.5m and no more than 8m, discretion is restricted to: <ul style="list-style-type: none"> <li>a. Visual prominence from both public places and private locations;</li> <li>b. External appearance including materials and colours;</li> <li>c. Landform modification/planting (existing and proposed).</li> </ul> Note: 24.5.8.2 applies to buildings with a height greater than 8m.
<b>24.5.8.2</b>	The maximum height of buildings shall be 8m.	NC
<b>24.5.9</b>	<b>Setback from roads</b>	RD
	<p>24.5.9.1 The minimum setback of any building from any road boundary (other than an unformed road) shall be 75m in the Precinct and 20m in the Rural Amenity Zone.</p> <p>24.5.9.2 The minimum setback of any building from any unformed road shall be 20m in the Rural Amenity Zone and Lifestyle Precinct.</p> <p>24.5.9.3 Rules 24.5.9.1 and 24.5.9.2 do not apply to the construction of buildings for residential activity pursuant to Rule 24.4.5.</p>	Discretion is restricted to: <ul style="list-style-type: none"> <li>a. Building location, character, scale and form;</li> <li>b. External appearance including materials and colours;</li> <li>c. Landscaping/planting (existing and proposed).</li> <li>d. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any</li> </ul>

	Table 24.2 - Standards	Non-compliance status
		adverse effects on that infrastructure.
<b>24.5.10</b>	<p><b>Setback from Escarpment, Ridgeline and River Cliff Features</b></p> <p>24.5.10.1 Within the Lifestyle Precinct only, any building or vehicle access shall be located a minimum of 50m from the boundary of any Escarpment, Ridgeline or River Cliff Feature shown on the District Plan web mapping application.</p> <p>24.5.10.1 Rule 24.5.10.1 does not apply to the construction of buildings for residential activity pursuant to Rule 24.4.5.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>Building location, character, scale and form;</li> <li>External appearance including materials and colours;</li> <li>Landform modification/planting (existing and proposed).</li> </ol>
<b>24.5.11</b>	<p><b>Setback from boundaries of non-residential buildings housing animals</b></p> <p>The minimum setback from boundaries for any building whose primary purpose is to house animals shall be 30m.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <ol style="list-style-type: none"> <li>Open space, rural living character and amenity;</li> <li>Privacy, views and outlook from neighbouring properties and public places;</li> <li>Reverse sensitivity effects on adjacent properties including odour and noise;</li> <li>Landform modification/planting (existing and proposed).</li> </ol>
<b>24.5.12</b>	<p><b>Setback of buildings from waterbodies</b></p> <p>The minimum setback of any building from the bed of a wetland, river or lake shall be 30m.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> <li>waterbodies that have been built as part of a subdivision or development for the primary purpose of treating and disposing of stormwater, or</li> <li>the construction of buildings for residential activities pursuant to Rule 24.4.5.</li> </ol>	<p>RD</p> <p>Discretion is restricted to the following:</p> <ol style="list-style-type: none"> <li>Biodiversity values;</li> <li>Natural Hazards;</li> <li>Visual and recreational amenity values;</li> <li>Landscape and natural character;</li> <li>Open space.</li> </ol>

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	<b>Table 24.2 - Standards</b>	<b>Non-compliance status</b>
		f. Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment.
<b>24.5.13</b>	<p><b>Farm buildings</b></p> <p>a. The maximum gross floor area of any farm building shall be 50m<sup>2</sup>.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Building location, character, scale and form;</p> <p>b. External appearance including materials and colours; and</p> <p>c. Landform modification/planting (existing and proposed).</p>
<b>24.5.14</b>	<p><b>Home occupations</b></p> <p>a. The maximum net floor area of home occupation activities shall be 150m<sup>2</sup>.</p> <p>b. No goods materials or equipment shall be stored outside a building.</p> <p>c. All manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The nature, scale and intensity of the activity;</p> <p>b. Visual amenity from neighbouring properties and public places;</p> <p>c. Noise, odour and dust;</p> <p>d. Access, safety and transportation.</p>
<b>24.5.15</b>	<p><b>Roadside stalls</b></p> <p>a. The maximum ground floor area shall be 5m<sup>2</sup>.</p> <p>b. Stalls shall not be higher than 2.0m from ground level.</p> <p>c. The minimum sight distance along the road from the stall or stall access shall be 250m.</p> <p>d. The minimum distance of the stall or stall access from an intersection shall be 100m; and, the stall shall not be located on the legal road reserve.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Building location, character, scale and form;</p> <p>b. External appearance including materials and colours;</p> <p>c. Access and safety;</p> <p>d. Parking in relation to safety and manoeuvring.</p> <p>e. Where Electricity Sub-transmission Infrastructure or</p>

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	<b>Table 24.2 - Standards</b>	<b>Non-compliance status</b>
		Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.
<b>24.5.16</b>	<p><b>Retail Sales</b></p> <p>The maximum gross floor area of buildings shall be 25m<sup>2</sup> for retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Building location, character, scale and form;</li> <li>b. External appearance including materials and colours;</li> <li>c. Access safety and transportation effects;</li> <li>d. Parking and access in relation to safety and manoeuvring.</li> </ul>
<b>24.5.17</b>	<p><b>Glare</b></p> <ul style="list-style-type: none"> <li>a. All fixed exterior lighting shall be directed away from adjacent roads and sites.</li> <li>b. Activities on any site shall not result in more than a 3 lux spill (horizontal and vertical) of light to any other site, measured at any point within the boundary of the other site.</li> <li>c. There shall be no upward light spill.</li> </ul>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Lighting location and number of lights;</li> <li>b. Proximity to roads, public places and neighbours;</li> <li>c. Height and direction of lights;</li> <li>d. Lux levels.</li> </ul>
<b>24.5.18</b>	<p><b>Informal airports</b></p> <p>Other than in the case of informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities:</p> <ul style="list-style-type: none"> <li>a. Informal airports shall not exceed a frequency of use of 2 flights per day;</li> <li>b. Informal airports shall be located a minimum distance of 500 metres from any other zone or the notional boundary of any residential dwelling not located on the same site;</li> </ul>	<p>D</p>

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	<b>Table 24.2 - Standards</b>	<b>Non-compliance status</b>
	<p><b>Advice note:</b> For the purpose of this rule a flight includes two aircraft movements i.e. an arrival and a departure.</p>	
<b>24.5.19</b>	<p><b>Firefighting water and access</b></p> <p>New buildings for residential activities where there is no reticulated water supply, or any reticulated water supply is not sufficient for firefighting must have one of the following:</p> <p>either a sprinkler system installed and plumbed with a maintained static water storage supply of at least 7,000 litres available to the system, or</p> <p>water supply and access for firefighting that meets the following requirements:</p> <ul style="list-style-type: none"> <li>a. Water storage of at least 45,000 litres shall be maintained (excluding potable water storage for domestic use) with an outlet connection point that can provide 1500L/min (25 L/s) and any necessary couplings;</li> <li>b. A hardstand area with a minimum width of 4.5m and length of 11m located within 6m of the firefighting water supply connection point and capable of supporting a 20 tonne fire service vehicle;</li> <li>c. The connection point for the firefighting water supply must be located more than 6m and less than 90m from the building for residential activities and be accessible by emergency service vehicles during fire events;</li> <li>d. Access from the property road boundary to the hardstand area capable of accommodating a 20 tonne fire service vehicle.</li> </ul>	<p>RD</p> <p>Discretion is restricted to:</p> <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>
<b>24.5.20</b>	<p><b>Residential visitor accommodation</b></p> <p>Residential visitor accommodation – Excluding the Lifestyle Precinct</p>	<p>C</p> <p>Control is reserved to:</p>

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	<b>Table 24.2 - Standards</b>	<b>Non-compliance status</b>
	<p>24.5.20.1 The total nights of occupation by paying guests on a site do not exceed a cumulative total of 120 nights per annum from the date of initial registration.</p> <p>24.5.20.2 The activity is registered with Council prior to commencement.</p> <p>24.5.20.3 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>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 24.5.20.1 to 24.5.20.3.</p>	<p>a. The location, nature and scale of the activities;</p> <p>b. The management of noise, rubbish, recycling and outdoor activities;</p> <p>c. Guest management and complaints procedures;;</p> <p>d. The keeping of records of the Residential Visitor Accommodation use, and availability of records for Council inspection; and</p> <p>e. Monitoring requirements, including imposition of an annual monitoring charge.</p>
<b>24.5.21</b>	<p>Residential visitor accommodation – Lifestyle Precinct only</p> <p>24.5.21.1 The total nights of occupation by paying guests on a site do not exceed a cumulative total of 120 nights per annum from the date of initial registration.</p> <p>24.5.21.2 The number of guests must not exceed 2 adults per bedroom and the total number of adults and children must not exceed:</p> <ul style="list-style-type: none"> <li>• 3 in a 1-bedroom residential unit;</li> <li>• 6 in a 2-bedroom residential unit;</li> <li>• 9 in a 3-bedroom or more residential unit.</li> </ul>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the location, nature and scale of activities;</p> <p>b. the management of noise, rubbish, recycling and outdoor activities;</p> <p>c. privacy and overlooking;</p> <p>d. outdoor lighting;</p> <p>e. guest management and complaints procedures;</p> <p>f. the keeping of records of residential visitor accommodation use, and availability of records for Council inspection; and</p>

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	<b>Table 24.2 - Standards</b>	<b>Non-compliance status</b>
	<p>24.5.21.3 The activity is registered with Council prior to commencement.</p> <p>24.5.21.4 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>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 24.5.21.1 to 24.5.21.4</p>	<p>g. monitoring requirements, including imposition of an annual monitoring charge.</p>
<b>24.5.22</b>	<p><b>Homestay</b></p> <p>Homestay – Excluding the Lifestyle Precinct</p> <p>24.5.22.1 The total number of paying guests on a site does not exceed five per night.</p> <p>24.5.22.2 The Council is notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.22.3 Up to date records of the Homestay activity are 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 24.5.22.1 to 24.5.22.3.</p>	<p>C</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. The location, nature and scale of the activities;</li> <li>b. The management of noise, rubbish, recycling and outdoor activities;</li> <li>c. The keeping of records of Homestay use, and availability of records for Council inspection; and</li> <li>d. Monitoring requirements, including imposition of an annual monitoring charge.</li> </ul>

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	<b>Table 24.2 - Standards</b>	<b>Non-compliance status</b>
<b>24.5.23</b>	<p>Homestay – Lifestyle Precinct only</p> <p>24.5.23.1 The total number of paying guests on a site does not exceed five per night.</p> <p>24.5.23.2 The Council is notified in writing prior to the commencement of a Homestay activity.</p> <p>24.5.23.3 Up to date records of the Homestay activity are 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 24.5.23.1 to 24.5.23.3.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>the location, nature and scale of activities;</li> <li>privacy and overlooking;</li> <li>the management of noise, rubbish, recycling and outdoor activities;</li> <li>the keeping of records of residential visitor accommodation use, and availability of records for Council inspection; and</li> <li>monitoring requirements, including imposition of an annual monitoring charge</li> </ol>
<b>24.5.24</b>	<p>Alterations to buildings used for non-residential activities, not located within a building platform.</p> <p>Alterations to a building not located within a building platform must not increase the ground floor area by more than 10% in any ten year period.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>Landscape character;</li> <li>Visual amenity;</li> <li>Infrastructure;</li> <li>Landform modification, landscaping and planting (existing and proposed).</li> </ol>
<b>24.5.25</b>	<p>Exotic vegetation within landscape Character Unit 5: Dalefield</p> <p>24.5.25.1 Clearance, works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 6 metres.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>The extent of clearance or works within the root protection zone;</li> <li>Effects on landscape character and visual amenity associated with the removal of the vegetation;</li> </ol>



	Table 24.2 - Standards	Non-compliance status
	<p>24.5.25.2 Rule 24.5.25.1 does not apply if:</p> <p>a. The vegetation is identified as a wilding exotic tree in Chapter 34 (Wilding Exotic Trees).</p> <p>b. The vegetation is either dead, diseased or damaged, or likely to cause an imminent hazard to life or property. To ensure compliance with b:</p> <p>i Council must be notified in writing prior to the works commencing; and</p> <p>ii Following the works, Council must be provided with a report or written statement from a qualified arborist confirming that the vegetation was dead, diseased or damaged or likely to cause an imminent hazard to life or property.</p>	<p>c. Replacement planting;</p> <p>d. Risk to health and safety arising from the vegetation.</p>

## 24.6 Non-notification of applications

- 24.6.1 Any application for resource consent for controlled or restricted discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified, with the exception of the following:
- Rule 24.5.5 Building ground floor area.
  - Rule 24.5.6 Building coverage.
  - Rule 24.5.7 Setback from internal boundaries.
  - Rule 24.5.8.1 Height of buildings.
  - Rule 24.5.9 Setback from roads.
  - Rule 24.5.10 Setback from Escarpment, Ridgeline or River Cliff Feature.
  - Rule 24.4.16 Retail sales of farm and garden produce and wine, where the access is onto a State Highway.
  - Rule 24.5.2 Residential Flat separated from the principal residential unit by more than 10 metres, within the Lifestyle Precinct.

## PART 4

## WAKATIPU BASIN 24

- i. Rules 24.4.6, 24.4.18, 24.5.3, 24.5.9 and 24.5.15 in relation to the electricity distribution network, where the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.
  - j. Rule 24.5.23 Homestay within the Lifestyle Precinct.
- 24.6.2 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:
- a. Rule 24.5.21 Residential Visitor Accommodation within the Lifestyle Precinct.

### 24.7 Assessment Matters

- 24.7.1 In considering whether or not to grant consent and/or impose conditions on a resource consent, regard shall be had to the assessment matters set out at 24.7.3 to 24.7.15.

Assessment Matters-Controlled Activities Rule 24.4.5	
24.7.3	<p>The construction of buildings for residential activity within an approved building platform pursuant to Rule 24.4.5:</p> <p><b>Landscape character including external appearance associated with the bulk of the building, access, landform modification, exterior lighting, landscaping and planting</b></p> <ul style="list-style-type: none"><li>a. Whether the external appearance including colours of the building(s) adequately responds to the identified values set out in Schedule 24.8 – Landscape Character Units and the criteria set out below.</li><li>b. The extent to which the buildings, ancillary elements and any landscape treatment complements the existing landscape character, including consideration of:<ul style="list-style-type: none"><li>i. building colours and materials;</li><li>ii. the design and location of landform modification, retaining, fencing, gates, vehicle access (including paving materials), external lighting, domestic infrastructure (including water tanks), vegetation removal, and proposed planting;</li><li>iii. the retention of existing vegetation and landform patterns;</li><li>iv. earth mounding and framework planting to integrate buildings and accessways;</li><li>v. planting of appropriate species that are suited to the general area having regard to the matters set out in Schedule 24.8 - Landscape Character Units;</li></ul></li><li>c. The extent to which existing covenants or consent notice conditions need to be retained or otherwise integrated into the proposed development.</li><li>d. The extent to which the building is designed to avoid, remedy or mitigate adverse effects on the features, elements and patterns that contribute to the value of adjacent or nearby ONLs and ONFs.</li></ul>

Assessment Matters-Controlled Activities Rule 24.4.5	
	<p>e. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or covenants.</p> <p>f. The merit of the removal of wilding exotic trees at the time of development.</p>
<b>24.7.4</b>	<p><b>Infrastructure and access</b></p> <p>a. The extent to which the proposal provides for adequate access, and wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects.</p>
<b>24.7.4A</b>	<p><b>Lake Hayes Catchment</b></p> <p>a. The extent to which the proposal minimises erosion or sediment during construction, having regard to the provisions of Chapter 25 Earthworks, in particular Policies 25.2.1.1 and 25.2.1.7 and Assessment Matters 25.8.2 and 25.8.6.</p> <p>b. The extent to which the proposal avoids or mitigates any potential adverse effects on surface waterbodies and ecological values through the adoption of measures to reduce stormwater runoff adverse effects from the site, including the implementation of low impact design techniques.</p> <p>c. Where a waterbody is located on the site, the effectiveness of riparian planting to filter sediment and reduce sediment concentrations in stormwater runoff.</p> <p>d. The extent to which erosion and sediment management and/or on-site stormwater management systems are commensurate with the nature, scale and location of the activity.</p> <p>e. The extent to which the proposal contributes to water quality improvement, including by:</p> <ol style="list-style-type: none"> <li>i. stabilising the margins of waterways, riparian planting and ongoing management;</li> <li>ii. Reducing inputs of phosphorus and nitrogen into the catchment;</li> <li>iii. Implementing a nutrient management plan;</li> <li>iv. Restoring, maintaining, and constructing new, wetlands for stormwater management;</li> <li>v. Offering any voluntary contribution (including financial) to water quality improvement works off-site in the catchment.</li> </ol> <p>f. Practicable constraints limited to situations where no further improvements to stormwater runoff management can be achieved.</p> <p>g. Whether new development can be connected to reticulated services, or if connections are not available, whether onsite systems provide for the safe disposal of stormwater and wastewater without adversely affecting natural water systems and ecological values.</p>

Assessment Matters- Restricted Discretionary Activities	
<b>24.7.5</b>	<p>New buildings (and alterations to existing buildings) including farm buildings and residential flats, and infringements of the standards for building coverage, building size, building material and colours, and building height:</p> <p>Landscape character</p> <p>a. The extent to which the building, ancillary elements and landscaping <u>maintains or enhances the Basin's landscape including in responding</u> <del>responds</del> to the identified values set out in Schedule 24.8 – Landscape Character Units <del>for the relevant landscape unit</del>, and the following assessment matters.</p> <ol style="list-style-type: none"> <li>i. building height;</li> <li>ii. building colours and materials;</li> <li>iii. building coverage;</li> <li>iv. design, size and location of accessory buildings;</li> <li>v. the design and location of landform modification, retaining, fencing, gates, vehicle access (including paving materials), external lighting, domestic infrastructure (including water tanks);</li> <li>vi. the retention of existing vegetation and landform patterns, and proposed new planting;</li> <li>vii. earth mounding and framework planting to integrate buildings and vehicle access;</li> <li>viii. planting of appropriate species that are suited to the general area including riparian restoration planting;</li> <li>ix. the retirement of steep slopes over 15° and restoration planting to promote slope stabilisation and indigenous vegetation enhancement; and</li> <li>x. the integration of existing and provision for new public walkways and cycleways/bridlepaths.</li> </ol> <p>b. The extent to which existing covenants or consent notice conditions need to be retained or are otherwise integrated into the conditions governing the proposed development.</p> <p>c. The extent to which the development maintains visual amenity in the landscape, particularly from public places.</p> <p>d. In the case of multiple buildings or residential units not otherwise addressed as part of a previous subdivision, the extent to which a sense of spaciousness is maintained, and whether the buildings are integrated with existing landform, vegetation or settlement patterns.</p> <p>e. Where a residential flat is not located adjacent to the residential unit, the extent to which this could give rise to sprawl of buildings and cumulative effects.</p> <p>f. Where the site adjoins an ONF or ONL, the extent to which the development affects the values of that ONF or ONL.</p> <p>g. Whether mitigation elements such as a landscape management plan or proposed plantings should be subject to bonds or covenants.</p>

Assessment Matters- Restricted Discretionary Activities	
	<ul style="list-style-type: none"> <li>h. The merit of the removal of wilding exotic trees at the time of development.</li> <li>i. Whether the proposed development provides an opportunity to maintain landscape character and visual amenity through the registration of covenants requiring open space to be maintained.</li> </ul>
<b>24.7.6</b>	<p><b>Servicing, firefighting water, natural hazards, infrastructure and access</b></p> <ul style="list-style-type: none"> <li>a. The extent to which the proposal provides for adequate on-site wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects.</li> <li>b. The extent to which the proposed access utilises an existing access or provides for a common access in order to reduce visual and environmental effects, including traffic safety, minimising earthworks and vegetation removal.</li> <li>c. Whether adequate provision is made for firefighting activities and provision for emergency vehicles.</li> <li>d. The extent to which the objectives and policies set out in Chapter 28, Natural Hazards, are achieved.</li> <li>e. Where Electricity Sub-transmission infrastructure or Significant Electricity Distribution Infrastructure is located in road adjacent to the subject site or within the subject site, consideration shall be had to: <ul style="list-style-type: none"> <li>a. The effects on the operation, maintenance or minor upgrading of that infrastructure.</li> <li>b. Whether the network operator or suitably qualified engineer has provided confirmation that subdivision design would ensure that future development achieves NZECP34:2001.</li> </ul> </li> </ul>
<b>24.7.7</b>	<p><b>Non-residential activities</b></p> <p>Whether the proposal achieves:</p> <ul style="list-style-type: none"> <li>a. An appropriate scale and intensity of the activity in the context of the Basin's amenity and character <u>including of</u> the surrounding area including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units <del>for the relevant landscape character unit.</del></li> <li>b. Adequate visual amenity for neighbouring properties and from public places.</li> <li>c. Minimisation of any noise, odour and dust.</li> <li>d. Access that maintains the safety and efficiency of the roading and trail network.</li> </ul>
<b>24.7.8</b>	<p><b>Setback from boundaries</b></p> <p>Whether the proposal achieves:</p> <ul style="list-style-type: none"> <li>e. An appropriate scale and intensity of the activity in the context of the Basin's amenity and character <u>including of</u> the surrounding area including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units <del>for the relevant landscape character unit.</del></li> </ul>

<b>Assessment Matters- Restricted Discretionary Activities</b>	
	a. Adequate privacy, outlook and amenity for adjoining properties.
24.7.8B	<p><b>Setback from roads and Escarpments, Ridgeline and River Cliff Features</b></p> <p>a. Whether the proposal achieves:</p> <ol style="list-style-type: none"> <li>i. The maintenance of <u>the Basin's landscape character and visual amenity values including</u> of the identified landscape character and visual amenity values set out in Schedule 24.8 – Landscape Character Units <del>for the relevant landscape unit</del>, while having regard to the site constraints identified in (b).</li> <li>ii. For roads, maintenance of views to Outstanding Natural Features and the surrounding Outstanding Natural Landscape mountain context.</li> <li>iii. For Escarpments, Ridgeline and River Cliff Features, development that is not visually prominent.</li> </ol> <p>b. Where a site is located wholly within any prescribed setback, or involves a proposal to alter, or redevelop, an existing building that is within any prescribed setback. Regard shall be had to mitigating or remedying as far as practicable any adverse effects arising from the visibility of the building, while acknowledging the existing constraints of the site and presence of existing buildings within the prescribed setback.</p>
24.7.9	<p><b>Setback from boundaries of non-residential buildings housing animals</b></p> <p>Whether the proposal achieves:</p> <ol style="list-style-type: none"> <li>a. The maintenance of <u>the Basin's</u> landscape character and visual amenity values including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units <del>for the relevant landscape character unit</del>.</li> <li>b. Minimisation of adverse odour, dust and/or noise effects on any neighbouring properties.</li> </ol>
24.7.10	<p><b>Setback of buildings from waterbodies</b></p> <p>Whether the proposal achieves:</p> <ol style="list-style-type: none"> <li>a. The maintenance or enhancement of biodiversity values.</li> <li>b. The maintenance or enhancement of landscape character and visual amenity values including reference to the identified elements set out in Schedule 24.8 – Landscape Character Units for the landscape character unit that the proposal falls into.</li> <li>c. The maintenance or enhancement of open space.</li> <li>d. Mitigation to manage any adverse effects of the location of the building including consideration of whether the waterbody is subject to flooding or natural hazards.</li> </ol>
24.7.11	<p><b>Roadside stalls</b></p> <p>Whether the proposal achieves:</p>

	<b>Assessment Matters- Restricted Discretionary Activities</b>
	<ul style="list-style-type: none"> <li>a. An appropriate scale and intensity of the activity in the context of the surrounding landscape character and visual amenity values.</li> <li>b. Preservation of visual amenity for neighbouring properties and from public places.</li> <li>c. Minimisation of any noise, odour and dust.</li> <li>d. Adequate parking, access safety and avoids adverse transportation effects.</li> </ul>
<b>24.7.12</b>	<p><b>Retail sales</b></p> <p>Whether the proposal ensures:</p> <ul style="list-style-type: none"> <li>a. An appropriate scale and intensity of the activity in the context of the surrounding landscape character and visual amenity values.</li> <li>b. Preservation of visual amenity for neighbouring properties and from public places.</li> <li>c. Minimisation of any noise, odour and dust.</li> <li>d. Adequate parking, access safety and avoids adverse transportation effects.</li> </ul>
<b>24.7.13</b>	<p><b>Glare</b></p> <ul style="list-style-type: none"> <li>a. The effects on adjacent roads and neighbouring sites.</li> <li>b. The extent of likely visual dominance from light fixtures, poles and lux levels.</li> <li>c. The nature and extent of any effects on character and amenity, including the night sky.</li> <li>d. The nature and extent of any effects on privacy, views and outlook from neighbouring properties.</li> <li>e. Whether there will be any reverse sensitivity effects on adjacent properties.</li> </ul>
<b>24.7.14</b>	<p><b>Clearance, works within the root protection zone or significant trimming of exotic vegetation over 6m in height in Landscape Character Unit 5: Dalefield</b></p> <ul style="list-style-type: none"> <li>a. The degree to which the vegetation contributes to the landscape character and visual amenity values, and the extent to which the clearance or significant trimming would reduce those values.</li> <li>b. The potential for buildings and development to become more visually prominent.</li> <li>c. The merits of any proposed mitigation or replacement plantings.</li> <li>d. The effects on the health and structural stability of the vegetation.</li> <li>e. Whether the works are reasonably necessary to enable the efficient use of the site.</li> </ul>
<b>24.7.15</b>	<p><b>Lake Hayes Catchment</b></p> <ul style="list-style-type: none"> <li>a. The extent to which the proposal minimises erosion or sediment during construction, having regard to the provisions of Chapter 25 Earthworks, in</li> </ul>

Assessment Matters- Restricted Discretionary Activities	
	<p>particular Policies 25.2.1.1 and 25.2.1.7 and Assessment Matters 25.8.2 and 25.8.6.</p> <p>b. The extent to which the proposal avoids or mitigates any potential adverse effects on surface waterbodies and ecological values through the adoption of measures to reduce stormwater runoff adverse effects from the site, including the implementation of low impact design techniques.</p> <p>c. Where a waterbody is located on the site, the effectiveness of riparian planting to filter sediment and reduce sediment concentrations in stormwater runoff.</p> <p>d. The extent to which erosion and sediment management and/or on-site stormwater management systems are commensurate with the nature, scale and location of the activity.</p> <p>e. The extent to which the proposal contributes to water quality improvement, including by:</p> <ul style="list-style-type: none"> <li>i. stabilising the margins of waterways, riparian planting and ongoing management;</li> <li>ii. Reducing inputs of phosphorus and nitrogen into the catchment;</li> <li>iii. Implementing a nutrient management plan;</li> <li>iv. Restoring, maintaining, and constructing new, wetlands for stormwater management;</li> <li>v. Offering any voluntary contribution (including financial) to water quality improvement works off-site in the catchment.</li> </ul> <p>f. Practicable constraints limited to situations where no further improvements to stormwater runoff management can be achieved.</p> <p>g. Whether new development can be connected to reticulated services, or if connections are not available, whether onsite systems provide for the safe disposal of stormwater and wastewater without adversely affecting natural water systems and ecological values.</p>



## Schedule 24.8 Landscape Character Units

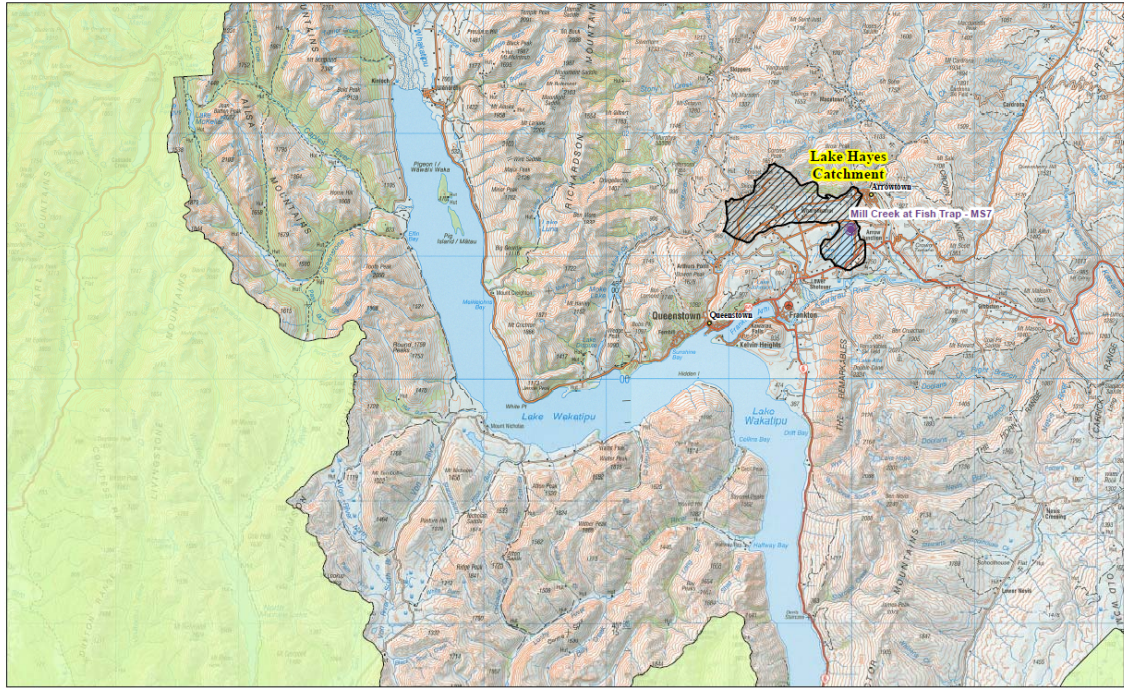
### LCU 2 Fitzpatrick Basin

<p><b>Capac</b>ibility to absorb additional development</p>	<p><b>High:</b> <u>land below the 440m contour</u></p> <p><b>Very low:</b> <u>land above the 440m contour</u></p>
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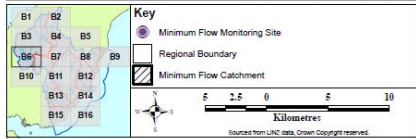
### LCU 4 Tucker Beach

<p><b>Capac</b>ibility to absorb additional development</p>	<p><b>Very low:</b></p> <p><u>Precinct zoned land at the eastern end of the unit where a Building Restriction Area applies.</u></p> <p><b>Low:</b></p> <p><del>{At the western end}</del></p> <p><u>In the central portion of the unit:</u></p> <ul style="list-style-type: none"> <li>• <u>above the 400m contour;</u></li> <li>• <u>that corresponds to the undeveloped low lying river terraces and scarps along the northern side of the unit and adjacent the river.</u></li> </ul> <p><b>Moderate-High:</b></p> <p><del>{Throughout the balance of the central and eastern end of the unit, other than within the building restriction area which is Very Low}</del></p>
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## Schedule 24.9 Lake Hayes Catchment



Basemap: Land Information New Zealand Topo50 Maps  
1 June 2015



## Minimum Flow Catchments and Monitoring Sites

### Map B6



## Chapter 27 Subdivision and Development

	Subdivision Activities District Wide	Activity Status
27.5.18A	<p><u>Subdivision of any site within the Wakatipu Basin Rural Amenity Zone (outside the Lifestyle Precinct) where located within the following areas identified on the district plan web mapping application:</u></p> <ul style="list-style-type: none"> <li>a. <u>LCU 3 limited to the area identified as Fitzpatrick Road South.</u></li> <li>b. <u>LCU 6 limited to the area identified as Hunter Road West.</u></li> <li>c. <u>LCU 6 limited to the area identified as Mooney Road.</u></li> <li>d. <u>LCU 11 limited to the area identified as East of Lower Shotover Road.</u></li> <li>e. <u>LCU 12 limited to the areas identified as Hogans Gully Road South</u></li> <li>f. <u>LCU 15 Hogans Gully (entire LCU excluding Hogans Gully Resort Zone).</u></li> <li>g. <u>LCU 22 Hills (entire LCU).</u></li> <li>h. <u>LCU 23 limited to the area identified as Malaghans Road South.</u></li> <li>i. <u>LCU 23 limited to the area identified as Arrowtown Lake Hayes Road East.</u></li> <li>j. <u>LCU 24 South Arrowtown (entire LCU).</u></li> </ul>	D

### 27.6 Rules - Standards for Minimum Lot Areas

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.

Zone		Minimum Lot Area
Rural	Rural Gibbston Character	No minimum
	Wakatipu Basin Rural Amenity Zone	80ha
	<u>Within the following areas of the Wakatipu Basin Rural Amenity Zone identified on the district plan web mapping application the minimum net site area and the average area of all lots in the subdivision is not less than:</u>	
	<u>LCU 3 limited to the area identified as Fitzpatrick Road South</u>	<u>XX minimum and 3ha average</u>
	<u>LCU 6 limited to the area identified as Hunter Road West</u>	<u>6,000m<sup>2</sup> minimum and 5ha average</u>
	<u>LCU 6 limited to the area identified as Mooney Road</u>	<u>XX minimum and 4ha average</u>
	<u>LCU 11 limited to the area identified as East of Lower Shotover Road</u>	<u>XX minimum and 2ha average</u>
	<u>LCU 12 limited to the area identified as Hogans Gully Road South</u>	<u>6,000m<sup>2</sup> minimum and 2ha average</u>
	<u>LCU 15 Hogans Gully (entire LCU excluding Hogans Gully Resort Zone)</u>	<u>4ha minimum and 6ha average</u>
	<u>LCU 22 The Hills (entire LCU)</u>	<u>3ha minimum and 4ha average</u>
	<u>LCU 23 limited to the area identified as Malaghans Road South</u>	<u>XX minimum and 1.5ha average</u>
	<u>LCU 23 limited to the area identified as Arrowtown Lake Hayes Road East</u>	<u>XX minimum and 1ha average</u>
	<u>LCU 24 South Arrowtown (entire LCU)</u>	<u>XX minimum and 3ha average</u>

**27.9.3.3 Assessment Matters in relation to Rule 27.5.9 (Wakatipu Basin Rural Amenity zone and Wakatipu Basin Lifestyle Precinct Subdivision Activities)**

Subdivision Design and Landscape

- a. The maintenance of the Basin's landscape character and visual amenity values including reference to the identified elements set out in Schedule 24.8 - Landscape Character Units.

~~The extent to which the location of future buildings, ancillary elements and landscaping responds to the identified elements set out in Schedule 24.8 - Landscape Character Units for the relevant landscape unit, and the following assessment matters:~~

- ~~i. the retention of existing vegetation and landform patterns;~~
- ~~ii. the alignment of lot boundaries in relation to landform and vegetation features and neighbouring development;~~
- ~~iii. earth mounding, and framework planting to integrate buildings and vehicle access;~~
- ~~iv. planting of appropriate species that are suited to the general area, including riparian restoration planting;~~
- ~~v. the retirement of steep slopes over 15° and restoration planting to promote slope stabilisation and indigenous vegetation enhancement;~~
- ~~vi. the integration of controls for future development that address building height, building colours and materials, building coverage, earthworks, retaining, fencing, gates, vehicle access (including paving materials), external lighting, and domestic infrastructure (including water tanks);~~
- ~~vii. the integration of existing and provision for new public walkways and cycleways/bridlepaths;~~
- ~~viii. whether the use of varied allotment sizes maintains a sense of spaciousness, or successfully integrates development with existing landform, vegetation or settlement patterns.~~

...