

QUEENSTOWN-LAKES DISTRICT COUNCIL  
PROPOSED DISTRICT PLAN HEARING – STREAM 14

**IN THE MATTER**

of a hearing on submissions to the Proposed District  
Plan Stage 2 and Variation 1 pursuant to clause 8B of  
the First Schedule to the Resource Management Act  
1991

**SKIPP WILLIAMSON**

Submitter #2272

**WAKATIPU INVESTMENTS LIMITED**

Submitter #2275

**D BROOMFIELD AND WOODLOT PROPERTIES LIMITED**

Submitter #2276

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**JOINT EVIDENCE OF CAREY VIVIAN**

**(PLANNER)**

**13 JUNE 2018**

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## 1. Introduction

- 1.1 My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000. I am a director of Vivian and Espie Limited, a resource management, urban design and landscape planning consultancy based in Queenstown. I have been practicing as a resource management planner for twenty-two years, having held previous positions with Davie Lovell-Smith in Christchurch; and the Queenstown-Lakes District Council (QLDC or the Council), Civic Corporation Limited, Clark Fortune McDonald and Associates and Woodlot Properties Limited in Queenstown.
- 1.2 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

## 2. Variation #1 Submissions on WBRAZ Provisions

- 2.1 This joint evidence addresses the original submissions of Skipp Williamson (**Williamson**), Wakatipu Investments Limited (**WIL**) and D Broomfield and Woodlot Properties Limited (**DB/WPL**) (herein referred to as “the submitters” or the “the submissions” unless where expressed individually) where they relate to the Wakatipu Basin Rural Amenity Zone (**WBRAZ**). Each of these submitters own landholdings within the WBRAZ proposed as part of Variation 1 (Wakatipu Basin Zone) of the Proposed District Plan. The submitters collectively support the general intent of the WBRAZ and Wakatipu Basin Lifestyle Precinct (**WBLP**) provisions and have made general submissions in order to improve the workability of those zone provisions.
- 2.2 With respect to their respective landholdings, these are described as below:

Submitter	Landscape Unit	Lot Number/s
Williamson (#2272)	Wharehuanui Hills (at Mooney Road)	Lot 2 DP 360366 Lot 2 DP 27602 Lot 1 and 2 DP 27112 Lot 1 and 2 DP 319853 Lots 1 and 2 DP 313306 Lot 2 DP 310422.

WIL (#2275)	Within the Fitzpatrick Basin Landscape Unit	Lot 1 DP 300014, Lot 3 DP 21680, Lot 301 DP 503594, Lot 1 DP 26630, Lot 2 DP 300351
D Broomfield and Woodlot Properties Limited (#2276)	Within the Fitzpatrick Basin Landscape Unit	LOT 2 DP 474658. Lot 24 DP 493649. Lot 26 DP 493649 Lot 9 DP 483357. Lot 2 DP 475338.
	Within the Tucker Beach Landscape Unit	Lot 1 DP 473899. Lot 1 DP 323310. Lot 2 DP 473899.

2.3 The Williamson and DB/WPL submissions seek amendments to the boundary of the WBLP as it affects their landholdings within the Wharehuanui Hills and Tucker Beach Landscape Units (respectively) consistent with their original submission on the proposed Rural Living Zonings proposed as part of Stage 1 of the PDP. The WIL submission supports the location and extent of WBLP zoning over their land in the Fitzpatrick Basin Landscape Unit.

2.4 The changes specific to Variation 1 of the WBZ are stated within Table 1 of each of the submissions. Each of point raised in the submissions are stated for clarity below, which I then discuss further. In preparing this evidence I am mindful of the amended mandatory legal criteria the Hearings Panel must consider as set out in *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55. This includes:

- (a) Accords with section 75(1) and assists the Council to carry out its functions (s 31) so as to achieve the purpose of the Act (s 72).
- (b) Gives effect to National Policy Statements that are relevant (section 73(3)(a));
- (c) Gives effect to the Otago Regional Policy Statement (section 75(3)(c));
- (d) Has had regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register (section 74(2)(b));
- (e) Takes into account any relevant planning document recognised by an iwi authority;
- (f) Does not have regard to trade competition (section 74(3)).

I am also mindful of the duties and responsibilities under section 32 of the RMA.

## 24.1 Zone Purpose

- 2.5 The Zone purpose is detailed Page 24-2 of the PDP.
- 2.6 The submissions oppose the zone purpose 24.1 as it describes the of the WBRAZ but does not state in any detail what the purpose of the Wakatipu Basin Lifestyle Precinct (WBLP) is and how this relates to the WBRAZ. The submissions note that the first sentence in this purpose defined the WBRAZ as “the Zone” and WBLP as “the Precinct”. That implies they are separate zones (which is reflected in the planning maps). However, provision 24.3.3.1 implies the WBLP is a sub-zone of the WBRAZ. This is not clear in the zones purpose and is thus confusing.
- 2.7 The submissions request that zones purpose could have a distinct vision for the WBRAZ and a distinct vision for the WBLP. These two zones should be sub-zones of the overarching WBZ. Alternatively, these two zones could be in separate chapters.
- 2.8 Mr Barr considers these submissions at paragraph 18.4 (page 80) of his report where he agrees with the submitters and recommends that reference to the precinct as a sub-zone is included in paragraph 1 as follows:
- This chapter applies to the Wakatipu Basin Rural Amenity Zone (the Zone) and Wakatipu Basin Lifestyle Precinct (the Precinct) which is a sub-zone of the Zone. The purpose of the Zone is to protect, maintain and enhance the particular character and amenity of the rural landscape which distinguishes the Wakatipu Basin from other parts of the District that are zoned Rural.
- 2.9 I support this recommendation as it clarifies that the Wakatipu Basin Lifestyle Precinct is a sub-zone of the Wakatipu Basin Rural Amenity Zone.
- 2.10 I further add that the zone purpose, as recommended by Mr Barr, is still confusing and cumbersome to read through. In my opinion, the zone purpose should be focused on the overall purpose of the zone. There is no need to repeat the rules (i.e. minimum lot sizes), or matters contained in other district wide sections of the plan (i.e. natural hazards). Simply put, the zone purpose is an introduction to the objectives, policies and rules which follow. In my opinion, if there is jurisdiction, the WBRAZ could be simplified into three paragraphs as follows:

This chapter applies to the Wakatipu Basin Rural Amenity Zone (the Zone).

The overall purpose of the Zone is to protect, maintain and enhance the landscape character and amenity of the rural landscape which distinguishes the Wakatipu Basin from other rural parts of the District.

Within the Zone is a sub-zone called the Wakatipu Basin Lifestyle Precinct (the Precinct). The Precinct enables rural residential living opportunities where additional development can be absorbed without detracting from the landscape and visual amenity values of the Zone and its surrounding landscape context.

## 24.2 Objectives and Policies

### Introductory Clause

2.11 The introductory clause on Page 24-3 reads as follows:

Objectives 24.2.1 to 24.2.4 and related policies apply to the Zone and Precinct. Objective 24.2.5 and related policies apply to the Precinct only.

2.12 The submissions oppose the introduction clause under 24.2 for the reason that some of the 24.2.1 Policies are inconsistent with 24.2.5 Policies. For example, 24.2.1.6 (relevant to both the WBRAZ and the WBLP) seeks to ensure non-residential activities avoid adverse effects on landscape character and visual amenity values, yet Policy 24.2.5.3 (relevant only to the WBLP) provides for non-residential activities, including restaurants, visitor accommodation and commercial recreation activities while ensuring these are appropriately located and of a scale and intensity that ensures the amenity, quality and character is retained.

2.13 In my opinion, the introductory clause creates confusion as to which objectives and policies should be given weighting in the consideration of a resource consent application.

2.14 At paragraph 18.51 Mr Barr states that he considers that it is clear that the Precinct is a sub-zone of the Amenity Zone and does not consider the zones should be separated. He also does not consider that the planning maps should use different annotations (i.e. retaining the light blue of the Amenity Zone but showing the Precinct as hatching) because this could lead to confusion and difficulty interpreting the cadastral boundaries and various district wide annotations that also overlay the zone annotation. While he does not recommend the broader changes suggested in these submissions, he does consider the amendments to the Purpose previously discussed assist. Mr Barr accordingly recommends the submission is accepted in part.

2.15 I disagree with the justification contained in Mr Barr's Section 42A report. Irrespective of whether the WBLP is a sub-zone of the WBRAZ or not, there is still inconsistency and confusion between the objectives and policies, and which are given weight in any given resource consent application.

2.16 To highlight this confusion, Mr Barr states at paragraph 19.1 (page 91) the following:

The objective and policy framework is separated into 5 groups:

- (a) Objective 24.2.1 is on landscape and visual amenity values and applies across the entire zone;
- (b) Objective 24.2.2 manages non-residential activities and applies across the entire zone;
- (c) Objective 24.2.3 is on reverse sensitivity and applies across the entire zone;
- (d) Objective 24.2.4 is on broader integrated resource management functions and addresses water and ecological quality, recreation and infrastructure, and applies across the entire zone; and
- (e) Objective 21.2.5 seeks to manage the landscape and visual amenity values of the Precinct while providing for a relatively high rural living density. The objectives and policies apply only to the Precinct.

2.17 In my view there is a real discord between what is sought in Objective 24.2.1 for the entire zone and what is sought in Objective 21.2.5 for the Precinct.

2.18 A *quick fix* solution to this inconsistency could be achieved, in my opinion, by the addition of the following words to the introduction section:

Objectives 24.2.1 to 24.2.4 and related policies apply to the Zone and Precinct. Objective 24.2.5 and related policies apply to the Precinct only. Where there is any inconsistency between Objective 24.2.5 and Objectives 24.2.1 to 24.2.4 (and related policies) in relation to activities within the Precinct, Objective 24.2.5 takes precedent.

2.19 I consider such an amendment is within scope of the submissions.

#### Objective 24.2.1

2.20 Objective 24.2.1 reads:

*Objective - Landscape and visual amenity values are protected, maintained and enhanced.*

2.21 The submissions oppose objective 24.2.1 on the basis that this objective relates to both the WBRAZ and the WBLP. This creates confusion with respect to its applicability to WBLP under Objective 24.2.5 as they seek to achieve different things (i.e. 24.2.1 includes protection, 24.2.5 does not). My *quick fix* addition to the introductory section above would, in my opinion, resolve this issue.

2.22 The submissions further request that the word 'landscape' should also be followed by the word 'character' to be consistent with the associated policies.

2.23 Mr Barr considers this at paragraph 20.5 (page 94) where he agrees that following suite of policies (Policies 24.2.1.1 – 24.2.1.12) each mention of the word landscape is followed by the word character. Mr Barr finds that it would be more consistent if the phrasing in the objective was 'landscape character' and recommends this component of the submission is accepted in part.

2.24 I agree with his recommendation.

#### Policy 24.2.1.1

2.25 Policy 24.2.1.1 reads:

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

2.26 The submissions oppose Policy 24.2.1.1 as they imply that the minimum and average lot sizes in the WBRAZ and the WBLP protect landscape character and visual amenity. This is incorrect as there is no average lot size applicable to the WBRAZ.

2.27 Mr Barr states at paragraph 20.6 (page 95) the following:

For the reasons set out above, Objective 24.2.1 and the associated policies apply to both the Zone and Precinct. In terms of drafting, the reasons for including both in the same policy is primarily for efficiency, as it is fundamental to both areas that the minimum lot size (in the case of the Amenity Zone) or average and minimum (in the case of the Precinct) are applied. I do not consider it to be misleading or inaccurate that the policy refers to both areas, and that an average only applies to the Precinct. I recommend this part of their submission is rejected.

2.28 With respect I disagree with Mr Barr. Policy 24.2.1.1 as worded is incorrect and should be corrected. I recommend this policy is reworded as follows:

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

2.29 The submission notes that Policy 24.2.1.1 is also inconsistent with Policy 24.2.5.2 which promotes designed and innovative patterns of subdivision and development in the WBLP. In my opinion, Policy 24.2.1.1 as proposed is contradictory, as traditional minimum and average lot sizes have not resulted in innovative patterns of development.

2.30 Mr Barr does not specifically address this aspect of the submission in his report.

#### Policy 24.2.1.3

2.31 Policy 24.2.1.3 reads:

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

2.32 The submissions oppose Policies 24.2.1.3 as stated above in terms of consistency and clarity. The submissions request that the policy be reworded to be specific to the WBRAZ by deleting reference to the Wakatipu Basin, and also adding the word 'protect' so that the policy reads: 'ensure that the subdivision and development protects, maintains and enhances.

2.33 Mr Barr considers this submission at paragraph 20.33 (page 99) of his report where he states that he agrees that the addition of the word protect would be more consistent and assist with achieving Objective 24.2.1. However, the submission requesting the insertion of the word "protect" was requested on the basis that the same submissions sought Objective 1 be specific to the WBRAZ only (i.e. not the precinct). That has not been accepted. As such I do not support the addition of the word "protect" be included in this policy unless my *quick fix* to the introduction section above is accepted. Otherwise Objective 24.2.1 and 24.2.5 will, in my opinion, be inconsistent.

#### Policies 24.2.1.4 to 24.2.1.8

2.34 Policies 24.2.1.4 to 24.2.1.8 read:

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

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

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

24.2.1.7 Control earthworks and vegetation clearance so as to minimise adverse changes to the landscape character and visual amenity values.

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

2.35 The submissions oppose Policies 24.2.1.4-8 as stated above in terms of consistency and clarity. The submissions request that the policy be reworded to be specific to the WBRAZ and the submissions also request that a similar policy to Objective 5 for the WBLP be included for consistency. Mr Barr does not specifically address the submissions in his section 42A report. Again, if my *quick fix* to the introduction section above is accepted, then I have no further comment with respect to these policies or Mr Barr's



recommended changes to them.

#### **Policy 24.2.1.10**

2.36 Policy 24.2.1.10 reads:

24.2.1.10 Facilitate the provision of walkway, cycleway and bridle path networks.

2.37 The submissions partially support Policy 24.2.1.10 in relation to the provision of walkway and cycleways, but not necessarily all bridle paths which should be limited to appropriate areas. The submissions therefore request that Policy 24.2.1.10 be amended to limit bridle paths to appropriate areas.

2.38 Mr Barr states, at paragraph 20.64 (page 103) of his report, that he accepts that provision for bridle paths would be likely to be limited and in a general sense would not be as important to the wider community and concept of active travel as walking and cycling. However, he states that the submitter has not identified where these appropriate areas for bridle paths would be and he does not wish that the concept of other forms of recreational trails to be precluded. Accordingly, he recommends the submission is rejected and the policy retained as notified.

2.39 With respect, it is not up to the submitters to identify the appropriate areas for bridle paths (although I do note the Trails Trust has done so). In my opinion the onus for landowners to provide for bridle paths is not necessarily equitable or fair as the walkway and cycleways are available for use by the wider public in terms of accessibility and bridle paths are essentially only for horse riders. Bridle paths, due to their use by horses, need higher levels of maintenance and proportionately will have the potential for less public use, i.e. fewer people own and ride horses than walk and cycle. Walkways and cycleways have greater public benefit in terms of their accessibility and use. I therefore consider that Policy 24.2.1.10 be reworded to prioritise walkways and cycleways over that of bridle paths as follows:

24.2.1.10 Facilitate the provision of walkway and cycleway networks, and in appropriate locations, bridle path networks.

#### **Objective 24.2.5**

2.40 Objective 24.2.5 reads:

Objective - The landscape character and visual amenity values of the Precinct are maintained and enhanced in conjunction with enabling rural residential living opportunities.

2.41 The submissions oppose Objective 24.2.5 in that it is unlikely the character and visual amenity values of the precinct will be 'maintained and enhanced' with increased rural residential living opportunities. The landscape character and visual amenity values of the WBLP are more likely to change over time. The

submissions therefore request that Objective 24.2.5 be amended to acknowledge that the landscape character and visual amenity values of the WBLP will change over time.

- 2.42 At Paragraph 25.6 (Page 120) of his report, Mr Barr disagrees with the submissions as he considers that the objective is phrased in the context of the anticipated development occurring. Mr Barr states:

The objective and the related policies overall contemplate landscape change, but as part of this occurring, a high bar is set to ensure that development is the most appropriate. I consider the same response is applicable to the submitters request to modify Policy 24.2.5.1. I recommend these submissions are rejected.

- 2.43 I agree with Mr Barr's comments with respect to this policy.

#### **Policy 24.5.1**

- 2.44 Policy 24.2.5.1 as notified is:

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

- 2.45 The submissions support Policy 24.5.1. Rural residential subdivision, use and development is unlikely to protect, maintain and enhance the landscape and visual amenity values as described in Schedule 24.8. This policy needs to be amended to acknowledge that development will change those characteristics over time.

- 2.46 Mr Barr does not specifically address this submission point in his Section 42A report.

- 2.47 I firstly note the word "protect" is not supported by the objective. The deletion of the word "protect" from this policy is important in my view, as it is unlikely any of the anticipated landscape change Mr Barr refers to in the Objective would occur if the existing landscape character and visual amenity values are protected. It is appropriate, in my view, for these values to be maintained or enhanced.

- 2.48 Accordingly I recommend this policy is amended as follows:

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

#### **Policy 24.2.5.2**

- 2.49 Policy 24.2.5.2 as notified is:

24.2.5.2 Promote design-led and innovative patterns of subdivision and development that maintain and enhance the landscape character and visual amenity values of the Wakatipu Basin overall.

2.50 The submissions support Policy 24.2.5.2 in the promotion of design-led and innovative patterns of subdivision and development, but question how this is to maintain and enhance the landscape character and visual amenity of the Wakatipu Basin overall. The submitters therefore request that Policy 24.2.5.2 be amended so as to be specific to the WBLP only.

2.51 Mr Barr addresses this policy at paragraph 25.11 (Page 121) of his report. He considers the policy is framed in this manner to ensure that development is sensitive to the Zone and not just be inward looking where certain densities are contemplated for in the zone.

For instance, a poorly located and designed development in the Precinct, or a proposal that does not comply with the identified setbacks from landscape features, or the prescribed densities could be likely to have adverse effects on the wider zone and the visual amenity values as viewed from anywhere in the Zone, not just the Precinct.

2.52 The submitters sought reference to the "Wakatipu Basin overall", which is wider than just the WBRAZ, is replaced with a reference to the WBRAZ. Mr Barr's comments above appear to accord with the submitters request. Accordingly, I recommend Policy 24.2.5.2 is amended as follows:

24.2.5.2 Promote design-led and innovative patterns of subdivision and development that maintain and enhance the landscape character and visual amenity values of the ~~Wakatipu Basin overall~~ Zone.

### Policy 24.2.5.3

2.53 Policy 24.2.5.3 as notified is:

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

2.54 The submissions support Policy 24.2.5.3. No other submissions are received in respect of this policy. I agree with the submission.

### Policy 24.2.5.4

2.55 Policy 24.2.5.4 as notified is:

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

2.56 The submissions support Policy 24.2.5.4 as a means to control cumulative effects in the WBLP. In my

opinion the implementation of minimum and average lot size standards used in conjunction with building coverage and height standards will be an effective tool in managing the scale and type of development so that landscape and visual amenity are not compromised by cumulative effects of growth. I agree with this submission.

### **24.3 Other Provisions and Rules**

#### **Rule 24.3.2.3**

2.57 Rule 24.3.2.3 reads:

**24.3.2.3 Guiding Principle: Previous Approvals**

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 proposal accords with the objectives and provisions of the Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct.

2.58 The submissions oppose Rule 24.3.2.3 for the reasons that the intent of this rule is contrary to the certainty of the approved/registered building platforms and certainty to owners and neighbours that have bought properties with approved registered building platforms. The submitters request that Rule 24.3.2.3 be deleted and that instead the RMA be used for any variations for past consents or consent notices.

2.59 Mr Barr addresses this submission at Paragraph 26.4 (page 123) of his report. Mr Barr states that the recommendations made above in relation to activity status for construction within a previously approved building platform should satisfy the concerns of the submitter. I concur with those recommendations.

2.60 Mr Barr also notes that Provision 24.3.2.3 is an advice note and does not seek to usurp the RMA where it sets out the requirements for varying conditions of resource consents. Mr Barr continues that, in any event, under the RMA, applications to alter or cancel conditions of an existing resource consent are processed as fully Discretionary activities under section 221, and therefore the objectives and provisions of the Amenity Zone and/or Precinct (the latter if relevant) would be relevant considerations. Given the changes made above Mr Barr recommends the submissions are accepted in part but does not recommend any changes to the text of 24.3.2.3. I agree with that recommendation.

#### **Rule 24.3.3.1**

2.61 Provision 24.3.3.1 as notified is:

24.3.3.1 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 in Tables 24.2 and 24.3, these shall prevail over the Zone rules in Table 24.1.

2.62 The submissions support Rule 24.3.3.1. Mr Barr addresses this at paragraph 26.10 and recommends no changes to it. I support that recommendation.

**Rule 24.4.1**

2.63 Rule 24.4.1 as notified is:

Any activity not listed in Tables 24.1 to 24.3.

2.64 The submissions oppose Rule 24.4.1 as Table 24.3 are standards not listed activities. As such, it is in my opinion that Rule 24.4.1 should be amended to make it clear that Table 24.3 are standards and not listed activities. Mr Barr addresses this submission in paragraph 27.1 (page 125) of his report and recommends the submission is accepted. I support that recommended change.

**Rule 24.4.5**

2.65 Rule 24.4.5 as notified is:

24.4.5	<p>The construction of buildings including exterior alteration to existing buildings including buildings located within an existing approved/registered building platform area.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• Building location scale and form.</li> <li>• External appearance including materials and colours.</li> <li>• Accessways.</li> <li>• Servicing and site works including earthworks.</li> <li>• Retaining structures.</li> <li>• Infrastructure (e.g. water tanks).</li> <li>• Fencing and gates.</li> <li>• External lighting.</li> <li>• Landform modification, landscaping and planting (existing and proposed).</li> <li>• Natural hazards.</li> </ul> <p>Excludes farm buildings as provided for in Rule 24.4.8</p>	RD
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2.66 The submissions oppose Rule 24.4.5 in that resource consent is required as a Restricted Discretionary Activity to construct a building within an approved/registered building platform area.

2.67 Mr Barr considers this submission in Part 16 (page 66) of his report. At paragraph 16.10 Mr Barr states that from both an efficiency perspective and an effects perspective, he cannot support retaining the approach where buildings and alterations within a building platform are subject to a restricted discretionary activity resource consent, where they have already been through a discretionary activity resource consent under the ODP. I support that view. In paragraph 16.21 Mr Barr recommends a number of changes to the WBRAZ rules. Whilst those changes go further than what the submitters seek, they seem reasonable to me, as they are consistent with the status of building within approved building platforms in the wider rural area.

2.68 The submissions also seek Rule 24.4.5 be extended to include the identification of a residential building platform as a land use consent as the ODP does. This is particularly important for vacant rural blocks where a landowner wishes to identify a building site, but not go to the expense of designing a building. The identification of a building platform registered on the title should be the same status as identifying a building platform at the time of subdivision (i.e. restricted discretionary activity), as the effects of such are the same.

2.69 At paragraph 15.21 Mr Barr recommends a new rule 24.4.XA which enables the identification of a residential building platform as a restricted discretionary activity as a land-use activity. I agree with his reasoning for recommending this rule, however fail to see why a building platform needs to have a minimum area of 70m<sup>2</sup>. It is possible a building platform smaller than 70m<sup>2</sup> may be desirable to enable the construction of a tiny house.

2.70 With respect to the rule listed discretions recommended by Mr Barr I comment as follows:

- (b) and (c) could be combined into one matter under the heading "External appearance of future buildings within the proposed building platform" (which is defined in Stage 1 decisions as meaning the bulk and shape of the building including roof pitches, the materials of construction and the colour of exterior walls, joinery, roofs and any external fixtures).
- (i) duplicates (h). Maintenance should also be included.
- (f), (k) and (l) could be combined into one discretion.
- (n) and (o) could be included in a new (u) that includes positive effects. I recommend this new (u) also include environmental compensation.

2.71 Accordingly I recommend:

The identification of a building platform ~~not less than 70m<sup>2</sup> and not no~~ greater than 1000m<sup>2</sup> for the purposes of a residential unit or accessory building, subject to the Standards in Table 24.3.

Discretion is restricted to:

- (a) Location of building platforms and accessways;
- (b) ~~Scale and form~~ External appearance of future buildings;

- ~~(c) Materials and colours of future buildings;~~
- (d) Earthworks including any future earthworks associated with accessways and the location of future buildings;
- (e) Location, scale and extent of landform modification, and retaining structures;
- ~~(f) Location and scale of Infrastructure (e.g. water tanks);-~~
- (g) External lighting;
- (h) Landscaping and planting (existing and proposed) and maintenance;
- (i) Property access and roading;
- (j) Natural and other hazards;
- ~~(k) Firefighting water supply and access;-~~
- (l) Water supply, including firefighting supply/accessibility and location of water tanks;
- (m) Network utility services, energy supply and telecommunications;
- ~~(n) Ecological and natural landscape features;-~~
- ~~(o) Historic Heritage features;-~~
- (p) Easements;
- ~~(q) Vegetation removal and proposed plantings;-~~
- ~~(r) Fencing and gates;-~~
- (s) Wastewater and stormwater management;
- (t) Public access easements including connectivity of existing and proposed pedestrian ~~networks~~, bridle paths, and cycle networks.
- (u) Other positive effects (including proposals/mechanisms which protect historic heritage, ecological or natural landscape features) and/or environmental compensation.

#### Rule 24.4.8

2.72 Rule 24.4.8 as notified is:

24.4.8	8 Farm Buildings.	P
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2.73 The submissions support Rule 24.4.8 in that this standard enables the construction of small farm buildings. The submitters request however that the rule be clarified to state that the construction of small farm buildings outside of an approved/registered building platform (or otherwise) is anticipated.

2.74 Mr Barr considers these submissions in paragraphs 27.2 (page 128) of his report. He notes that his recommended Rule 24.4.XA only relates to residential units. Therefore, farm buildings are permitted to establish outside of approved building platforms.

#### Rule 24.4.29

2.75 Rule 24.4.29 as notified reads:

24.4.29	Clearance, works within the root protection zone or significant trimming of exotic vegetation that is of a height greater than 4 metres. Discretion is restricted to: <ul style="list-style-type: none"> <li>• The extent of clearance.</li> <li>• Trimming and works within the root protection zone.</li> </ul>	RD
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- 2.76 The submissions oppose Rule 24.4.29 and request that it be deleted.
- 2.77 I note Mr Barr does not specifically address these submissions in his report. However, he does consider other submission content in relation to this standard in Part 17 of his report. I agree with Mr Barr's assessment of the lawfulness of his standard. However, I disagree that this standard is necessary, especially given Mr Barr's new rule 24.4.XA which includes discretion with respect to new and existing plantings.
- 2.78 I also question its applicability to wilding pines and other trees that are not desirable (from an ecological perspective). Requiring resource consent for the clearance of these trees will, in my opinion, be a disincentive to their removal.
- 2.79 In my opinion, Rule 24.4.29 should be deleted.

#### 24.5 Standards

24.5.1	<p>Building coverage</p> <p>The maximum building coverage for all buildings shall be 15% of lot area, or 500m<sup>2</sup> gross floor area whichever is the lesser.</p> <p>Discretion is restricted to:</p> <ul 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> </ul>	RD
24.5.2	<p>Setback from internal boundaries</p> <p>The minimum setback of any building from internal boundaries shall be 10m.</p> <p>Discretion is restricted to:</p> <ul 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> </ul>	RD
24.5.3	<p>Height of buildings</p> <p>The maximum height of any building shall be 6m.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• Building location, character, scale and form including the pitch of roofs.</li> <li>• External appearance including materials and colours.</li> <li>• Landform modification/planting (existing and proposed).</li> </ul>	RD
24.5.4	<p>Setback from roads</p> <p>The minimum setback of any building from road boundaries shall be 20m in the Zone and 75m in the Precinct.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• Building location, character, scale and form.</li> <li>• External appearance including materials and colours.</li> <li>• Landscaping/planting (existing and proposed).</li> </ul>	RD
24.5.5	<p>Setback from identified landscape features</p> <p>Any building or accessway shall be located a minimum of 50m from the boundary of any identified landscape feature as identified on the planning maps. Discretion is restricted to:</p> <ul 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> </ul>	RD
24.5.6	<p>Setback from boundaries of non-residential buildings housing animals</p> <p>The minimum setback from boundaries for any building housing animals shall be 30m.</p> <p>Discretion is restricted to the following:</p>	RD



	<ul style="list-style-type: none"> <li>• Effects on open space, rural living character and amenity.</li> <li>• Effects on 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> </ul>	
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2.80 The submissions oppose Standards 24.5.1 to 24.5.6. The submissions state that if the construction of all buildings is to retain a Restricted Discretionary Activity status, then there is no need to retain standards relating to things such as building coverage, setbacks and height. These matters would have been considered in the original approval of each platform. The submissions request that if the construction of all buildings is to retain their Restricted Discretionary Activity status these standards are unnecessary inclusions and should therefore be deleted.

2.81 Mr Barr has confirmed that farm buildings within an approved building platform are a permitted activity and recommended that buildings within approved building platforms are also considered a permitted activity. On that basis, I consider it is appropriate to maintain the above standards in some form within the PDP. However, I do not consider the setback standards should apply to development within approved building platforms. I recommend that Rule 24.5.2, 24.5.4 and 25.5.5 are amended as follows:

24.5.2	<p>Setback from internal boundaries The minimum setback of any building, <u>other than a building within an approved Building Platform</u>, from internal boundaries shall be 10m. Discretion is restricted to:</p> <ul 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> </ul>	RD
24.5.4	<p>Setback from roads The minimum setback of any building, <u>other than a building within an approved Building Platform</u>, from road boundaries shall be 20m in the Zone and 75m in the Precinct. Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• Building location, character, scale and form.</li> <li>• External appearance including materials and colours.</li> <li>• Landscaping/planting (existing and proposed).</li> </ul>	RD
24.5.5	<p>Setback from identified landscape features Any building or accessway, <u>other than a building within an approved Building Platform</u>, shall be located a minimum of 50m from the boundary of any identified landscape feature as identified on the planning maps. Discretion is restricted to:</p> <ul 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> </ul>	RD

2.82 With respect to Standard 24.5.3 Height of Buildings the submissions are supportive on the condition that the definition of Height as stated within Stage 1 is retained. The submission also suggests that non-compliance of the status should be a Discretionary Activity. The submissions therefore seek that Rule 24.5.3 is retained but that non-compliance with this standard be made a Discretionary Activity.

2.83 Mr Barr consider these submissions at paragraphs 29.17 to 29.27 (pages 137-138) of his report. In paragraph 29.27 Mr Barr recommends the insertion of a new standard 24.5.3.2 which makes building height of 6 - 8 meters a restricted discretionary activity and above 8m a non-complying activity. I support these amendments.

**Standard 24.5.8**

2.84 Standard 24.5.8 as notified reads as follows:

24.5.8	<p><b>Farm buildings</b></p> <p>a. The maximum gross floor area shall be 50m<sup>2</sup>.</p> <p>b. All exterior surfaces shall be coloured in the range of black, browns, greens or greys (except soffits).</p> <p>c. Pre-painted steel and all roofs shall have a reflectance value not greater than 20%.</p> <p>d. All other surface finishes shall have a reflectance value of not greater than 30%.</p> <p>Discretion is restricted to:</p> <ul 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> </ul>	RD
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2.85 The submissions support rule Standard 24.5.8 in that it enables the construction of small farm buildings, however further clarity is requested in this rule which makes it clear that this may occur outside of approved/registered building platforms. This was confirmed by Mr Barr as discussed previously.

**Standard 24.5.13**

2.86 Standard 24.5.13 as notified reads as follows:

24.5.13	<p><b>Glare</b></p> <p>a. All fixed exterior lighting shall be directed away from adjacent roads and sites.</p> <p>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.</p> <p>c. There shall be no upward light spill.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>• Lighting location and number of lights.</li> <li>• Proximity to roads, public places and neighbours.</li> <li>• Height and direction of lights.</li> <li>• Lux levels</li> </ul>	RD
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2.87 The submitters support rule Standard 24.5.13 Glare and request that it be retained. Mr Barr states at paragraph 29.77 (page 148) of his report that he has not identified any specific submissions opposing this rule and therefore does not recommend any changes to it. I support this recommendation.

**Standard 24.5.14**

2.88 Rule 24.5.14 as notified is:

24.5.14	<p><b>Informal airports</b></p> <p>Informal airports that comply with the following standards shall be permitted 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> <li>c. Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.</li> </ul> <p>Advice note: For the purpose of this Rule a flight includes two aircraft movements i.e. an arrival and a departure.</p>	RD
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2.89 The submitters support rule Standard 24.5.14 for the reason that the amenity effects of aircraft use within 500m of any other zone or notional boundary of any residential dwelling not located on the same site will be adverse and should be regulated. The submitters therefore request that the standard be retained.

2.90 Mr Barr considers this submission in paragraphs 29.79 – 29.82 (page 149) of his report and recommends no change consistent with the submissions.

#### 24.6 Non-Notification of Applications

2.91 Provision 24.6 as notified is:

- Any application for resource consent for 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:
- a. Rule 24.5.1 Building coverage.
  - b. Rule 24.5.2 Setback from internal boundaries.
  - c. Rule 24.5.3 Height of buildings.
  - d. Rule 24.5.4 Setback from roads.
  - e. Rule 24.5.5 Setback from identified landscape features.

2.92 The submitters oppose Rule 24.6 Non-notification of Applications as this rule is meaningless if all buildings are to be Restricted Discretionary under Rule 24.4.5. The submitters request that Rule 24.6 be deleted if all buildings are to remain a Restricted Discretionary Activity.

2.93 Mr Barr considers this submission at paragraph 30.3 (page 150) of his report. He states that he does not understand exactly the reason with the information provided in the submission and therefore recommends the submission is rejected. I support that recommendation.

#### Assessment Matters

##### Provision 24.7.2

2.94 Provision 24.7.2 reads as follows:

24.7.2 All proposals for restricted discretionary activities will also be assessed as to whether they are consistent with the relevant objectives and policies for the Zone or Precinct as well as those in Chapters 3-Strategic Direction; Chapter 4- Urban Development, Chapter 6-Landscapes and Chapter 28- Natural Hazards.

- 2.95 The submitters oppose provision 24.7.2 as this rule may introduce discretions wider than the rule in question is restricted to. This rule effectively is trying to achieve a quasi '*non-complying threshold test*' for Restricted Discretionary activities. It is submitted that this is ultra vires and that this rule should be deleted accordingly.
- 2.96 Mr Barr considers this submission at paragraph 31.5 (page 151) of his report and recommends that it is deleted. However, that recommendation does not flow through into Appendix 3 of his report where this provision is retained. I support Mr Barr's recommendation to retain 24.7.1, but to delete 24.7.2.

#### **Provision 24.7 Assessment Matters**

- 2.97 The submitters also oppose 24.7 Assessment Matters. As previously mentioned in this evidence the submitters seek for the WBRAZ and the WBLP to be subzones of the WB and thus the assessment matters should be redrafted specific to these individual zones in order to achieve different physical outcomes anticipated for each subzone. The submitters therefore request that 24.7 be redrafted in order to be specific to the WBRAZ and the WBLP, and that consequential amendments/deletions in accordance with this submission also be made.
- 2.98 Mr Barr considers this submission at paragraph 31.8 (page 152) of his report. Mr Barr disagrees with the request, for reasons stated previously, as he considers the assessment matters are appropriate for both. If Mr Barr's recommendation that buildings within approved building platforms are a permitted activity is accepted, then I have less concern with the applicability of these assessment matters to both the Zone and the Precinct. On that basis, I have no issue with retaining these assessment matters as proposed by Mr Barr.

#### **24.8 Schedule 24.8 – Landscape Character Units (General)**

- 2.99 The submitters support the Landscape Character Unit (LCU) Map. The submitters however do note that there are some Landscape Character Units identified on the map which are at least partially outside of the WB zone such as LCU 10 Ladies Mile, LCU 16 Bendemeer, and LCU 25 Shotover Country Margins. Their inclusion as being landscape character units within the WB zone creates confusion. The submitters request that the landscape character units map should be retained, although the landscape character units identified on the map should relate only to the WB zone and therefore the map should be amended to reflect this, as well as the corresponding tables.

2.100 Mr Barr considers this aspect of the submission in paragraphs 32.13 and 32.15 (page 161) of his report and recommends LCU 16 and LCU 25 are to be removed, but all LCUs at least partially within the WB zone are to remain unchanged. I accept the reasoning for Mr Barr's recommendation in respect of this matter.

**Subdivision**

2.101 The submitters support Rule 27.4.2(g), Rule 27.4.3(b) and Rule 27.5.1 as they relate to the average and minimum lot size for the WBLP. The submitters request that Rules 27.4.2(g), Rule 27.4.3(b) and Rule 27.5.1 be retained.

2.102 Mr Barr does not appear to specifically address these submissions. I agree with the minor amendments Mr Barr recommends to these provisions as detailed in Appendix 3 attached to his report.