

**BEFORE THE MACKENZIE DISTRICT COUNCIL**

**IN THE MATTER**      OF THE RESOURCE MANAGEMENT ACT 1991

**AND**

**IN THE MATTER**      OF PLAN CHANGE 13 TO THE OPERATIVE  
DISTRICT PLAN

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**EVIDENCE OF CAREY VIVIAN (PLANNER) PART B  
FOR FOUNTAINBLUE LIMITED**

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## INTRODUCTION

- 1 My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I am a member of the New Zealand Planning Institute. I am a director of Vivian Espie Limited, a specialist resource management and landscape planning consultancy based in Queenstown. I have been practicing as a resource manager in for thirteen years, having held positions with the QLDC, CivicCorp, Clark Fortune McDonald and Associates and Woodlot Properties Limited.

### **Summary of Evidence**

- 2 Further to the brief of evidence labelled Part A that I have presented in relation to the grounds for the withdrawal of PC13, this evidence will address the site specific relief sought in the submission by Fountainblue Limited, Southern Serenity Limited and Pukaki Tourism Holdings Partnership (hereafter "Fountainblue"). I note that the site specific relief sought by Fountainblue is sought in the alternative to the primary relief that PC13 be withdrawn on the basis that the section 32 analysis is inadequate.
- 3 For completeness, I reiterate the conclusions reached in my earlier brief regarding the inadequacy of the section 32 analysis, specifically:
  - The section 32 analysis misinterprets the Densem landscape assessment which finds that the Basin is an outstanding working landscape not an outstanding natural landscape;
  - The landscape assessment fails to independently assess the landscapes of the Basin according to widely accepted criteria, or in a manner that meets standard tests of reliability, validity and sensitivity; inconsistency with the manner in which landscape values are recognised and managed within a district characterised by pastoral farming;
  - PC13 seeks to preserve a status quo that is characterised by unsustainable landscape management and farming practises.
  - The identification of areas suitable for cluster development should be based on a transparent and technically robust methodology that responds to landscape characteristics and values at a finer grain of analysis than is evident in Map 8 of Mr Densem's report.

- Policies for approved building nodes should permit greater flexibility in the identification and planning of nodes, according to the characteristics of the landscape and the values associated with particular areas.
  - The failure to adequately take account of the effect of the tenure review process in relation to land ownership, alternative landscape protection measures and the economic implications for affected landowners.
  - The failure to quantify and consider the economic realities of rural land use activities and the extent to which flexibility in planning provisions is needed to allow for future development and diversification of rural land holdings.
  - The failure to ensure that the protection of outstanding natural landscapes required by section 6(b) of the Act remains subordinate to the overall purpose of the sustainable management of natural and physical resources.
- 4 If the Council does not decide to withdraw or reject PC13 and continues to pursue the plan change in some form, then Fountainblue seeks the following site specific relief:
- a That the portion of land owned by Fountainblue contained within RM060010 (an existing application for subdivision lodged in 2006 as a controlled activity) be identified as forming part of a rural residential zone that is the same as, or similar to, that identified in relation to Manuka Terrace; and
  - b That Council give effect to the comments at page 58 in the Densem landscape assessment regarding future land uses on the Submitter's land by identifying a special Pukaki Downs Tourism Zone in accordance with the plan and planning framework attached to this evidence and marked "A".
  - c Or in the alternative, and as a least preferred option, that an "existing homestead node" be identified on land owned by the Submitter in accordance with the plan attached (refer to plan attached and marked 'B').
- 5 This evidence will discuss the policy planning merits of the site specific relief sought by Fountainblue and concludes that there is sound resource management policy justification for the

relief sought in terms of section 32 of the Act. Accordingly, if Council is going to pursue PC13 in some form, it should include in its decision the site specific relief sought by the submitter.

### **THE PUKAKI DOWNS SITE AND IMPLICATIONS OF PC13**

- 6 The proposed Pukaki Downs Tourist Zone is located on the south west flanks of Lake Pukaki. The site enjoys expansive and iconic views to Aoraki Mount Cook and the Ben Ohau range and accordingly the land is of interest to domestic and international visitors. The variable topography of the site and the resulting low visibility from surrounding areas means that there is capacity to absorb discrete pockets of built development without adversely impacting on the landscape and amenity values.
- 7 As recognised by Council, the site is unique and has the potential to provide for differing land use futures compared with other rural areas in the district. The unique landscape characteristics and the proximity of the zone to the main highway and the town of Twizel makes it an ideal location for tourism development being highly accessible to existing services and amenities.
- 8 In addition, the land in this vicinity faces a number of land management challenges. The increasing spread of wilding pine species; decreasing viability of traditional farming practices; and threat of soil erosion due to harsh climatic factors, pose significant challenges in terms of maintaining the traditional landscape character of this area.
- 9 The planning framework proposed by PC13 does not take into account the unique qualities of this site, nor does it acknowledge the need to provide flexibility in terms of diversification of land use and land management regimes to respond to the particular land management challenges experienced in this locality. The site specific relief sought by Fountainblue in the context of PC13 seeks to ameliorate these issues and enable continuing land use and land management practices that achieve the principles of sustainable management promulgated by the RMA.

### **PUKAKI DOWNS TOURISM ZONE**

- 10 As outlined in the submission, Fountainblue has development plans for sustainable tourism activities with low environmental impact on its land. Mr. Allan Tibby has outlined in more detail the nature and scale of these tourism activities. I also understand that these development intentions were communicated to Council as part of consultation on PC13.

- 11 In this regard, I note the comments in Mr Densem's landscape assessment that was notified with plan change 13 that states (at page 58):

"the potential exists for a differing approach to land use futures in this area. Economically there is a passing tourist trade, scenically there are spectacular settings, and in my observation, there is scope to site new facilities within the landscape without destroying its character or quality. My suggestion is that Council should allow for development of low level commercial tourist accommodation in the western Pukaki area".

- 12 I am familiar with the site and agree with these comments. The site is unique. It is located on the south west flanks of Lake Pukaki, extending towards the Ben Ohau Range. It has spectacular views towards Aoraki Mount Cook to the north and the Ben Ohau Range to the west. The topography is such that there is the potential for built development to be located in pockets of the site that enjoy these spectacular views without destroying the landscape character of the area. In addition, the location of the site on the route to the Aoraki Mount Cook village but in the vicinity of the Twizel township means that there is an accessible visitor market in proximity to an existing service base.
- 13 I reiterate Mr Tibby's comments regarding the development intention of Fountainblue to focus specifically on sustainable tourism activities incorporating low density built development, low intensity visitor activities and the overall preservation and enhancement of the landscape and environmental qualities of this area. I also note his discussion on the particular land management issues associated with this land holding in relation to the spread of wilding pines and the declining viability of farming practices.
- 14 In terms of the economic benefits of the type of sustainable tourism activities for the site, I refer to a report prepared by Warren Hoy of Pathwalker Consultants. I note the comments in this report relating to the economic benefits that flow from sustainable eco-tourism activities. In particular, the changing tourism market place where domestic and international visitors want to stay in beautiful natural environments where the whole development is sustainably designed, built and managed to high environmental standards.
- 15 In response, an overall panning framework has been drafted for tourism activities of this nature to be developed on this site. This planning framework is attached to this evidence and marked 'A'. The key aspects of this framework are:

- The recognition of the Pukaki Downs site as an area of land that is of interest to domestic and international visitors and the ability of the site to accommodate discrete pockets of built development without adversely impacting on the landscape and amenity values internal and external to the zone.
  - The achievement of integrated and appropriate development within the zone via the Outline Development Plan process that seeks to ensure that the zone is characterised by a small number of clusters of built development located in areas of the landscape that are capable of absorbing change.
  - The opportunity to enable small scale tourism development while the majority of the zone remains free from built development but subject to sustainable land management practices that maintain and where possible, enhance the unique environmental values and qualities within the zone.
  - Recognition of the ability of the zone to contribute to visitor and economic development within the District through increased employment opportunities and generation of visitor activity.
- 16 Overall, the framework proposed provides a comprehensive planning regime for the development of tourism activities on the site. It provides a comprehensive suite of objectives and policies that seek to ensure that development within the zone achieves the Act's purpose of sustainable development; it provides a robust collection of assessment matters to guide decision makers in relation to applications for development within the zone; and in general the framework ensures the integrated development of the zone via the outline development plan process.

#### **THE PUKAKI DOWNS TOURISM ZONE AND SECTION 32 OF THE ACT**

- 17 In my opinion, there is a sound policy justification in terms of section 32 of the Act for the identification of a Tourism Zone in this location.
- 18 A section 32 evaluation must examine: the extent to which each objective proposed is the most appropriate way to achieve the purpose of the RMA; whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

19 The objectives proposed for this zone are the most appropriate way to achieve the purpose of the Act. I note in particular objectives 2 and 4 that seek:

- To maintain the visual amenity of the Pukaki Downs Tourism Zone, whilst providing for environmentally sensitive and appropriately located development (Objective 2);
- To provide for the integrated management of the zone as a whole by allowing for built development in conjunction with the implementation of land management practices to manage and enhance areas of open space and ecological values (Objective 4).

20 The policies, rules and methods proposed are considered to be effective, efficient and the most appropriate way to achieve these proposed objectives, in particular:

- The framework provides for a comprehensive approach to development within the zone by requiring an outline development plan for development within the zone to be prepared and approved by Council as a pre-condition to undertaking physical development.
- The suite of assessment matters provide clear guidance to decision makers in terms of the relevant matters to be considered in relation to applications for development within the zone – particularly visual effects.
- The provisions seek to ensure that an overall land management regime that deals with issues relating to the maintenance of areas of open space, ecological restoration and the containment and control of wilding species is formulated in conjunction with built development.
- The provisions allow for appropriate and sustainable tourism development thereby providing for a viable economic use of the land resource to be undertaken.

21 Overall, the proposed Tourism Zone is considered to be the most appropriate method to achieve the purpose of the Act for the following reasons:

- The Tourism Zone would provide the basis for the integrated development along this important approach to Aoraki Mount Cook.

- The Tourism Zone would provide for the future enhancement landscape and environmental values in this location, thereby providing for a considerably better land management outcome than if the land remains in the Rural zone.
- The Tourism Zone would enable the community to provide for its economic wellbeing through increased employment opportunities and increased visitor activity.
- The Tourism Zone will facilitate the integrated management of effects of land uses in this location in connection with surrounding uses.

22 I note that the Officer's Report makes no reference to the relief sought by Fountainblue in relation to the Tourism Zone. However the supplementary landscape assessment makes the following comments on this aspect of the submission:

The area envisaged is extensive, would have its own separate rules, would straddle a critical part of State Highway 80, and would introduce commercial uses where they currently don't exist. In size and potential impacts it is quite different from the development approach envisaged under Plan Change 13. I would have major concerns at the potential to significantly alter and detract from the natural character surrounding this important piece of tourist highway, and to significantly impact on the highway and tourist experience.

A zone such as this is not the form of development proposed under Plan Change 13. In principle, a comprehensive development that embraced the Council's ideas of naturalness, landscape character and highway atmosphere could potentially be acceptable, but there are strong reasons why the Council would need to impose strict conditions on highway, lakefront, landscape and several other effects.

23 In my opinion, the proposed planning framework achieves the criteria set out above in relation to acceptable development in this location. It provides for comprehensive and integrated development. It provides robust objectives, policies and assessment matters regarding the need to avoid, remedy or mitigate adverse visual effects and effects on landscape character – especially in terms of visibility from the state highway and the lake. In terms of the overall policy theme of PC13 regarding nodal development, the proposed framework is consistent with this theme in that it seeks to encourage cluster development in pockets of the landscape that can absorb change.

## **RURAL RESIDENTIAL ZONE**



- 24 Fountainblue is seeking site specific relief in the form of a rural residential zone located in an area that is subject to an application for subdivision approval that was lodged as a controlled activity in 2006. I understand that this application proposes 49 allotments ranging from 5 – 9 ha in area and reports in relation to the landscape and ecological effects of the proposed subdivision have been undertaken and submitted with the application. I also understand that the application is currently on hold pending the receipt of resource consent from the Regional Council for servicing provision.
- 25 The Officer's Report recommends that the site specific relief sought by Fountainblue in terms of the Rural Residential Zone proposed be rejected on the basis that it is beyond the scope of the plan change due to the location of the zone being too far from the Manuka Terrace Rural Residential Zone. The Report goes on to note that if it is wrong on this point, that the relief should be rejected on the basis that insufficient information and assessment has been provided to form the basis for any rezoning – in particular assessment of the impacts on landscapes, ecology and reverse sensitivity.
- 26 I disagree with both of the reasons put forward in relation to the rejection of this aspect of the submission. In my opinion the geographic location of the zone in relation to Manuka Terrace has nothing to do with questions of scope. Furthermore, the nature and rationale for the relief sought – being the identification of controlled activity subdivision development – does not necessitate further assessment in relation to landscape, ecology and reverse sensitivity as part of this process.
- 27 It is clear from the discussion in the section 32 analysis that the purpose of identifying the Manuka Terrace Rural Residential Zone is to recognise the existing rural residential development that has occurred and to ensure that future subdivision and development is undertaken in accordance with its own zoning. The proposed rural residential zone for the Pukaki Downs site is analogous with this situation. The identified zone covers an area subject to an existing application for subdivision consent that was lodged in 2006 as a controlled activity thus the future environment in this location will be modified by this subdivision activity. For this reason, the recognition of this area with some form of rural residential zoning as has been done at Manuka Terrace is clearly within the scope of PC13.

- 28 In relation to issues regarding the need for further assessment concerning landscape, ecological and reverse sensitivity matters, I do not agree that the nature of the relief sought requires this. The relevant assessment in relation to these matters will be resolved as part of the resource consent process. Any residual concerns can be addressed by deferring the rural residential zoning classification until subdivision consent is obtained. In my opinion this would be an appropriate measure and easily achieved via a provision similar to the following:

In the Rural Residential Zone at Pukaki Downs the standards applicable to the Rural zone shall apply until such time as application for subdivision consent identified as RM060010 is approved.

- 29 For completeness I also note that I do not consider that the identification of this area as a rural residential zone via PC13 to be unexpected from a public participation point of view. PC13 is seeking to achieve exactly the same result in terms of the recognition of rural residential development at Manuka Terrace. Furthermore, this relief is clearly sought in the Fountainblue submission and submissions by other land owners. Thus the relief sought is not novel or out of the ordinary.

#### **IDENTIFIED NODE**

- 30 In the alternative to the site specific Tourism Zone relief sought above, Fountainblue has also sought the identification of an existing node in the location of the existing farm buildings and manager's residence on the site. PC13 as notified did not include an identified node for this landholding. This was brought to Council's attention, following which Council conceded that the failure to do so was an error lodged a submission on PC13 supporting the identification of an existing node on the submitter's property.
- 31 As expressed in the further submission, Fountainblue support this submission in part – to the extent that the failure to identify an existing node was an error and should be rectified. However, Fountainblue opposes the locational restrictions placed on that node - limiting the node to the western side of the State Highway around the existing farm buildings and requiring the node to be set back an appropriate distance from the State Highway so that it is only seen from a distance and substantially screened from the road.
- 32 The supplementary landscape assessment attached to the section 42A report recommends some minor alterations to the node boundaries identified in the Council submission. However

overall, the recommendation opposes the identification of a node on the eastern side of the state highway due to the fact that the node straddles the state highway and the proximity to the lake.

- 33 As expressed in the submission, these requirements are unduly restrictive and inconsistent with Council's approach to the identification of other existing nodes in the Basin. In comparison, it is noted that similar restrictions have not been imposed on the identified nodes in relation to Ferintosh Station. These nodes cover a significantly more extensive land area than the Pukaki Downs node identified by Council, are located on both sides of State Highway 80 and interrupt clear views of Lake Pukaki from the road. Furthermore, the failure to include these buildings in the homestead node contradict comments that *"existing nodes should allow first and foremost for continued farm operations as a station / homestead centre, plus some peripheral development potential, referring to operational stations."*
- 34 The supplementary landscape assessment does concede however that the site east of the state highway would be appropriate for a new node that incorporated the two existing houses and new building platforms, so long as they complied with the criteria set out for nodes in Plan Change 13, but in addition: did not include slopes facing lake Pukaki; did not include slopes visible from SH80; and was serviced off the same highway entrance as the existing houses. The reasons for these additional criteria are to limit potential impacts of any development on existing natural character of the lake and highway.
- 35 The Officer's Report provides no comment in relation to the Fountainblue submission on this point.
- 36 In my opinion this conclusion is inherently contradictory and indicative of the inherent flaws in the planning framework proposed via PC13. Firstly, I find it unusual that Council's own landscape architect considers that "additional criteria" over and above that which applies to new nodes via PC13 is needed in order to limit the impacts of nodal development on natural character values. Secondly, these comments fail to recognise that future development within identified nodes continue to have restricted discretionary activity status with Council retaining discretion over the external design, appearance and visual impact of buildings, earthworks, curtilage and landscaping. Thus future development within the identified node would have to be carefully designed and sited to secure consent.

- 37 Overall, I disagree with the restrictions placed on the node in the context of PC13 as a whole. Consistency between landholdings in relation to the location and extent of existing nodes is necessary on public policy grounds. Further, the purpose of the nodal approach is to allow for continued development of homestead areas and some peripheral development. The achievement of this purpose requires an existing node to be identified around the Pukaki Downs homestead cluster. The general acceptance in the supplementary landscape assessment that some form of future nodal development in this location would be appropriate is sufficient to justify an existing node on the eastern side of the state highway, particularly in light of the restricted discretionary provisions that apply to future development in this location.

## **CONCLUSION**

- 38 There is sound resource management policy justification for the site specific relief sought by Fountainblue in relation to the Pukaki Downs Tourism Zone. In particular, the proposed zone will result in considerably better resource management outcomes than if the land was left in the Rural zone.
- 39 The site specific rural residential zoning sought is "on" the plan change and the relief will achieve the same positive resource management outcomes as that anticipated for the new Manuka Terrace Rural Residential Zone.
- 40 In the alternative to the site specific zoning sought, there is sound policy justification for the identification of an existing node on the submitters land that includes the existing buildings on the eastern side of the State Highway. It is important that this node be identified consistent with the manner in which existing nodes have been identified on other lakeside properties in the district.

**Carey Vivian**

**Vivian & Espie Ltd**

## **PUKAKI DOWNS TOURIST ZONE**

### **9.0 INTRODUCTION**

The Pukaki Downs Tourist Zone is located on the south west flanks of Lake Pukaki. Lake Pukaki is an artificially enhanced water storage lake that forms part of the extensive hydro-electricity network that extends through the Mackenzie and Waitaki Districts. The Lake and its margins are a visually important area of the Mackenzie District, providing expansive and iconic views to Aoraki Mount Cook and the Ben Ohau range. The zone provides for an integrated approach to tourism development and the environment, enabling controlled development to proceed in appropriate locations after having regard to landscape, visual, ecological and servicing constraints.

### **9.1 ZONE STATEMENT**

Lake Pukaki is an iconic New Zealand vista with its striking turquoise colour and dramatic alpine backdrop. The purpose of this zone is to provide a unique opportunity for people to experience the special character and amenity of the western Pukaki area by providing for small scale commercial tourist development that has minimal environmental impact.

The Pukaki Downs Tourist Zone applies to land that is recognised as being of interest to domestic and international visitors. The variable topography of the zone and the resulting low visibility from surrounding areas means that there is capacity to absorb discrete pockets of built development without adversely impacting on the landscape and amenity values internal and external to the zone. The planning framework that governs the zone seeks to ensure that the zone is characterised by a small number of clusters of built development located in areas of the landscape that are capable of absorbing change while the majority of the zone remains free from built development but subject to sustainable land management practices that maintain and where possible, enhance the unique environmental values and qualities within the zone. The outline development plan process is the key to achieving integrated and appropriate development of the zone.

The Council recognises the potential of this locality to provide for differing land use futures compared with other rural areas in the district. Council also recognises its ability contribute to visitor and economic development within the District. This will arise from increased employment and visitor activity generated by the zone. The proximity of the zone to the main highway and the town of Twizel makes it an ideal location for tourism development being highly accessible to existing services and amenities.

The land in this vicinity faces a number of land management challenges. The increasing spread of wilding pine species; decreasing viability of traditional farming practices; and threat of soil erosion due to harsh climatic factors, pose significant challenges in terms of maintaining the traditional landscape character of this area. The Pukaki Downs Tourist Zone provides an opportunity to protect and enhance this iconic high country vista by ensuring that the land within the Zone is protected from inappropriate subdivision, use and development and

facilitating sustainable land management practices that maintain, protect and enhance the environmental values of the area.

## 9.2 ANTICIPATED ENVIRONMENTAL RESULTS

- Provision of a range of accommodation and tourist related facilities with supporting services that do not adversely impact on the environmental qualities of the locality.
- Maintenance and enhancement of landscape values.
- Preservation of open space and visual amenity with the zone being dominated by areas of open space, landscaping and areas of ecological enhancement.
- Economic benefits to the local community and district through increased employment opportunities and increased visitor numbers.
- Mitigation and avoidance of adverse visual effects.
- Preservation and enhancement of the environmental values of the locality.
- The exclusion or mitigation of activities causing adverse environmental effects such as excessive, noise, glare, odour, visual distraction, and other hazards.
- Maintenance of traffic safety on State Highway 80.
- Overall integration of development with the surrounding environment.

## 9.3 DISTRICT WIDE RULES

The following general provisions containing district wide rules apply in the Pukaki Downs Tourism Zone.

- |                                                              |            |
|--------------------------------------------------------------|------------|
| ▪ Hazardous Substances                                       | Section 9  |
| ▪ Heritage Protection                                        | Section 10 |
| ▪ Signs and Outdoor Lighting                                 | Section 11 |
| ▪ Subdivision, Development and Financial Contributions       | Section 12 |
| ▪ Temporary Activities and Buildings and Environmental Noise | Section 13 |
| ▪ Transportation                                             | Section 14 |
| ▪ Utilities                                                  | Section 15 |

## 9.4 OBJECTIVES AND POLICIES

*Objective 1 – Providing for Sustainable Visitor Activities*

*Provision for the ongoing operation of visitor facilities and recreational activities recognising their operational needs and avoiding, remedying or mitigating adverse effects on landscapes, water quality and natural values.*

## Policies

- a To recognise the opportunity for visitor and recreation facilities in the western Pukaki area and provide for their establishment and ongoing operation through the identification of the special purpose Pukaki Downs Tourism Zone.
- b To require the layout of development within the zone to be determined by a outline development plan prior to any development being undertaken to ensure the compatibility of activities within the zone and to minimise the impact on neighbouring activities, the state highway and the landscape amenity of the area.
- c To ensure the establishment of visitor activities occur at a scale, or at a rate, consistent with maintaining the surrounding rural resources and amenities.
- d To ensure sewage disposal, water supply and waste disposal are provided which avoid, remedy or mitigate adverse effects on the water, or other environmental qualities, on and off the site.

### *Objective 2 – Visual Amenity*

*To maintain the visual amenity of the Pukaki Downs Tourism Zone, whilst providing for environmentally sensitive and appropriately located development.*

## Policies

- a Controlling the location, scale and density of buildings within the zone through the outline development plan process prior to built development being undertaken.
- b To maintain the openness of the landscape and features within the zone that have an open character at present.
- c To avoid built development in those parts of the landscape with little or no capacity to absorb change.
- d To allow limited built development in those areas of the zone with higher potential to absorb change.
- e To recognise and provide for the importance of protecting natural character.
- f To avoid, remedy or mitigate adverse effects on the amenity value of views from the state highway and the lake.

- g To ensure the overall design of the development encourages the efficient use of solar energy and takes advantage of northerly aspects.

*Objective 3 – Natural Character*

Land use and development being undertaken in the zone in a manner which avoids, remedies or mitigates adverse effects on natural character of the area.

**Policies**

- a To ensure built development harmonises with the topography of the site and natural character values.
- b To avoid the new establishment of introduced vegetation with the potential to spread and naturalise; and to encourage the management and removal of existing introduced vegetation to prevent further spread.
- c Controlling the location, scale and density of buildings within the zone through the outline development plan process prior to built development being undertaken.
- d Maintaining natural landforms.
- e Ensuring that activities allow for the retention or enhancement of the overall functioning of ecosystems or areas of indigenous vegetation and habitat.

*Objective 4 – Land Management*

To provide for the integrated management of the zone as a whole by allowing for built development in conjunction with the implementation of land management practices to manage and enhance areas of open space and ecological values.

**Policies**

- a Identifying areas of open space, landscaping and exotic vegetation management and corresponding land management methods as part of the outline development plan process.
- b Encouraging land management practices that mitigate against soil degradation and erosion in sensitive areas.
- c Encouraging land management practices that seek to protect and enhance the tourism and recreation values of the high country landscape.



- d To provide for local biodiversity through the protection and enhancement of existing ecological values in a holistic manner.
- e To ensure that development within sensitive areas of the zone result in a net environmental gain.

*Objective 5 – Amenity Values*

To provide for activities and buildings that, in terms of both location and scale, sustain the amenity values experienced by residents of the locality and visitors to the District.

- a To enable the establishment of visitor accommodation services including accommodation and centralised visitor and recreational facilities provided that:
  - facilities are located in areas of the zone that can absorb the visual impacts of the development;
  - ensuring that the design, colour and materials of the buildings will be undertaken in a manner that further reduces the visual impact of built form;
  - built development has a no more than minor impact on the open space character and amenity of the zone, especially when viewed from the state highway.
- b To ensure that areas of open space are maintained or enhanced by being free from buildings and other structures and subject to appropriate land management practices.
- c To ensure that activities are appropriately located within the zone such that amenity values and visitor experience within the site are maintained or enhanced.
- d to promote linkages between the Pukaki Downs Tourism Zone and surrounding public areas by maintaining existing public access ways and providing for new linkages where appropriate.

**STATUS OF ACTIVITIES**

The following clauses 9.4 –to 9.10 specify the status of activities under the District Plan i.e. Permitted, Controlled, Restricted Discretionary, Discretionary and Non-complying for the following activities:

9.4 Outline Development Plan

- 9.5 Buildings
- 9.6 Visitor Accommodation
- 9.7 Recreational Activities
- 9.8 Landscaping
- 9.9 Earthworks and Tracking
- 9.10 Other Activities

#### **9.4 Outline Development Plan**

Prior to any built development being undertaken in association with new land use activities within the Zone, approval for a Outline Development Plan that provides for integrated development across the zone must be obtained.

##### **9.4.1 Discretionary Activity – Outline Development Plan**

The provision of a outline development plan for the overall development of the zone that identifies:

- a The location, nature and scale of built development via the identification of building platforms and design guidelines that include applicable restrictions in relation to height, gross floor area, density and external appearance.
- b The location of visitor accommodation and other visitor recreation related activity areas.
- c The identification of various land management areas of the zone including (where relevant): open space, landscape protection, ecological restoration and enhancement, exotic vegetation containment and control.
- d Landscaping.
- e Land management strategy for the site.
- f Proposed methods for water supply, wastewater disposal, electricity and telecommunication servicing.
- g Provision for vehicle access and parking.

#### **9.5 Buildings**

##### **9.5.1 Controlled Activities - Buildings**

All buildings located within an identified building platform approved as part of a outline development plan in accordance with Rule 9.6.1 shall be controlled in respect of:

- external appearance, associated earthworks, access, and landscaping.

- the provision of water supply, waste water disposal, electricity and telecommunication services.

### **9.5.2 Non-complying Activities – Buildings**

Any building that is not contained within a building platform approved as part of a outline development plan under Rule 9.4.1 shall be a non-complying activity.

## **9.6 Visitor Accommodation**

### **9.6.1 Permitted Activities – Visitor Accommodation**

Visitor accommodation activities that comply with the following standards:

- a The location of visitor accommodation activities shall be undertaken in accordance with a outline development plan approved under rule 9.4.1.
- b Visitor accommodation activities shall be designed and conducted so as to ensure that the following noise limits are not exceeded at any point within the notional boundary of any residential unit on another site:
  - Daytime 50dBA L10
  - Nighttime 40dBA L10  
70dBA L max
- c The nature and scale of visitor accommodation activities shall not exceed a scale of one visitor bed per 6 hectares of the zone area.

Note: Requirements outside of the District Plan relating to liquor, health and buildings apply to visitor accommodation.

### **9.6.2 Discretionary Activities – Visitor Accommodation**

Visitor accommodation not listed as a permitted activity.

## **9.7 Recreational Activities**

### **9.7.1 Permitted Activities – Commercial Recreation Activities**

All non-commercial recreation activities are permitted.

Commercial Recreation Activities provided the location of the activity is in accordance with a outline development plan approved in under rule 9.4.1 and the activity complies with the following standards in relation to character, scale and intensity:

- Character: Non-mototrised
- Scale: No more than 20 people per group
- Intensity: No more than 3 groups per day

## **9.7.2 Discretionary Activities – Commercial Recreation Activities**

Commercial Recreation Activities not listed as a permitted activity.

## **9.8 Landscaping**

### **9.8.1 Permitted Activities – Landscaping**

Landscaping that is undertaken in accordance with landscaping areas identified in a outline development plan approved under rule 9.4.1.

### **9.8.2 Discretionary Activities – Landscaping**

Landscaping not listed as a permitted activity.

## **9.9 Earthworks**

### **9.9.1 Permitted Activity – Earthworks**

- Earthworks where the maximum area of bare soil exposed is less than 1000m<sup>2</sup> and where the maximum volume of earth moved is less than 300m<sup>3</sup> per site within any consecutive 12 month period, other than earthworks located in:
  - areas containing Geopreservation Sites identified on the Planning Maps and listed in Appendix I;
  - Sites of Natural Significance identified on the Planning Maps and listed in Appendix I;
  - areas above 900m in altitude;
  - areas within 10m of a river;
  - areas within 50m of a wetland or lake.
  
- Earthworks for routine repair and maintenance of operational tracks.
- Earthworks approved as part of a resource consent for a building.
- Earthworks approved as part of resource consent for a subdivision.

### **9.9.2 Controlled Activity – Earthworks**

Earthworks (both excavation and fill) greater than 300m<sup>3</sup> and less than 1000m<sup>3</sup> per site or bare soil exposed greater than 1000m<sup>2</sup> and less than 2500m<sup>2</sup> per site, will be a controlled activity, other than earthworks located in:

- areas containing Geopreservation Sites identified on the Planning Maps and listed in Appendix I;
- Sites of Natural Significance identified on the Planning Maps and listed in Appendix I;
- areas above 900m in altitude;
- areas within 10m of a river;
- areas within 50m of a wetland or lake.

#### Matters Subject to Council's Control

- Siting, slope and camber of the track;
- Manner of forming the track;
- Terrain disturbance including vegetation clearance, volumes and materials to be removed;
- Rehabilitation of disturbed ground
- Visual impact of stockpiles.

### **9.9.3 Discretionary Activities – Earthworks and Tracking**

Any earthworks or tracking that which are not provided for as a permitted or controlled activity.

### **9.10 Other Activities – Non-Complying Activities**

9.10.1 Any activity which is not provided for as a permitted controlled or discretionary activity.

<b>ASSESSMENT MATTERS – RESOURCE CONSENTS</b>
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### **9.11 General**

- a In considering resource consents for land use activities, in addition to the applicable provisions of the Act, the Council shall apply the relevant assessment matters set out below.
- b In the case of controlled activities, the assessment matters shall only apply in respect to conditions that may be imposed on a consent.
- c In considering resource consent, Council shall have regard to district wide rules.

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

#### **9.12 Outline Development Plan General**

- a The extent to which the proposed outline development plan achieves the purpose of the zone.
- b The effect of the siting of building platforms within activity areas in terms of dominance, access to sunlight, daylight and access to views.
- c The ability to provide for adequate landscaping around buildings.
- d The extent to which sustainable, efficient and comprehensive design solutions are applied to encourage a development layout that establishes a unique and appropriate response to the surrounding environment.
- e The extent to which existing areas of natural vegetation are protected and enhanced.
- f The extent to which the layout of the zone and the location and orientation of buildings in particular encourages the efficient use of solar energy and takes advantage of northerly aspects.
- g The extent to which the development design is consistent with the topography of the zone.
- h The extent to which the development layout provides for areas of open space, ecological restoration and the containment and control of wilding species.
- l The extent to which the design guidelines proposed to apply to buildings will achieve the policies of the zone.
- j The extent to which the design guidelines proposed to apply to buildings will achieve an integrated character and / or design theme for the zone.
- h The extent to which the layout and character of the site remains consistent with the surrounding environment.

#### **9.13 Outline Development Plan – Landscape Values and Visual Amenity**

- a Whether and the extent to which the nature, scale and overall layout of the development will compromise the character of the surrounding landscape;
- b The extent to which any potential adverse visual effects are avoided or mitigated by appropriate design and landscaping, and/or other measures (including covenants and other restrictive instruments).

- c Whether any built development is highly visible when viewed from the state highway or the surface of the lake. In this regard, the Council shall also consider frequency and scale of the use of the surface of the lake for recreational purposes.
- d Whether there is opportunity for screening or other mitigation by any proposed method such as earthworks and/or new planting which does not detract from or obstruct views of the existing natural topography.
- e The extent to which any building platforms proposed will give rise to any structures being located where they will break the line and form of any skylines, ridges, hills or prominent slopes;
- f The extent to which any proposed roads, earthworks and landscaping will change the line of the landscape or is inconsistent with the existing natural topography.
- g The extent to which existing natural topography is utilised to ensure that development is located where it is not highly visible when viewed from public places;
- h Whether the opportunity has been taken to aggregate built development to utilise common access ways including pedestrian linkages, services and open space;
- i The extent to which development is concentrated or clustered in areas with a higher potential to absorb development while retaining areas which are more visually sensitive;
- j Whether and the extent to which the proposed form and density of development within the development plan may give rise to adverse cumulative effects on the character of the landscape.
- k The extent to which development is contained within discrete landscape units as defined by topographical features such as ridges, terraces or basins.
- l Whether there is the potential for the development to cause cumulative adverse effects may be avoided, remedied or mitigated by way of covenant or other legal instrument which may be volunteered by the applicant.
- m The extent to which buildings and building platforms are set back from zone and activity area boundaries to avoid remedy or mitigate the potential effects of new activities on the existing amenities internal and external to the zone.
- n The level of landscaping required to ensure that the development does not visually detract from the environment.

#### **9.14 Buildings**

- a The extent to which the location, nature and scale of the building/s are consistent with the outline development plan approved for the zone.
- b Whether the building/s break the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
- c Whether the building is visually obtrusive from the state highway or the surface of the lake.
- d Whether the colours of the roofs and walls are of low reflectivity, recessive and derived from the landscape.
- e Whether road and internal accessways are situated in the most appropriate position, avoid excessive cuts and fills, and do not compromise the visual amenity of the site.
- f The extent to which exterior lighting can be minimised to avoid adverse effects on amenity values.

#### **9.15 Visitor Accommodation and Recreation Activities**

- a The extent to which the activity will result in levels of traffic generation or pedestrian activity which are incompatible with the character of the surrounding area.
- b Any adverse effects of the proposed activity in terms of:
  - Noise, vibration and lighting from vehicles entering and leaving the site.
  - Loss of privacy.
  - Levels of traffic congestion or reduction in levels of traffic safety.
- c Any cumulative effect of traffic generation from the activity in conjunction with traffic generation from other activities.
- d The ability to mitigate any adverse effects of additional traffic generation such as through the location and design of vehicle crossings, parking and loading areas or through the provision of screening and other factors which may reduce the effect of the additional traffic generation, such as infrequency of the activity, or limited total time over which the traffic movements occur.
- e The extent to which activity is an integral and necessary part of, or closely associated with, other activities being undertaken on the site.
- f The extent to which any recreational activity will reduce opportunities for passive recreation, enjoyment of peace and tranquillity.

#### **9.16 Landscaping**

- a The level of landscaping required to ensure that the development does not visually detract from the environment.



- b Whether landscaping is required in the context of the location, or whether there is adequate existing vegetation to ensure any development will blend with the surrounding environment having regard to the external appearance of buildings.

### **9.17 Earthworks**

Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.

- a The time period within which the earthworks will be completed.
- b The slope of the site.
- c The location of the earthworks.
- d The extent to which the earthworks and methods take into account the sensitivity of the landscape.
- e The proposed rehabilitation of the site.
- f The extent to which the natural ground levels will be altered.
- g The purpose of the earthworks.
- h Whether the proposed earthworks represent the best available alternative.
- i The extent to which the earthworks are necessary to give effect to the intent of the Zone.

**Proposed Rural  
Residential Zone**

**PROPOSED AREA  
ECO & HEALTH  
TOURISM  
ZONE**



