

**Before a Hearings Panel  
appointed by Selwyn District Council**

**Under** the Resource Management Act  
1991

**And**

**In the Matter** of a submission (DPR-0097) on the  
Proposed Selwyn District Plan by  
Flock Hill Holdings seeking rezoning  
of 10128 West Coast Road, Lake  
Pearson, Selwyn District

**Statement of Evidence of  
Elizabeth Anne Stewart  
for Flock Hill Holdings**

Dated: 17 June 2022

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**Lane Neave**  
Level 1, 2 Memorial Street  
Queenstown  
Solicitor Acting: Joshua Leckie/Mia Turner  
Email: [joshua.leckie@laneneave.co.nz](mailto:joshua.leckie@laneneave.co.nz)/  
[mia.turner@laneneave.co.nz](mailto:mia.turner@laneneave.co.nz)  
Phone: 03 409 0321/03 377 6912

**lane neave.**

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## INTRODUCTION

### Qualifications and Experience

1. My full name is Elizabeth Anne Stewart. I am a Senior Resource Management Planner at Inovo Projects Limited (**Inovo**).
2. I hold a Bachelor of Science from Canterbury University, Christchurch, and a Post Graduate Diploma in Resource Studies from Lincoln University, Lincoln. I have approximately 17 years resource management and planning experience. I have spent approximately 5 years working in the United Kingdom at different local authorities processing a wide variety of land use consents, including the delivery of a Major Development Area project (Outline Planning Permission) comprising 132ha for “mixed use” development. I held the position of Senior Planner with Aurecon (formally Connell Wagner) for approximately 2 years, where I undertook a number of large scale land use and subdivision applications, Notice of Requirements and Plan Changes.
3. More recently, I worked part-time with Aston Consultants, (while raising a family), where I held the position of Senior Planner, where I prepared resource consents and hearing evidence for a wide range of land use and subdivision proposals including a retirement village, residential, rural residential and business developments, schools and pre-schools and medium density housing. I have prepared Plan Changes in Hurunui District and also prepared submissions and evidence on the Christchurch, Hurunui and Queenstown Lakes District Plan Reviews for a range of clients.
4. I have held the position of Senior Planner with Inovo Projects for approximately 2 years. Inovo Projects works extensively in the Greater Christchurch area, with numerous clients with interests in subdivision, land development and land use planning matters. I have prepared resource consents for a range of land use, subdivision proposals and outline plan submissions. Projects to date include the Canterbury Multi Use Arena, NETSAL centre and subdivision of Cashmere Estate and Castle Hill.

### Background and Involvement

5. I have provided planning advice to Flock Hill Holdings (**Flock Hill**) in respect of its property at 10128 West Coast Road, Lake Pearson, Selwyn District (**Site**) for approximately 2 years. I am familiar with the Site and surrounding environment having undertaken a Site visit in 2020 and more recently on 8th October 2021.
6. Together with Flock Hill’s landscape architect Mr Smith, I prepared Flock Hill’s submission (DPR-0097) on the Proposed Selwyn District Plan (**PDP**) seeking the

rezoning of the Site from General Rural Zone (**GRUZ**) to a Special Purpose Zone, Flock Hill Station Visitor Zone (**FHSVZ**).

7. Flock Hill's submission includes an assessment of the proposed rezoning under section 32 of the Resource Management Act 1991 (**RMA**) and proposed provisions for the FHSVZ. My evidence builds on this assessment and proposed provisions and, along with the technical assessment of the other witnesses for Flock Hill, provides the site-specific assessment requested at paragraphs 36-39 of the Hearing Panel's Minute 1 dated 8 June 2021.

### **Code of Conduct**

8. While this is not an Environment Court hearing, I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

### **SCOPE OF EVIDENCE**

9. My evidence addresses:
  - (a) response to the Section 42A Report – Landscape and Natural Character;
  - (b) background;
  - (c) the Site and the existing environment, both on-site and off-site;
  - (d) planning status;
  - (e) the rezoning proposal;
  - (f) the statutory framework;
  - (g) assessment of the proposal against the statutory framework; and
  - (h) the further submission received.
10. I have also read the other evidence prepared for Flock Hill. I explain in my evidence where I refer to or rely on that assessment or evidence for the purposes of my planning assessment.
11. Given the interrelationship between the multiple chapters and to provide context, my evidence addresses all aspects of the Flock Hill submission, but specifically addresses Council's Section 42A Report in respect of the Natural Features and

Landscape Chapter. In the fullness of time, I will also respond to Council's other Section 42A Reports at the relevant time.

## EXECUTIVE SUMMARY

12. The Site forms part of the wider Flock Hill Station, which is an approximately 14,500ha working sheep station, which Flock Hill leases from the University of Canterbury. The Site subject to the rezoning is approximately 21.5ha.
13. The Site contains Flock Hill Lodge, which is an existing mixture of historic and newly established visitor and staff accommodation units and associated facilities. Flock Hill Lodge is located on the flat valley floor at the northern toe of Broken Hill. A consented Homestead (nearing completion) is located on a small terrace on Broken Hill's lower slopes.
14. Flock Hill has obtained various land use consents to upgrade the Site in order to create a 5-star visitor accommodation facility.
15. Flock Hill Lodge and the Homestead have over time become a unique node of tourism-related development within the wider Flock Hill Station.
16. Under the PDP, the Site is within the GRUZ and is identified as being within the Outstanding Natural Landscape (**ONL**) (Waimakariri Catchment) Overlay and the Ecosystems and Indigenous Biodiversity (**EIB**) (Hill and High Country) Management Overlay.
17. Flock Hill seeks to introduce a Special Purpose Zone being the FHSVZ, which recognises the unique history of the Site and the existing and consented development that provides for tourism-related activities. The FHSVZ also proposes to allow for a limited amount of appropriately designed and located future growth.
18. The purpose of the FHSVZ is to create a new zone that only relates to Flock Hill Station's visitor accommodation, staff accommodation and the Homestead. The zone will be approximately 21.5ha in area and is closely aligned with the existing and consented development. As a Special Purpose Zone, any further development of the Site, including the use of buildings, will be assessed against a bespoke specific suite of objectives, policies and rules.
19. The objectives, policies and rules for the FHSVZ are more enabling than the PDP provisions, to provide flexibility for development in general, recognising the existing and consented development on Site, as well as enabling additional visitor accommodation and associated facilities. However, fundamentally, the proposed suite of provisions will require that the landscape values of the Site and surrounding

natural area are protected and that development seeks to encourage positive ecological outcomes within the Site.

20. Since the original submission was lodged (7 December 2020), the proposed suite of rules, objectives and policies has been updated. A full copy of the revised provisions is contained in **Appendix A** to my evidence.
21. In my opinion the proposed rezoning:
- (a) better reflects the existing and consented receiving environment;
  - (b) in particular, reflects the facts that the Site is a highly modified area with very little naturally occurring indigenous vegetation and no significant habitats for fauna and therefore does not reflect the traits of the ONL and EIB Management Overlays;
  - (c) ensures any future development will be contained within an existing node of development and will be undertaken in a manner that protects the landscape values of the surrounding natural area;
  - (d) has no environmental constraints that would otherwise preclude development in accordance with the proposed suite of provisions; and
  - (e) is the most appropriate planning outcome for the use of the land in a manner that promotes the purpose and principles of the RMA.
22. My evidence also responds to Council's s42A Report for the Natural Features and Landscapes Chapter and recommends specific relief in relation to that chapter.

## **RESPONSE TO NATURAL FEATURES AND LANDSCAPES SECTION 42A REPORT**

23. I have read the Natural Features and Landscapes Section 42A Report (**Section 42A Report**) prepared by Jon Truwin and the Natural Features and Landscape Report appended to the Section 42A Report prepared by James Bentley.
24. In summary I understand that the Natural Features Section 42A Report agrees that:
- (a) that land use changes are interwoven into the character of this landscape; and
  - (b) that small, isolated more intensive parts of the landscape do not compromise the values or grandeur of the broader mountainous landscape;

- (c) that the Site covered by the FHSVZ Zoning sought should be able to be developed in recognition of its unique location; and
  - (d) and that the proposed FHSVZ suite of rules would not erode the broader ONL values].
25. In light of the Section 42A Report I consider the most appropriate approach is to exclude the FHSVZ from the Natural Features and Landscape rules as has been done with the Porter’s Ski Zone (**SKIZ**) and Grasmere Zone (**GRAZ**). This approach in my opinion is consistent with recommendations in the Section 42A Report and the PDP, where the technical mapping overlay is not amended to support a particular zoning within an ONL, but rather the relevant NFL rules are excluded from application to the FHSVZ and the proposed FHSVZ provisions are instead relied upon.
26. The following track changes are therefore proposed to Appendix 2 of the Section 42A Report Recommended Amendments and are attached as **Appendix B** to my evidence (**Bold**, underlined and ~~striketrough~~):

**NFL-Rules**

**NFL-R1 Buildings and Structures**

	<b>Activity status: Per</b>	<b>Activity status when compliance not achieved:</b>
ONL Overlay: Banks Peninsula	1. Buildings and structures,	2. When compliance with any rule requirements is not achieved:
ONL Overlay: Front Ranges	including ancillary structures.	Refer to relevant rule requirement.
ONL Overlay: Rakaia Catchment	<b>Where this activity complies with the following rule requirements:</b>	
ONL Overlay: Waimakariri Catchment excluding SKIZ, <u>and</u> GRAZ <u>and FHSVZ</u>	NFL-REQ1 Height ONL	
ONL Overlay: Waimakariri River	NFL-REQ2 Footprint ONL	
ONL Overlay: Rakaia River	NFL-REQ3 Coverage ONL	

	<p>NFL-REQ4 Setbacks</p> <p>NFL-REQ5 Appearance</p> <p>NFL-REQ6 Height VAL</p> <p>NFL-REQ7 Footprint VAL</p> <p>NFL-REQ8 Coverage VAL</p>	
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**NFL-R2 Earthworks**

<p>ONL Overlay: Banks Peninsula</p> <p>ONL Overlay: Front Ranges</p> <p>ONL Overlay: Rakaia Catchment</p> <p>ONL Overlay: Waimakariri Catchment excluding SKIZ, <del>and</del> GRAZ <u>and FHSVZ</u></p> <p>ONL Overlay: Waimakariri River</p> <p>ONL Overlay: Rakaia River</p>	<p><b>Activity status:</b> Per</p> <p>1. Earthworks</p> <p><b>Where:</b></p> <p>The earthworks:</p> <p>a. comply with NFL-Table 1 or NFL-Table 2; or</p> <p>b. are for maintenance and repair of existing erosion control structures, underground infrastructure, drains, fence lines, roads or tracks; or</p> <p>c. are for the installation of underground infrastructure and ancillary activities structures</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with any of NFL-R2.1 is not achieved: Refer to NFL-REQ9.1.</p>
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	<p>d. are in association with maintenance, operation and repair of buildings and structures at Coleridge HEPS.</p>	
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27. As detailed in **Appendix A** of my evidence, I consider that the proposed FHSVZ provisions sought provide for a targeted and robust regime for managing landscape effects both within and surrounding the FHSVZ for the following reasons:
- (a) The FHSVZ provisions have been designed to reflect the nature of existing and consented development, so as to ensure the proposal does not adversely affect the landscape values of the wider ONL.
  - (b) The proposed provisions of the FHSVZ provide for future development that will protect the landscape values of the ONL. Amongst other matters this includes provisions relating to location, design, colour, scale, height of development and landscape treatment.
  - (c) The proposed provisions ensure that any future development within the Homestead Activity Area is not visible from State Highway 73.
28. I have reviewed the expert evidence prepared by Mr Smith, and I adopt his opinion that the amended FHSVZ provisions will appropriately manage and protect the ONL and broader landscape values.
29. Without the proposed provisions excluding the FHSVZ from the Natural Features and Landscape rules (consistent with the Porters Ski Zone (SKIZ) and Grasmere Zone (GRAZ)), it is my understanding that regardless of the FHSVZ provisions, any future activity for any proposed building, structure, earthworks, homestead use, conference facility use etc would be considered in line with Rule NFL-REQ1-REQ5 and NFL-R2 and have an overall non-complying status. This is at odds with the intent of the FHSVZ, which seeks to enable the FHSVZ to operate efficiently and with a higher level of certainty regarding the ongoing use and further development of the use of the Site as a tourist and visitor destination, whilst recognising the importance of the surrounding landscape.

## BACKGROUND

30. Flock Hill holds a long-term lease of approximately 14,500ha of land, which is commonly known as Flock Hill Station, from the University of Canterbury. The Site subject to this proposal sits within 140ha (more or less) of the wider lease area, legally described as Lot 1 & 2 DP 546766 and Lot 3 - 4 DP 540426, as contained in Record of Title 931316, and 931317. The Site itself is 21.5ha.
31. The wider Flock Hill Station comprises three distinct activities, namely:
- (a) farming activities located within Lot 3 - 4 DP 540426 and Lot 1 DP 546766;
  - (b) Flock Hill Lodge, a historic tourist facility (established in the 1980's), located within Lot 2 DP 546766; and
  - (c) a Homestead (currently under construction and nearing completion), located within Lot 1 DP 54766.
32. At the time of writing this evidence, Flock Hill Lodge contains a mixture of existing and new purpose built buildings, with existing buildings including the lodge building (existing bar/restaurant), conference building, manager's cottage, school house, two visitor cottages, two motel units, stables, storage buildings, chef's house, three staff cottages, relocated cottage and cook's house. New purpose built buildings on site include two new staff cottages within the Staff Accommodation Area.
33. At the time of writing this evidence, the Homestead is under construction and nearing completion. The Homestead comprises a 760m<sup>2</sup> four-bedroom single storey residential dwelling and accessory buildings (four car garage plus plant room). Associated curtilage includes paved/wooden decks, a fire pit and spa.
34. In the last few years, Flock Hill has invested substantially into the upgrade and redevelopment of Flock Hill Lodge and the Homestead. This (amongst other matters) includes obtaining various resource consents to upgrade Flock Hill Lodge in order to create an exclusive 5-star visitor accommodation facility and enable the use of the Homestead for travelling accommodation purposes. In particular, I note that the following consents are particularly relevant.

### RC216015

35. RC216015 was granted on 16<sup>th</sup> February 2022 to subdivide Lot 2 DP 546766 (i.e. site containing Flock Hill Lodge) and Lot 1 DP 546766 (i.e. site containing the Homestead) into proposed Lot 1 (being 20 ha more or less) and 2 (being 122 ha more or less). In addition, RC216015 removed the amalgamation condition of Lot 2

DP 546766 from Lots 3 & 4 DP 540426, creating a new title by amalgamating existing lots 3 & 4 DP 540426.

36. Put simply, RC216015 combined that area of land containing Flock Hill Lodge with that area of land containing the Homestead onto one lot (i.e. Lot 1). The area identified on the Application Plan directly corresponds with the area of land identified within the proposed Special Purpose Zone being the FHSVZ.
37. RC216015 contains a consent notice condition requiring a consent notice to be registered on the Lot 1 title that the ongoing operation of the consented tourism uses and other residential components on Lot 1 shall operate together and in cooperation with the experience of the working station of Flock Hill Station on Lot 4 and recreational opportunities within Flock Hill Station. I consider that this linkage will ensure the ongoing and perpetual association of Flock Hill Lodge with the wider station land within which it sits.
38. A copy of RC216015 and the Application Plan is contained in **Appendix C**.

#### **RC216029**

39. RC216029 was granted on 25 January 2022 under section 127 of the RMA to change of condition 1 of RC205138 (see paragraph 41 below). In summary, RC216029 issued consent for an updated masterplan, which in general sought to redesign the shape/size of ponds on site, increase the overall building footprint from 3688m<sup>2</sup> to 4200m<sup>2</sup>, revise the internal road layout and areas of hardstand, reconfigure the layout of the two bedroom guest villas, relocate units to the staff quarters area for staff accommodation purposes, increase in on-site amenity landscaping and identify infrastructure on Site.
40. A copy of the masterplan approved under RC216029 is included in Appendix 1 of Mr Smith's evidence.
41. This consent is currently being implemented. To date, the separate Staff Accommodation Area now comprises three relocated accommodation units, one relocated cook house, three new residential cottages and a communal house. The backpackers has also been relocated to the Farm Base.

#### **RC205138**

42. RC205138 (supersedes RC195755 and RC195763) was granted on 26 March 2020 and provides for the following:
  - (a) Increase the dwelling density from 9-12.

- (b) Create a separate Staff Accommodation Area, approximately 450m to the east of the Tourist Base.
- (c) Increase the built form by 3688m<sup>2</sup>, including:
  - (i) 11 x guest units with a footprint of approximately 200m<sup>2</sup> each, excluding decks;
  - (ii) 1 x lodge with a footprint of approximately 980m<sup>2</sup> with a maximum height of 9m at the apex of the roof and 11m at the top of the chimney and reorient by 90 degrees;
  - (iii) 1 x garage with a footprint of approximately 51m<sup>2</sup>;
  - (iv) 1 x outhouse with a footprint of approximately 6m<sup>2</sup>;
  - (v) 5 x staff accommodation units with a footprint of approximately 60m<sup>2</sup> each; and
  - (vi) 1 x shed with a footprint of approximately 151m<sup>2</sup>.
- (d) Relocate the schoolhouse to within 25m of the existing pond and convert to a whisky room.
- (e) Relocate the backpackers off Site to the Farm Base.
- (f) Relocate three cottages from the Tourist Base to the Staff Accommodation Area and use for staff accommodation.
- (g) Relocate the 125m<sup>2</sup> communal kitchen and living area from the Tourist Base to the Staff Accommodation Area and use as a communal kitchen and living area for staff.
- (h) Undertake earthworks to create three man-made ponds being approximately 4325m<sup>2</sup> and create roads, building platforms and landscape features.
- (i) Refurbish existing units 1 and 2 to create a spa facility (for guests only).
- (j) Allow a maximum of 85 guests and staff on Site at any one time.

### **RC205557**

43. RC205557 was granted on 15 October 2020 and enables the use of the Homestead for travelling accommodation purposes for a maximum of 150 nights per calendar year and a maximum of one group at a time.

## RC205508

44. RC205508 was granted on 11 March 2021 to establish a new farm access track (including a vehicle access point on State Highway 73). The purpose of the track is to become the main/only access for the farm operation, staff quarters and movement of heavy vehicles for the existing tourist operation and farm base, leaving the existing Flock Hill Station bridge access solely for use by guests of the existing tourist operation.

## PROPERTY AND EXISTING ENVIRONMENT

45. The Site is located in the south-west corner of the valley floor at the toe of Broken Hill, approximately 2km's south of Lake Pearson and is accessed off State Highway 73 via the Flock Hill Station labelled bridge.
46. The existing and consented environment within the Site is described above. Given the level of existing and consented development, the Site is highly modified and is not otherwise characterised by a landscape dominated by openness and vegetation as is generally associated with the GRUZ.
47. In respect of land adjoining the Site, the Farm Base (part of Flock Hill Station) is located immediately north of the Site. The Farm Base comprises a number of farm sheds, 3 x residential units (including 1x farm manager's accommodation and 2x farm staff accommodation), a wool and implement shed as well as a shearers' shed.
48. The wider character of Flock Hill Station itself is a working sheep station which extends over Broken Hill and the valley floor extending east to west between Lake Pearson and Broken Hill.
49. A comprehensive description of the Site and wider environment (including vegetation cover) is contained in the evidence of Mr Smith (paragraphs 48 - 88) and Mr Lambie (paragraphs 18 - 37).

## PLANNING STATUS

### Operative District Plan

50. For context, I have summarised the Operative District Plan (**ODP**) zoning of the Site.
51. The Site is zoned High Country under the provisions of the ODP (Rural) Volume. It adjoins land to the north, south and west (opposite side of State Highway 73) that is similarly zoned High Country and is currently classified as an ONL. The Site itself however is outside the ONL Overlay (refer to Figure 1 below).

52. The location of the proposed FHSVZ generally aligns with the location of the site identified in Figure 1 below.

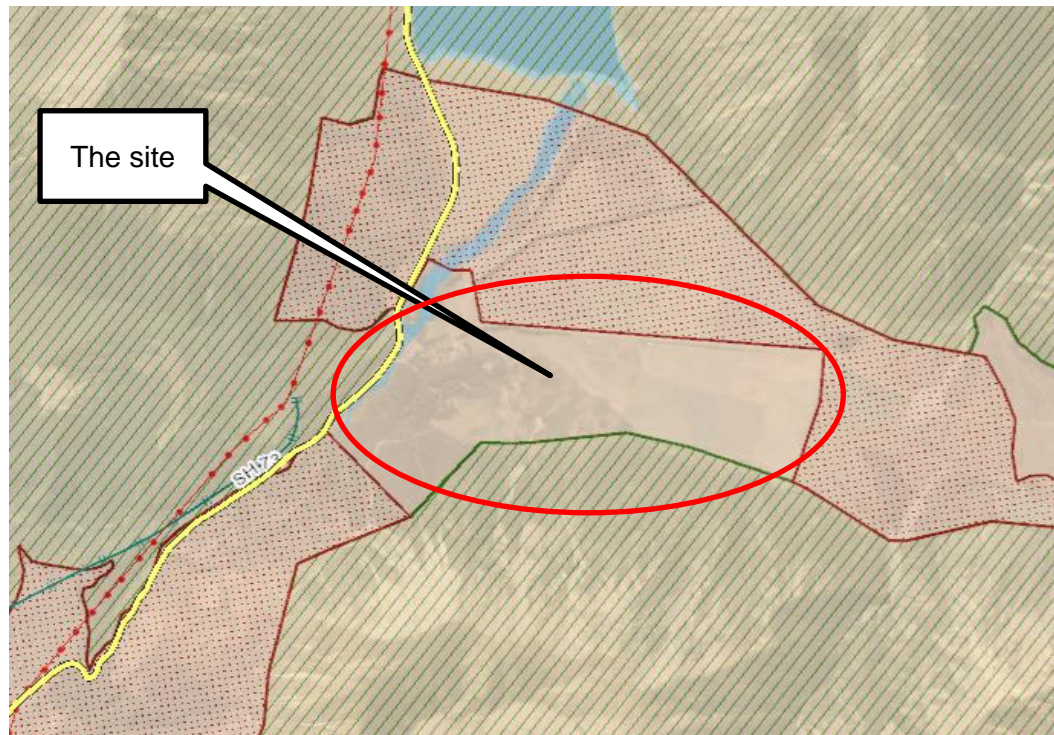





Figure 1 - Operative District Plan – Planning Map

-  Outstanding Landscape
-  Forestry Exclusion Area
-  High Country

### Proposed District Plan

53. Under the PDP, the Site is located within the GRUZ and is identified as being within the ONL (Waimakariri Catchment) Overlay, EIB (Hill and High Country) Management Overlay and Rural Density Overlay (SCA- RD7) – refer to Figure 2 below.

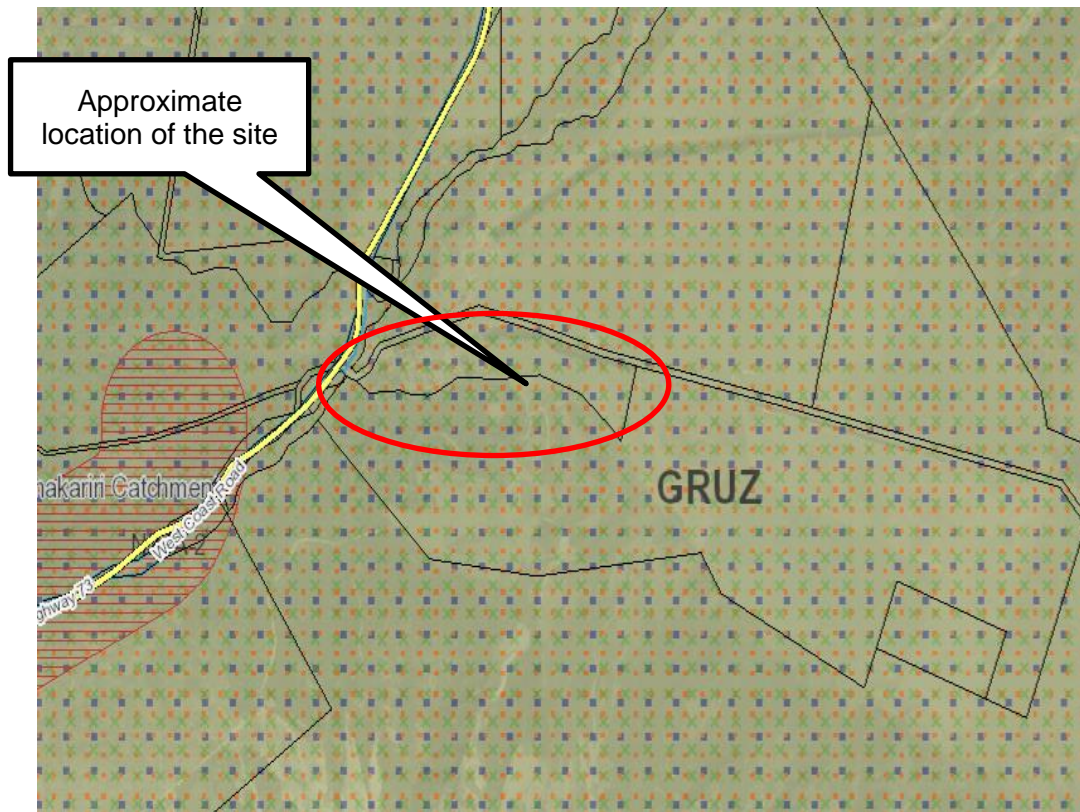
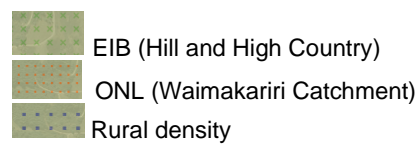


Figure 2 - Proposed District Plan – Planning Map



### **General Rural Zone**

54. Under the GRUZ, the consenting framework is essentially the same as under the ODP. Residential units require a minimum land area of 120ha to be a permitted activity, otherwise they are a non-complying activity (GRUZ – R3 and R5), and the establishment of a new, or expansion of an existing commercial<sup>1</sup> or conference facility<sup>2</sup> activity shall be less than 100m<sup>2</sup> in area to be a permitted activity, otherwise they also become a non-complying activity (GRUZ – R9 and R14).
55. GRUZ – R15 provides for the establishment of new, or the expansion of existing Visitor Accommodation<sup>3</sup> as a permitted activity where accommodation offered is to not more than five guests for reward of payment; and the registered proprietor

<sup>1</sup> Means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).

<sup>2</sup> Means a commercial activity that uses rooms or spaces for conferences or private functions including the serving and preparation of food and drinks but excludes rooms or spaces for overnight accommodation.

<sup>3</sup> Means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.

resides permanently on site. Non-compliance with these requirements results in a discretionary activity.

### ***Outstanding Natural Landscape (Waimakariri Catchment)***

56. The ONL Overlay introduces an additional consenting framework layer, where buildings and structures within the ONL are limited to a building coverage of 500m<sup>2</sup> for every 20ha, or 2,000m<sup>2</sup> per property (whichever is the lesser). When compliance with this rule requirement is not achieved the status of the proposal will be non-complying.
57. In light of the above, I understand that any new build on Site (regardless of scale and use and associated effects) would trigger a land use consent requirement, with a non-complying status.

### ***Ecosystems and Indigenous Biodiversity (Hill and High Country)***

58. The PDP also introduces a new EIB Management Overlay. As outlined in Mr Lambie's evidence, I understand that the purpose of the EIB Overlay is to ensure that indigenous biodiversity within the District is managed in order that areas of significant indigenous vegetation are protected so that there is no net loss of indigenous biodiversity and the restoration and enhancement of indigenous biodiversity is encouraged and supported.
59. The supporting rule package provides for the clearance of less than 500m<sup>2</sup> of indigenous vegetation as a permitted activity and the clearance of greater than 500m<sup>2</sup> of indigenous vegetation as a restricted discretionary activity provided that the site is outside a Significant Natural Area, species are not listed in List B of EIB-SCHED3 and the proposal is accompanied by a Biodiversity Management Plan. Where compliance is not achieved the proposal will have either have a discretionary or non-complying status.

## ***Policy Framework***

### ***General Rural Zone***

#### ***GRUZ – P1***

*Maintain or enhance rural character and amenity values of rural areas by:*

1. *retaining a low overall building density, and predominance of vegetation cover;*
2. *enabling primary production while managing adverse effects of intensive primary production, and mineral extractive industries;*
3. *managing the density and location of residential development; and*
4. *retaining a clear delineation and contrast between the district's rural areas and urban areas, including Christchurch City.*



*GRUZ – P2*

*Avoid the development of residential units on sites that are smaller than the required minimum site size, except where:*

- (a) the development has been provided for through a grandfather clause;*
- (b) the minimum residential density requirement is achieved through balance land that adjoins the proposed undersized allotment in a coherent form to maintain a predominance of open space immediately surrounding the undersized allotment; or*
- (c) development is for a temporary activity, or temporary accommodation.*

*GRUZ – P4*

*Provide for the economic development potential of the rural area by enabling a range of activities that:*

- 1. Have a direct relationship with, or are dependent on primary productions;*
- 2. Have a functional<sup>4</sup> need, or operational<sup>5</sup> need to located in the rural area;*
- 3. represent an efficient use of natural and physical resources; and*
- 4. maintain or enhance the character and amenity values of the surrounding area.*

*GRUZ – P5*

*Avoid the establishment or expansion of any industrial or commercial activity where the scale of the activity is greater than that of a rural home business, unless the activity has a functional need or operational need to locate within the rural area.*

*Natural Features and Landscapes**NFL – 01*

*The outstanding natural features and landscapes of Selwyn are protected from inappropriate subdivision, use and development.*

*NFL – P1*

*Recognise the values of the identified outstanding natural features and landscapes described in NFL-SCHED1 and protect these values from adverse effects by:*

- (a) avoiding subdivision, use and development in those parts of outstanding natural features and landscapes with limited or no capacity to absorb change, and providing for limited subdivision, use, and development in those areas with potential to absorb change;*
- (b) avoiding use and development that detracts from extensive open views, or detracts from or damages the unique landforms and landscape features;*
- (c) managing building density and form to ensure it remains at a low level and predominantly concentrated within building nodes, and maintains a*

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<sup>4</sup> means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

<sup>5</sup> means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

*predominance of vegetation cover and sense of low levels of human occupation;*

- (d) enabling activities that maintain the qualities of the landscape;*
- (e) avoiding buildings and structures that break the skyline;*
- (f) ensure buildings and structures are constructed from materials with low reflectance values, and are designed to minimise glare and the need for earthworks, and are mitigated by plantings to reduce their visual impact where appropriate;*
- (g) avoiding activities that are incompatible with the values identified, including plantation forestry, mineral extraction, and large-scale earthworks;*
- (h) avoiding buildings in close proximity to the key visual corridors of State Highway 73 and the Midland railway line;*
- (i) recognising and providing protection for Ngāi Tahu values in locations of special significance to tāngata whenua;*
- (j) recognising the existence of working pastoral farms and their contribution to the openness of outstanding natural features and landscapes;*
- (k) recognising the existing Porters Ski and Recreation Area and providing for its ongoing use and development, while ensuring that the outstanding landscapes values of the Area are recognised and protected from inappropriate use and development.*

### ***Implications of the PDP Objectives and Policies***

60. In respect of the relevant objectives and policies, I am of the opinion that the visitor accommodation activities for Flock Hill Lodge and the Homestead do not have a direct relationship with and are not dependent on the primary production activities within the Flock Hill Station. However, they are located in the rural area as their operational and functional need relies upon the remote location, scenic outlook, and rural activities that are provided within the Site and surrounding area.
61. Accordingly, in my opinion, apart from the functional and operational need to be located in this rural area, the PDP policy framework, as it applies to the Site, lacks provision for specialised development such as visitor accommodation activities within rural areas, such as Flock Hill Lodge. As such, the PDP framework will make any future consent applications difficult for Flock Hill Lodge because it does not provide for future expansion or changes to the lodge. This is of significant concern to the lodge operations because tourism activities, like any business in New Zealand, need to be resilient.
62. Importantly, it is my opinion that the general policy framework of the GRUZ of the PDP lacks the specificity required for the ongoing operation and development of the Flock Hill facility. This is especially, when taken in context with the additional ONL Overlay. It is on this basis that the FHSVZ is proposed, as discussed in detail below.

## REZONING PROPOSAL

### PDP Special Purpose Zones - FHSVZ

63. Flock Hill seeks to introduce the FHSVZ, in order to recognise the unique history of the Site and the existing and consented development and secure the use of the Site for long-term tourism-related activities.
64. Accordingly, the purpose of the FHSVZ is to create a new zone that only relates to Flock Hill Station's visitor accommodation, staff accommodation, the Homestead and associated activities.
65. The extent of the FHSVZ and its Outline Development Plan has been designed to closely follow the node of visitor accommodation development that has been constructed and/or consented (RC205138). As outlined above, the zone area comprises approximately 21.5ha.
66. The FHSVZ has been divided into two areas with each area separated by the terrace landform.
67. The lower terrace contains the Tourist Activity Area comprising the existing and consented development and associated activities. The northern boundary of the Tourist Activity Area follows the property boundary and a recently planted shelterbelt.
68. The upper terrace and terrace face contains the Homestead Activity Area, which contains the Homestead, a garage, plant buildings and associated outdoor areas. The Homestead Activity Area is closely aligned with the consented development (RC195507 & 205557) and wraps around the eastern and southern edge of the access road and descends the hillside to the west of the Homestead area.
69. Mr Smith's evidence sets out in detail the different landscape characteristics and resulting differences in treatment of the two Activity Areas in the proposed provisions.
70. Under the FHSVZ, as a Special Purpose Zone any further development, including the use of new buildings, will be assessed against bespoke and specific objectives, policies and rules. The provisions reflect the nature of the activities undertaken on the Site and, importantly, the landscape and ecological setting and wider environment. The proposed provisions will result in appropriately designed and located future development.

71. The evidence of Mr Smith and Mr Lambie discusses the proposed provisions in detail from their expert landscape and ecological perspectives, which I rely on in support of the proposed provisions.
72. The intention of the FHSVZ is to provide Flock Hill with a policy and rules framework that is specific to Flock Hill Lodge in order to provide flexibility and an increase in resilience to operate its tourism and associated activities within this high-country setting.
73. Since lodgement of the submission, the provisions of the rezoning proposal have been further refined to better reflect the provisions of the PDP, particularly in respect of consistent terminology and layout to the rules package (including for consistency with the Grasmere and Terrace Downs Zones) and/or to be worded clearly. The rules package has also been updated to include additional provisions in respect of a vehicle crossing to reflect evidence of Mr Andrew Carr, a subdivision rule (acknowledging that all other zones have subdivision rules), and a default rule for any activity that potentially falls outside of FHSVZ R1 – R9. The updated provisions are attached to my evidence – refer to **Appendix A & B**.

## STATUTORY FRAMEWORK

74. The statutory framework for assessment of the proposal is contained in sections 31-32 and 72-76 and Schedule 1 of the RMA. The general requirements are that:
  - (a) the PDP should be designed in accordance with and assist the Selwyn District Council (**Council**) to carry out its functions under section 31 so as to achieve the purpose of the RMA;
  - (b) when preparing the PDP, the Council must:
    - (i) give effect to any relevant National Policy Statements and the Canterbury Regional Policy Statement (**CRPS**);
    - (ii) have regard to any management plans and strategies prepared under any other legislation; and
    - (iii) take into account any relevant planning documents recognised by an iwi authority.
  - (c) the PDP must not be inconsistent with the relevant Regional Plans;
  - (d) the objectives of the PDP are to be evaluated as to the extent to which they are the most appropriate way to achieve the purpose of the RMA; and

- (e) the policies are to implement the objectives and the rules are to implement the policies, and the provisions are to be evaluated as to the extent to which they are the most appropriate method for achieving the objectives of the PDP, by:
  - (i) identifying other reasonably practicable options for achieving the objectives; and
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives, including:
    - (A) identifying and assessing the benefits and costs of the anticipated environmental, economic, social and cultural effects;
    - (B) if practicable, quantifying those benefits and costs; and
    - (C) assessing the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions.
- (f) in relation to the proposed rules, regard must be had to the actual or potential effects on the environment of activities, including, in particular, any adverse effects.

75. The following sections contain an assessment of the proposal in accordance with the above matters.

## **ASSESSMENT AGAINST HIGHER ORDER PLANNING DOCUMENTS**

### **National Policy Statements**

- 76. The Council is required under section 74(1)(ea) of the RMA to prepare or change its district plan in accordance with relevant National Policy Statements and the New Zealand Coastal Policy Statement.
- 77. I am of the view that the New Zealand Coastal Policy Statement is not relevant to the Site, given the geographic distance between the site and the coastal environment.
- 78. In respect of all other National Policy Statements, I am of the view that the National Policy Statement for Freshwater Management 2020 is the only potentially relevant document. Mr McLeod's evidence outlines that the Site is able to be serviced with

the necessary stormwater and wastewater infrastructure and without associated adverse effects on the environment. As part of the rezoning proposal no practices or effects are anticipated that would be inconsistent with the National Policy Statement for Freshwater Management 2020. Notwithstanding, all stormwater and wastewater discharges associated with future activities will be appropriately dealt with at a future consenting stage.

### **Canterbury Regional Policy Statement**

79. Under section 75(3)(c) of the RMA, district plans are required to give effect to regional policy statements. In my opinion, the most relevant objectives and policies of the CRPS are those contained in Chapters 5, 9, 11 and 12. The relevant objectives and policies are considered in **Appendix D** of my evidence.
80. In summary, I am of the opinion that the rezoning proposal gives effect to the CRPS.

### **Other Relevant Documents**

#### ***Mahaanui - Iwi Management Plan 2013***

81. The Mahaanui Iwi Management Plan (**IMP**) is a manawhenua planning document that reflects the collective efforts of six Papatipu Rūnanga that represent the hapū who hold manawhenua rights over lands and waters within the area bounded by the Hurunui River in the north and Rakaia River in the south. The IMP provides a values-based policy framework for the protection and enhancement of Ngāi Tahu values, and for achieving outcomes that provide for the relationship of Ngāi Tahu with natural resources.
82. Under section 74(2A) of the RMA, a territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. The following matters in my opinion are considered relevant, as they relate to the proposal.

#### ***Ranginui***

83. The principal objective of chapter 5.2 of the IMP seeks to protect the “*mauri of air from adverse effects relate to the discharge of contaminants into air*”.
84. Air discharges are controlled by Environment Canterbury through the Regional Air Plan and can be appropriately managed on Site, if required, through the resource consent process.

### *Wai Maori*

85. The principal objective of chapter 5.3 of the IMP is to ensure water and land are managed as interrelated resources. As detailed in the evidenced prepared by Mr McLeod, the Site is able to be developed in accordance with the proposed rezoning in such a manner that wastewater and stormwater disposal solutions exist that will not generate adverse effects on the receiving environment.

### *Papatuanuku*

86. Chapter 5.4 of the IMP seeks to ensure that the mauri of land and soil resources are protected, and development does not adversely affect water, soil and biodiversity resources. Potential effects of the proposal on water, soil and biodiversity can be managed and mitigated, through the proposed provisions and/or through future resource consents in respect of the design and treatment of wastewater, stormwater and water supply. Further the proposed provisions of the proposal seek to encourage biodiversity through the planting of indigenous vegetation. Effects on soil resources are also minimised through the containment of development within the existing confines of the existing node of development.

### *Tane Mahuta*

87. Chapter 5.5 of the IMP seeks to protect and enhance the presence of indigenous biodiversity in both rural and urban environments and that indigenous ecosystems are valued. As outlined in Mr Lambie's evidence, there will be low adverse effects on the small amount of indigenous vegetation that exists on the Site at present. The rezoning proposal also introduces specific provisions that seek to encourage planting of indigenous biodiversity within the zone, thereby seeking to enhance the presence of indigenous biodiversity in the immediate environment.

### *Tangaroa*

88. Chapter 5.6 of the IMP seeks to ensure that there is a diversity and abundance of mahinga kai in coastal areas and discharges to coastal marine areas are eliminated. The proposal is sufficiently isolated from the coastal environment so as to avoid potential adverse effects on the same.

### *Nga TuTohu Whenua*

89. Chapter 5.8 of the IMP seeks to ensure cultural landscapes are recognised and protected. The Site does not contain any known areas of wahi tapu and wahi taonga.

### *Waimakariri*

90. Chapter 6.4 of the IMP addresses issues of particular significance to the lands and water of the Waimakariri catchment and ensuring that the Waimakariri River is protected. The proposal does not involve an activity that could adversely impact on the Waimakariri River and its environmental and cultural values.

### *Summary*

91. Overall, I consider that the rezoning proposal will not have an adverse impact on the cultural values of iwi as set out within the IMP. Instead, the proposal has the ability to some extent enhance cultural values through additional planting of indigenous vegetation associated with any development of the Site.

## **Regional Plans**

### ***Land and Water Regional Plan***

92. The operative Canterbury Land and Water Regional Plan (**CLWRP**) provides direction on how land and water is to be managed in the region. Any future land uses associated with the rezoning proposal will either fall under the permitted activity rules of the CLWRP, or will be assessed through the resource consent process, with Environment Canterbury as the administering body. As outlined in Mr McLeod's evidence, at such time as detailed plans for development are advanced, options for management of discharges will be available.

### ***Canterbury Air Regional Plan***

93. The Canterbury Air Regional Plan (**CARP**) sets out how Environment Canterbury will manage air pollution from residential, industry and other sources (including dust and odour). Any future land uses associated with the rezoning proposal will likely fall under the permitted activity rules of the CARP or, if required, will be assessed through the resource consent process, with Environment Canterbury as the administering body.

## **SECTION 32 ASSESSMENT**

94. Section 32 of the RMA requires consideration of:
- (a) the extent to which the objectives of the rezoning proposal are the most appropriate way to achieve the purpose of the Act; and
  - (b) whether the provisions of the rezoning proposal are the most appropriate way to achieve the objectives by:



- (i) identifying other reasonably practicable options for achieving the objectives; and
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives.
95. The section 32 evaluation is required to take into account:
- (a) the benefits and costs of policies, rules, or other methods; and
  - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.
96. The Guidance Note on section analysis on the Quality Planning website makes the following statement:
- (a) **Appropriateness** - means the suitability of any particular option in achieving the purpose of the RMA. To assist in determining whether the option (whether a policy, rule or other method) is appropriate the effectiveness and efficiency of the option should be considered:
  - (b) **Effectiveness** - means how successful a particular option is in addressing the issues in terms of achieving the desired environmental outcome.
  - (c) **Efficiency** - means the measuring by comparison of the benefits to costs (environmental benefits minus environmental costs compared to social and economic costs minus their benefits).
97. In this case the appropriateness, effectiveness and efficiency of rezoning the Site from GRUZ to FHSVZ, and the accompanying bespoke provisions, need to be examined.
98. I also note the requirement under section 32AA of the RMA for further evaluation if any changes are made to the rezoning proposal. As outlined above, the proposed provisions have been updated since lodgement of Flock Hill's submission – see my **Appendix A & B**. The amended provisions have not changed the substance of the rezoning proposal. Rather, they address matters raised in the evidence of Flock Hill's experts and consistency of terminology and format with the remainder of the PDP, in particular the other Special Purpose Zones, Grasmere and Terrace Downs. My proposed changes have also been amended to ensure consistency with the recommendations made in the Section 42A Report on the Natural Features and Landscapes chapter.

**Whether the objectives are the most appropriate way to achieve the purpose of the RMA**

99. The objective of the rezoning proposal is to recognise the unique history and existing and consented use of the Site and to enable limited, similar future development to support the long-term operation and resilience of Flock Hill's tourism activities.
100. A suite of objectives and policies have been specifically developed to respond to the unique traits of the Site, including in particular the surrounding natural environment. The overall thrust of the objective and policy framework is to enable visitor accommodation and other activities which reflect the existing nature and use of the Site and provides for increased tourist accommodation and associated activities for people who wish to experience the high-country setting, while ensuring that the values of the surrounding natural environment are protected.
101. It is my opinion that the bespoke approach taken through the rezoning proposal is the most appropriate way to achieve the purpose and principles contained in Part 2 of the RMA.
102. Section 5 contains the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. In achieving this purpose, authorities also need to recognise and provide for the matters of national importance identified in section 6, other matters identified in section 7 and the Treaty of Waitangi, as per section 8.
103. Specific objectives have been included in the proposed FHSVZ in response to the requirements of Part 2, including in particular the protection of outstanding natural landscapes from inappropriate development. The package of provisions is designed to ensure that the existing Flock Hill tourism operation can continue and can be appropriately expanded in the future, thereby providing for the social and economic wellbeing of Flock Hill and the wider District community, while at the same time protecting the surrounding natural resources.
104. On this basis, I consider that the objectives of the rezoning proposal are the most appropriate way to achieve the purpose of the Act.

**Whether the provisions are the most appropriate way to achieve the objectives – Other reasonably practicable options**

105. The provisions of the rezoning proposal (see my **Appendix A**) have been summarised above and in the evidence of Mr Smith and Mr Lambie, and the proposed Master Plan for the Site is contained in Appendix 1 of Mr Smith's evidence. This is the preferred option.
106. Other reasonably practicable options for achieving the objectives of the rezoning proposal include:
- (a) retaining notified PDP zoning (including Overlays) and applying for resource consents as and when required for new or altered visitor-related development on the Site (the status quo); and
  - (b) retaining notified PDP zoning (including Overlays) but changing status of new or altered visitor-related development to controlled activity subject to specific performance standards and an Outline Development Plan (i.e. through the introduction of new site-specific provisions and/or exemptions in the GRUZ and Overlays).
107. Option (a) above has the potential to enable future development to be established. However, given the objectives, policies and rules applying in the GRUZ are very restrictive in regard to non-rural uses, the resource consent process would in my opinion provide a high level of uncertainty as to the outcomes that can be achieved. Resource consents for this type of development are also inefficient, with changes to consents commonly required as the site develops, resulting in ongoing process inefficiencies and costs to the consent holders.
108. Option (b) above is a complex option and not consistent with the PDP's approach of generally retaining the GRUZ for rural activities, without exceptions, and identifying Special Purpose Zones for site specific high country tourist related activities, such as Grasmere and Terrace Downs.
109. On this basis, I consider that the rezoning proposal, which would establish a bespoke and specific framework for the management and future development of the Site, is the most appropriate way to achieve the objectives.

**Whether the provisions are most appropriate way to achieve the objectives – Efficiency and effectiveness**

110. Section 32 of the RMA requires consideration of the benefits and costs of the proposal when assessing efficiency and effectiveness, including environmental, economic, social and cultural effects that are anticipated from the implementation of

the provisions, including opportunities for economic growth and employment that are expected to be provided for or reduced.

111. A full assessment of the efficiency and effectiveness of the rezoning proposal is contained in **Appendix E** of my evidence.
112. In summary, the assessment highlights that the advantages and benefits of rezoning the site FHSVZ outweigh the potential costs and disadvantages and that the rezoning proposal is a more effective and efficient way of achieving the objectives of the proposal.
113. In addition, in respect of the District Plan Review, this process is considered to be the most appropriate time to alter the planning framework for the Site, given the time efficiencies, costs and desired outcome.

### **Other PDP Objectives and Policies**

114. The FHSVZ provisions will replace the GRUZ provisions as the 'zone'- level provisions for the Site. I have considered the objectives and policies of the other relevant parts of the PDP, as well as the GRUZ objectives and policies for completeness.

### **Part 2 – Strategic Directions**

*SD-DI-01 Selwyn is an attractive and pleasant place to live, work and visit, where development:*

- 1. Takes into account the character of individual communities;*
- 2. Is well-connected, safe, accessible, and resilient; and*
- 3. Enhances environmental, economic, cultural and social outcomes for the benefit of the entire District.*

*SD-DI-02 Selwyn's prosperous economy is supported through the efficient use of land, resources, and infrastructure, while ensuring existing activities are protected from incompatible activities.*

*SD-DI-04 Places, landscapes, and features which are significant to Selwyn's character, cultural heritage, or are of spiritual importance to Ngai Tahu, are identified, recognised for their values, and protected for future generations.*

115. Identifying the Site as a FHSVZ will ensure that the Site is able to operate efficiently and with a higher level of certainty regarding the ongoing use and further development use of the Site as a tourist and visitor destination, thus contributing to

a prosperous District economy. The proposed objectives/policies and rule package recognise the importance of the surrounding landscape and preserve the values for future generations.

**Part 2 – Natural Environment Values - EIB**

*EIB-O1 Indigenous biodiversity within the district is managed through the exercise of kaitiaki and Stewardship, in order that:*

*1. Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected to ensure no net loss of indigenous biodiversity, and*

*2. Other indigenous biodiversity values are maintained and enhanced, and*

*3. The restoration and enhancement of area of indigenous biodiversity is encouraged and supported.*

*EIB-P4 Avoid the clearance of indigenous vegetation, and any earthworks or plantation forestry within scheduled Significant Natural Areas, and those other areas that meet the criteria set out in EIB-SCHED1, where the activity would adversely affect indigenous biodiversity values.*

116. As detailed in the evidence prepared by Mr Lambie into the nature and extent of indigenous vegetation on site, the Site has been highly modified and the EIB overlay does not reflect the traits of the site, in terms of existing indigenous vegetation. On this basis, future development will have minimal ecological impacts. However, the proposed FHSVZ provisions encourage indigenous vegetation planting within the Site as part of any future development.

## **Part 2 – Natural Features and Landscapes**

*NFL-O1 - The outstanding natural features and landscapes of Selwyn are protected from inappropriate subdivision, use and development*

*NFL-P1 - Recognise the values of the identified outstanding natural features and landscapes described in NFL-SCHED1 and protect these values from adverse effects by:*

*(a) avoiding subdivision, use and development in those parts of outstanding natural features and landscapes with limited or no capacity to absorb change, and providing for limited subdivision, use, and development in those areas with potential to absorb change;*

*(b) avoiding use and development that detracts from extensive open views, or detracts from or damages the unique landforms and landscape features;*

*(c) managing building density and form to ensure it remains at a low level and predominantly concentrated within building nodes, and maintains a predominance of vegetation cover and sense of low levels of human occupation;*

*(d) enabling activities that maintain the qualities of the landscape;*

*(e) avoiding buildings and structures that break the skyline;*

*(f) ensure buildings and structures are constructed from materials with low reflectance values, and are designed to minimise glare and the need for earthworks, and are mitigated by plantings to reduce their visual impact where appropriate;*

*(g) avoiding activities that are incompatible with the values identified, including plantation forestry, mineral extraction, and large-scale earthworks;*

*(h) avoiding buildings in close proximity to the key visual corridors of State Highway 73 and the Midland railway line;*

*(i) recognising and providing protection for Ngāi Tahu values in locations of special significance to tāngata whenua;*

*(j) recognising the existence of working pastoral farms and their contribution to the openness of outstanding natural features and landscapes;*

*(k) recognising the existing Porters Ski and Recreation Area and providing for its ongoing use and development, while ensuring that the outstanding landscapes values of the Area are recognised and protected from inappropriate use and development.*

117. As detailed in the evidence prepared by Mr Smith, the FHSVZ is a modified area that has a higher capacity to absorb development when compared with its surroundings. Development is physically and visually confined to the toe of Broken Hill and additional development cannot be seen from State Highway 73 or other surrounding public places. The building density, when compared with its surrounds is high, however, any further development will be contained within the existing confines of this existing node of development. The FHSVZ rules will provide for additional development, as a controlled activity, that will protect the values of the surrounding ONL. The FHSVZ is situated where buildings and structures will not break the skyline. The proposed rule requirements will ensure buildings and structures are constructed from materials with low reflectance values and are compatible with the existing and consented development, will be difficult to see from the State Highway 73, nor do they allow for activities like forestry which is incompatible with values of the ONL. The Site has not been identified as a location of special significance to tāngata whenua and is not within the Porters Ski and Recreation Area (1.k.).
118. Overall, I consider that the FHSVZ will continue to protect the ONL values of the surrounding landscape, as sought by the NFL – O1 and NFL – P1.

### **Part 3 - Area Specific Matters: General Rural Zone**

*GRUZ -O1 Subdivision, use and development in rural areas that:*

1. *supports, maintains, or enhances the function and form, character, and amenity values of rural areas;*
2. *prioritises primary production, over other activities to recognise its importance to the economy and wellbeing of the district;*
3. *allows primary production to operate without being compromised by reverse sensitivity; and*
4. *retains a contrast in character to urban areas.*

*GRU1 -P1 Maintain or enhance rural character and amenity values of rural areas by:*

1. *retaining a low overall building density, and predominance of vegetation cover;*
2. *enabling primary production while managing adverse effects of intensive primary production, and mineral extractive industries;*
3. *managing the density and location of residential development; and*
4. *retaining a clear delineation and contrast between the district's rural areas and urban areas, including Christchurch City.*

*GRUZ-P2 Avoid the development of residential units on sites that are smaller than the required minimum site size, except where:*

- a. *the development has been provided for through a grandfather clause;*
- b. *the minimum residential density requirement is achieved through balance land that adjoins the proposed undersized allotment in a coherent form to maintain a predominance of open space immediately surrounding the undersized allotment; or*
- c. *the development is for a temporary activity, or temporary accommodation.*

*GRUZ-P4 Provide for the economic development potential of the rural area by enabling a range of activities that:*

1. *have a direct relationship with, or are dependent on, primary production;*
2. *have a functional need, or operational need to locate in the rural area;*
3. *represent an efficient use of natural and physical resources; and*
4. *maintain or enhance the character and amenity values of the surrounding area.*

*GRUZ-P5 Avoid the establishment or expansion of any industrial activity or commercial activity where the scale of the activity is greater than that of a rural home business, unless the activity has a functional need, or operational need to locate within the rural area.*

119. As outlined above, in my view the GRUZ provisions do not reflect the existing and consented development within the Site or appropriately provide for the future of the Site.
120. However, to the extent that the above GRUZ provisions are relevant to the assessment of the rezoning proposal, restricting development to within an existing node of tourism development combined with the proposed rules package and specific suite of objectives and policies will ensure the development can be absorbed into the environment, with minimal impact on the function and form, character, and amenity values of rural areas, and existing primary production areas.
121. The rezoning proposal will provide for the economic well-being of Flock Hill, while providing for the social and economic well-being of the District and its communities by providing for some local employment opportunities, diversifying the visitor accommodation offering within the District and attracting visitors to the District.
122. The activities provided for under the FHSVZ have a functional and operational need to locate within the rural area as they relate to an existing and long established development which is dependent and relies on its remote and scenic setting.



## EFFECTS ASSESSMENT

123. The following is a description of the actual and potential effects in the environment arising from the rezoning proposal.
124. In my opinion, the potential effects of the proposal can be categorised into the following key areas:
- (a) positive effects;
  - (b) effects on landscape and visual amenity;
  - (c) effects on ecological values;
  - (d) infrastructure effects;
  - (e) geotechnical effects;
  - (f) contamination effects;
  - (g) transport effects; and
  - (h) cumulative effects.

### Positive Effects

125. The proposed rezoning will provide Flock Hill with a policy and rules framework that is specific to the Site to provide flexibility and an increase in resilience to operate its tourist and visitor accommodation activities within its high-country setting.
126. Further, the proposal will provide for the economic well-being of Flock Hill and the social-being of the District and its communities by providing for some local employment opportunities, diversifying the visitor accommodation offering with the District and attracting additional high-end visitors to the District.

### Landscape and Visual Amenity Effects

127. Mr Smith has undertaken a landscape and visual effects assessment of the Site and rezoning proposal. That assessment considered the landscape values of the existing environment, the wider environment and landscape and visual effects of the rezoning proposal. The visual effects were assessed from various public and private viewpoint locations.

128. In summary, the findings of Mr Smith's evidence are that:
- (a) The Site has been modified to a degree where internally it does not display or add to the high degree of landscape values that contribute to the surrounding ONL.
  - (b) Future development is capable of being appropriately absorbed within the Site, in a manner than will not adversely affect the landscape values within the ONL, due to the amount of existing and consented development and landscaping.
  - (c) The FHSVZ has been designed to follow the node of existing and consented development, so as to ensure the proposal does not adversely affect the landscape values of the wider ONL.
  - (d) The proposed provisions of the FHSVZ provide for future development that will protect the landscape values of the ONL. Amongst other matters this includes provisions relating to location, design, colour, scale, height of development and landscape treatment.
  - (e) The proposed FHSVZ will not adversely affect the visual amenity experienced while travelling north or south along SH73, Coal Pit Spur Track (and car park) and Lake Pearson Walking Track.
129. Based on the findings and assessment set out in his evidence, I accept the conclusions made by Mr Smith and consider that the potential adverse visual and landscape effects of the proposal on the ONL can be adequately addressed through the proposed provisions.

### **Ecological Effects**

130. An ecological assessment of the Site and rezoning proposal has been prepared by Mr Lambie. In that assessment, Mr Lambie assesses the flora and fauna within the Site. In summary, Mr Lambie's findings are as follows:
- (a) Vegetation within the Site includes exotic pasture, exotic conifer and landscape plantings of various indigenous and exotic mixes.
  - (b) The total area of indigenous vegetation within the Site is approximately 120m<sup>2</sup>.
  - (c) None of the native flora within naturally occurring indigenous vegetation recorded on Site are threatened or at-risk species.

- (d) The location and design of FHSVZ sits physically separate from any of the moderate to high value biodiversity areas elsewhere within the wider Flock Hill Station.
  - (e) Due to the close proximity and the ephemeral streams, there is a moderate to high level of ecological connectivity within the surrounding landscape with potential for birds, wind, and water to transport propagules of native plants into the Site over time.
  - (f) The Site is highly modified with little naturally occurring indigenous vegetation and no significant habitats for fauna. Except the 120m<sup>2</sup> of indigenous vegetation identified, all other areas of indigenous flora within FHSVZ have been planted for amenity purposes. Even assuming loss of the 120m<sup>2</sup> of indigenous vegetation, the adverse ecological impacts of the proposed rezoning will be minor.
  - (g) The proposed provisions (being REQ-7) encourage the planting of indigenous vegetation such that it complements the zone and surrounding landscape.
131. Based on the evidence prepared by Mr Lambie, I am of the opinion that as the Site is highly modified and as the area of naturally occurring indigenous vegetation is roughly in the order of 120m<sup>2</sup>, the Site does not represent an area of significant value that merits retention within the EIB Management Overlay.
132. I also note that in accordance with Rule EIB-R1.4.g "*indigenous vegetation clearance where the vegetation has been planted and/or managed as part of a domestic or public garden or has been planted for amenity purposes*" are permitted. This therefore signifies to me that planting of indigenous vegetation for amenity purposes falls outside the scope of the intention of the EIB Management Overlay.
133. On balance, while I acknowledge that the EIB Management overlay does not necessarily trigger any consenting requirements for the Site, I maintain that the EIB Management Overlay does not reflect the biodiversity traits of the Site and is therefore redundant/not appropriately applied to the Site.

### **Infrastructure**

134. The evidence prepared by Mr McLeod has assessed the necessary development infrastructure for the Site in relation to water supply, wastewater, stormwater, power and telecommunications.
135. In summary, Mr McLeod concludes that it will be practicable to develop the Site in accordance with the proposed FHSVZ. Wastewater and stormwater disposal

solutions exist that will not generate adverse effects on the receiving environment and safe potable drinking is able to be developed to enable future development.

136. In light of the above, I am of the opinion that infrastructure arrangements can continue and can be implemented to enable additional development associated with the rezoning of the Site, in such a manner that any adverse effects on the environment can be appropriately addressed.

### **Geotechnical Effects**

137. As outlined in the evidence prepared by Mr Christopher Thompson, from a geotechnical perspective, the proposed FHSVZ is considered low risk due to the dense underlying gravel deposits and the ability to design future structures to cope with seismic demands of the regions.
138. Based on the evidence prepared by Mr Thompson, I am of the opinion that there are no geotechnical issues that would preclude the rezoning of the Site.

### **Contamination Effects**

139. As outlined in the evidence prepared by Mr David Robotham, the Site is flagged on the Environment Canterbury Listed Land Use Register due to the identification of a historical sheep-dip. In his Statement of evidence, Mr Robotham however states that during 2019 Site investigations, no signs of significant contamination in the location of the historic sheep-dip or elsewhere were identified. As part of the 2019 investigations, an asbestos survey of pre-2000 buildings was also undertaken, which identified that asbestos was present, however was unlikely to have impacted on underlying soils.
140. Mr Robotham concludes that the proposed rezoning of the Site is appropriate from a land contamination perspective. This is because the potential for contamination effects within the proposed rezoning is highly unlikely and any contamination that may be present is localised to the location of the sheep-dip or around the buildings identified with asbestos, which can be appropriately assessed and managed under the National Environmental Standards for Assessing and Managing Contaminants in Soil (**NES**).
141. Based on the above, I am of the opinion that potential impacts identified by Mr Robotham can be effectively managed through the NES and will not affect the proposed change in zoning of the Site.

## Transport Effects

142. Mr Carr has assessed the transport effects of the rezoning assessment, in summary, states:
- (a) In practice, the traffic volumes on State Highway 73 in the vicinity of the Site are low and there is ample ability to accommodate additional development on Site that might result from the proposed rezoning.
  - (b) It is unlikely that there will be any transportation capacity related constraints that would limit additional development within the Site.
  - (c) Under the requested rezoning, the use of the Site could generate more than 100 equivalent car movements per day using the existing Site access. Once the threshold of 100 equivalent car movements is exceeded, any access is typically required to be upgraded at Waka Kotahi NZ Transport Agency's (**Waka Kotahi**) discretion.
  - (d) Should the existing access generate more than 100 equivalent car movements a day, Mr Carr recommends that a rule is included in the proposed provisions which would trigger an assessment of the upgrade of the Site existing access.
  - (e) Subject to the inclusion of a rule in respect of the above, Mr Carr concludes that proposed rezoning is appropriate from a transport perspective.
143. Based on the expert evidence of Mr Carr, I understand that the traffic generation rates enabled by the zone request will be imperceptible and within the capacity of the existing Site access and State Highway provided the vehicle movements associated with the same are kept to no rule trigger applies if there are more than 100 vehicle movements. The rule is included in my **Appendix A**.
144. Based on the above, I am of the opinion that in accordance with consented receiving environment and the potential increase of traffic associated with the rezoning proposal, effects can be managed, such that effects on the adjoining State Highway will generally in keeping with the existing environment in terms of vehicle movements, or otherwise can be managed through appropriate rule provisions.

## Cumulative Effects

145. In *Dye v Auckland RC (2002)*, the Court of Appeal stated:<sup>6</sup>

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<sup>6</sup> *Dye v Auckland Regional Council (2002)* 1 NZLR 337.

- [38] *A cumulative effect is concerned with things that will occur rather than with something which may occur[...]. The concept of cumulative effect arising over time is one of a gradual build-up of consequences. The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D.*<sup>7</sup>
146. The proposed FHSVZ is approximately 11km north of Castle Hill Village, 10km south of Grasmere Zone and approximately 20km north of the Porters Ski Zone. In my opinion the given the relatively isolated instances of visitor accommodation in the rural and ONL environment, the proposal will not degrade the character of the area.
147. Further, the proposed rezoning in my opinion seeks to recognise the existing and consented development on Site, in addition to providing for limited additional visitor accommodation and associated facilities. In my opinion then, the key question is whether or not the establishment of additional visitor accommodation and associated facilities will change the character of the area in which it is found and also the wider character of the surrounding ONL. To that end, I agree with Mr Smith, that as the FHSVZ has been designed to closely follow the node of existing and consented accommodation, future development will not sprawl beyond the existing confines of this node of development and in doing so can be visually absorbed into the Site and its surrounds.
148. I am therefore of the opinion that the proposed rezoning of the Site will not create adverse cumulative effects.

## PART 2 ASSESSMENT

149. Part 2 of the RMA contains the purposes and principles of the Act. A territorial authority must prepare and change its district plan in accordance with the provisions of Part 2. In terms of the proposed rezoning of the Site, I am of the opinion that the most relevant sections of Part 2 are sections 5, 6 and 7. I have considered these sections in my assessment above. I have also considered section 8 above in the context of the IMP assessment.
150. The proposed rezoning of the site to FHSVZ provides for the efficient and sustainable use of the land resource, in that the Site is restricted to within an existing node of tourism development that can be absorbed into the environment, while enabling Flock Hill Holdings to provide for its own and the social and economic well-being of the community. The proposed suite of provisions provides a focused regime that enables the establishment of well-designed, appropriately located visitor accommodation within a rural environment, whilst ensuring that landscape values and biodiversity are protected.

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<sup>7</sup> *Dye v Auckland Regional Council* (2002) 1 NZLR 337 at [38].

## RESPONSE TO FURTHER SUBMISSION

151. Flock Hill received one further submission in opposition to its original submission from the Upper Waimakariri/Rakaia Group (**UWRG**).
152. The UWRG further submission is at a high level and raises landscape and ecological matters, including the Council's obligations under Part 2 and the RPS. These matters have been addressed in detail in my assessment sections above and in the evidence of Mr Smith (filed for this hearing) and Mr Lambie for Flock Hill (to be filed in relation to biodiversity).



**Elizabeth Anne Stewart**

**17 June 2022**

**Appendix A**  
**Proposed Objectives, Policies and Rules**



## Appendix A – Proposed Objectives, Policies and Rules

### FHSVZ – Overview

Flock Hill Station is a tourist development centred on the existing historic Flock Hill Lodge and provides for increased tourist accommodation and associated facilities for people wishing to stay and experience recreational activities in a high country setting.

### FHSVZ – Objectives and Policies

#### FHSVZ - Objectives

**FHSVZ O1** Flock Hill Station is a high-quality development that provides a mix of tourism, recreational and residential activities that integrate with and protect the landscape values of the surrounding natural landscape.

#### FHSVZ – Policies

**FHSVZ P1** Enable appropriately located and designed buildings, development and activities that have a visitor related use where they protect the landscape character and visual amenity values of the surrounding natural area.

**FHSVZ P2** Recognise the remote location and the need for visitor industry activities to be self-reliant by providing facilities and / or services that are ancillary to visitor accommodation activities.

**FHSVZ P3** Limit residential activity, with the exception of on-site staff accommodation ancillary to the needs of the visitor accommodation activities and the existing Homestead within the Homestead Activity Area.

**FHSVZ P4** Development shall protect the landscape character and visual amenity values of the surrounding natural landscape by controlling the colour, scale, design, and height of buildings and structures, associated infrastructure, vegetation and landscape elements.

**FHSVZ P5** Ensure development can be appropriately serviced through the adequate provision of water, wastewater treatment and disposal, and safe vehicle access.

**FHSVZ P6** Encourage the planting of Indigenous Vegetation.

**FHSVZ P7** Manage landscaping so that it complements the landscape character and visual amenity values of the FHSVZ and the surrounding landscape.

FHSVZ-R1	Visitor Accommodation
<p>ACTIVITY STATUS: CON</p> <p>1. Visitor Accommodation</p> <p>WHERE:</p> <p>a. The establishment, relocation, alteration and use of Visitor Accommodation is located within the Tourist Activity Area as shown on the Outline Development Plan in Schedule 1.</p> <p>Where this activity complies with the following rule requirements:</p> <p>FHSVZ-REQ1: Sewage Treatment and Disposal</p> <p>FHSVZ-REQ2: Water</p> <p>FHSVZ-REQ3: Building Height</p> <p>FHSVZ-REQ4: Building Size</p> <p>FHSVZ-REQ5: Building Design and Appearance</p> <p>FHSVZ-REQ6: Building Setbacks</p> <p>FHSVZ-REQ7: Landscaping</p>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>3. When compliance with FHSVZ R1.1.a is not achieved: NC</p> <p>4. When compliance with any rule requirements is not achieved: Refer to FHSVZ – Rule Requirements.</p>
<p>MATTER OF CONTROL:</p> <p>2. The exercise of control in relation to FHSVZ-R1 is restricted to the following matter:</p> <p>a. The design and appearance of buildings is compatible with other development within the zone in terms of form, texture, colour, reflectivity of materials, building height and size.</p>	

<p>FHSVZ-R2</p>	<p>Staff Residential Units</p>	
<p>ACTIVITY STATUS: CON</p> <p>1. Staff Residential Units</p> <p>WHERE:</p> <p>a. The establishment, relocation, alteration and use of a Staff Residential Unit is located within the Tourist Activity Area as shown on the Outline Development Plan in Schedule 1.</p> <p>b. It is for the purposes of on-site staff accommodation ancillary to the needs of the visitor accommodation activities.</p> <p>Where this activity complies with the following rule requirements:</p> <p>FHSVZ-REQ1: Sewage Treatment and Disposal</p> <p>FHSVZ-REQ2: Water</p> <p>FHSVZ-REQ3: Building Height</p> <p>FHSVZ-REQ4: Building Size</p> <p>FHSVZ-REQ5: Building Design and Appearance</p> <p>FHSVZ-REQ6: Building Setbacks</p> <p>FHSVZ-REQ7: Landscaping</p>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>3. When compliance with FHSVZ R2.1a and 1b is not achieved: NC</p> <p>4. When compliance with any rule requirements is not achieved: Refer to FHSVZ – Rule Requirements.</p>	
<p>MATTER OF CONTROL:</p> <p>2. The exercise of control in relation to FHSVZ-R2 is restricted to the following matter:</p> <p>a. The design and appearance of buildings is compatible with other development within the zone in terms of forms, texture, colour, reflectivity of materials and building height and size.</p>		

<p>FHSVZ-R3</p>	<p>Accessory Buildings</p>	
<p>ACTIVITY STATUS: CON</p> <p>1. Accessory Buildings</p> <p>WHERE:</p> <p>a. The establishment, relocation, alteration and use of an accessory building is located within the Tourist Activity Area or Homestead Activity Area as shown on the Outline Development Plan in Schedule 1.</p> <p>Where this activity complies with the following rule requirements:</p> <p>FHSVZ-REQ4: Building Size</p> <p>FHSVZ-REQ5: Building Design and Appearance</p> <p>FHSVZ-REQ6: Building Setbacks</p> <p>FHSVZ-REQ7: Landscaping</p>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>3. When compliance with FHSVZ R3.1a is not achieved: DIS</p> <p>4. When compliance with any rule requirements is not achieved: Refer to FHSVZ – Rule Requirements.</p>	
<p>MATTER OF CONTROL:</p> <p>2. The exercise of control in relation to FHSVZ-R3 is restricted to the following matters:</p> <p>a. The design and appearance of buildings is compatible with other development within the zone in terms of forms, texture, colour and reflectivity of materials.</p> <p>b. Buildings are not visible from the State Highway.</p>		

FHSVZ- R4	Homestead	
ACTIVITY STATUS: PER 1. Homestead	WHERE: a. The use of the existing homestead building for Residential Activity and Visitor Accommodation within the Homestead Activity Area as shown on the Outline Development Plan in Schedule 1.	ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED N/A
FHSVZ- R5	Conference Facility	
ACTIVITY STATUS: PER 1. Conference facility		ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED N/A
FHSVZ- R6	Keeping of Animals	
ACTIVITY STATUS: PER 1. Keeping of Animals.		ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED N/A
FHSVZ- R7	Farming	
ACTIVITY STATUS: PER 1. Farming Activities.		ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED N/A

FHSVZ- R8	<b>Vehicle Crossings</b>	
<p>ACTIVITY STATUS: PER</p> <p>1. The use of the existing vehicle crossing.</p> <p>WHERE:</p> <p>a. It services the FHSVZ.</p> <p>b. It only services visitor vehicle movements up to 100ecm/day. It does not service heavy vehicle movements.</p>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>2. When compliance with FHSVZ – R8 is not achieved: RDIS</p> <p>MATTER FOR DISCRETION</p> <p>2. The exercise of discretion in relation to FHSVZ – R8 is restricted to the following matter:</p> <p>Whether Waka Kotahi has been consulted on the proposal and has approved the access arrangements.</p>	

FHSVZ- R9	<b>Earthworks</b>	
<p>Activity status: PER</p> <p>1. Earthworks:</p> <p><b>Where:</b></p> <p>a. it is located within the FHSVZ; and the volume of earthworks is no greater than 500m<sup>3</sup> and the area of land is no greater than 1000m<sup>2</sup>.</p>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>2. When compliance with FHSVZ – R9 is not achieved: RDIS</p> <p>MATTER FOR DISCRETION</p> <p>a. Whether the proposal will integrate into the landscape and the appropriateness of the scale and any mitigation measures, such as planting.</p> <p>b. The impact of development on views from public places and roads.</p> <p>c. Whether the proposal supports the anticipated outcomes of the FHSVZ.</p>	

FHSVZ – R10	<b>Any activity not otherwise listed in this table</b>
ACTIVITY STATUS: DIS  1. Any activity not otherwise listed.	ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED: N/A

**FHSVZ – Rule Requirements**

FHSVZ - REQ1	Sewage Treatment and Disposal
<p>1. Any residential unit or principal building shall be connected to an internal reticulated sewer network which is treated and disposed of on site.</p>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>When compliance with FHSVZ – REQ1 is not achieved: DIS</p>
FHSVZ – REQ2	Water
<p>1. Any residential unit or principal building shall be connected to an internal reticulated water supply.</p>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>When compliance with FHSVZ – REQ2 is not achieved: DIS</p>
FHSVZ – REQ3	Height
<p>1. The maximum height of any building or other structure shall not exceed 7m.</p> <p>2. An extension to an existing building shall not exceed the existing height of the building.</p>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>When compliance with FHSVZ – REQ3 is not achieved: DIS</p>
FHSVZ – REQ4	Building Size
<p>1. The maximum ground floor area of any building within the Tourist Activity Area shall be 270m<sup>2</sup>.</p> <p>2. The maximum ground floor area of any building within the Homestead Activity Area shall be 150m<sup>2</sup>.</p>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>When compliance with FHSVZ – REQ4 is not achieved: DIS</p>
FHSVZ – REQ5	Design and Appearance
<p>1. Buildings shall complement existing buildings in terms of building material, texture, colour, finish and reflectivity.</p>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>When compliance with FHSVZ – REQ5 is not achieved: DIS</p>



FHSVZ – REQ6	Setbacks
1. All new buildings shall be setback a minimum distance of 300m from the State Highway boundary.	ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED When compliance with FHSVZ – REQ6 is not achieved: DIS

FHSVZ – REQ7	Landscaping	
	<ol style="list-style-type: none"> <li>1. Landscaping associated with new buildings within the Tourist Activity Area complements plantings already established within the Tourist Activity Area and/or indigenous vegetation within the surrounding landscape.</li> <li>2. A landscaping plan is submitted with each application for new buildings within the Homestead Activity Area that:               <ol style="list-style-type: none"> <li>a. Shows how the building(s) and any other associated development activities will be integrated into the Homestead Activity Area by utilising existing or proposed vegetation.</li> <li>b. Is consistent with plantings already established within the Homestead Activity Area and/or indigenous vegetation within the surrounding landscape.</li> <li>c. Assists in visually screening the development from surrounding public places.</li> <li>d. Considers the fire risk of any proposed vegetation.</li> </ol> </li> </ol>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>When compliance with FHSVZ – REQ7 is not achieved: DIS</p>

SUB- R28 Subdivision in the Flock Hill Station Visitor Zone		
FHSVZ	<p>ACTIVITY STATUS: DIS</p> <ol style="list-style-type: none"> <li>1. Subdivision within the FHSVZ.</li> </ol>	<p>ACTIVITY STATUS WHEN COMPLIANCE NOT ACHIEVED</p> <p>N/A</p>

**Appendix B**  
**Proposed Revisions to Appendix 2 of Council's Section 42A Report – Natural  
Features and Landscapes**

## Appendix B - Proposed Revisions to Appendix 2 of Council's S42A Report – Natural Features and Landscapes.

### Proposed Amendments to Part 2 – District Wide Matters

#### Natural Features and Landscapes

NFL-R1 Buildings and Structures		
<p>ONL Overlay: Banks Peninsula</p> <p>ONL Overlay: Front Ranges</p> <p>ONL Overlay: Rakaia Catchment</p> <p>ONL Overlay: Waimakariri Catchment excluding SKIZ, <u>and</u> GRAZ <u>and</u> FHSVZ</p> <p>ONL Overlay: Waimakariri River</p> <p>ONL Overlay: Rakaia River</p>	<p><b>Activity status:</b> Per</p> <p>1. Buildings and structures, including ancillary structures.</p> <p><b>Where this activity complies with the following rule requirements:</b></p> <p>NFL-REQ1 Height ONL</p> <p>NFL-REQ2 Footprint ONL</p> <p>NFL-REQ3 Coverage ONL</p> <p>NFL-REQ4 Setbacks</p> <p>NFL-REQ5 Appearance</p> <p>NFL-REQ6 Height VAL</p> <p>NFL-REQ7 Footprint VAL</p> <p>NFL-REQ8 Coverage VAL</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>When compliance with any rule requirements is not achieved: Refer to relevant rule requirement.</p>
NFL-R2 Earthworks		
<p>ONL Overlay: Banks Peninsula</p> <p>ONL Overlay: Front Ranges</p> <p>ONL Overlay: Rakaia Catchment</p> <p>ONL Overlay: Waimakariri Catchment excluding SKIZ, <u>and</u> GRAZ <u>and</u> FHSVZ</p> <p>ONL Overlay: Waimakariri River</p> <p>ONL Overlay: Rakaia River</p>	<p><b>Activity status:</b> Per</p> <p>1. Earthworks</p> <p><b>Where:</b></p> <p>The earthworks:</p> <p>a. comply with NFL-Table 1 or NFL-Table 2; or</p> <p>b. are for maintenance and repair of existing erosion control</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>When compliance with any of NFL-R2.1 is not achieved: Refer to NFL-REQ9.1.</p>

	<p>structures, underground infrastructure, drains, fence lines, roads or tracks; or</p> <p>c. are for the installation of underground infrastructure and ancillary activities structures</p> <p>d. are in association with maintenance, operation and repair of buildings and structures at Coleridge HEPS.</p>	
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**Appendix C**  
**RC216015**

# Resource Consent Decision

## RC216015



<b>APPLICANT:</b>	Flock Hill Holdings
<b>PROPOSAL:</b>	A two Lot subdivision including an amalgamation of two existing lots.
<b>LOCATION:</b>	Flock Hill Station, West Coast Road (SH73), Case
<b>LEGAL DESCRIPTION:</b>	Lot 1 DP 546766 as contained in Record of Title 931316 (128.8ha) Lot 2 DP 546766 as contained in Record of Title 931317 (13.8ha) Lot 3 DP 540426 as contained in Record of Title 931317 (126ha) Lot 4 DP 540426 as contained in Record of Title 931317 (2909m <sup>2</sup> )
<b>ZONING:</b>	<b>Operative Selwyn District Plan (2016)</b> The property is zoned High Country under the provisions of the Operative District Plan (Rural) Volume and is partially located within an Outstanding Natural Landscape overlay and the Forestry Exclusion overlay.
<b>STATUS:</b>	<b>Operative Selwyn District Plan (2016)</b> This application has been assessed as a subdivision consent for a Non-Complying Activity under the Operative District Plan.

This application was formally received by the Selwyn District Council on 11 January 2022. Assessment and approval took place on 16 February 2022 under a delegation given by the Council.

## Decision

- A. Resource consent 216015 be processed on a **non-notified** basis in accordance with sections 95A-F of the Resource Management Act 1991; and
- B. Resource consent 216015 be **granted** pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 subject to the following conditions imposed under sections 108 and 220 of the Act:
1. That the following conditions shall be met prior to the issue of the Section 224 Completion Certificate at the expense of the Consent Holder.
  2. That the subdivision shall be undertaken in general accordance with the attached approved application plan (stamped and approved as SDC216015)
  3. That Lots 3 & 4 hereon are to be amalgamated and one Computer Freehold Register issued (LINZ ref: 1770869).
  4. That prior to the completion of a section 224 certificate being issued, the consent holder shall

- a. Register a consent notice on Lot 2 of the survey plan prohibiting the erection of any residential dwelling and prohibiting the utilisation of Lot 2 for the purpose of contributing to any future dwelling density and/or lot size calculation under the rules of the Operative District Plan (either 1 dwelling/120ha or that required by the Proposed District Plan, whichever is the lesser).
- b. Register the following consent notice on Lot 1 of the survey plan:
  - i. The ongoing operation of the consented tourism uses and any residential components on Lot 1 on the survey plan shall operate together and in cooperation with the experience of the working station of Flock Hill Station on Lot 2 DP 540426 and recreational opportunities within Flock Hill Station
- c. All costs (including Council's legal costs) incurred by the creation and registration of the consent notices shall be borne by the consent holder.

## Attachments

- Approved stamped plan

## Development Contributions (Subdivision Consents)

Development contributions are not conditions of this resource consent and there is no right of objection or appeal under the Resource Management Act 1991. Objections and applications for reconsideration can be made under the Local Government Act 2002.

The consent holder is advised that pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy no Development Contributions are payable.

## Notes to the Consent Holder

### *Lapse Period (Subdivision Consents)*

- a) Under section 125 of the RMA, this subdivision consent lapses five years after the date it is granted unless:
  - (i) A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
  - (ii) An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

### *Monitoring*

- b) In accordance with section 36 of the Resource Management Act 1991, the Council's standard monitoring fee has been charged.
- c) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- d) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance and Monitoring Team, [compliance@selwyn.govt.nz](mailto:compliance@selwyn.govt.nz)
- e) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees on a time and cost basis.



*Regional Consents*

f) This activity may require resource consent from Environment Canterbury. It is the consent holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

Yours faithfully

**Selwyn District Council**

A handwritten signature in black ink, appearing to read 'Rosie Flynn', written in a cursive style.

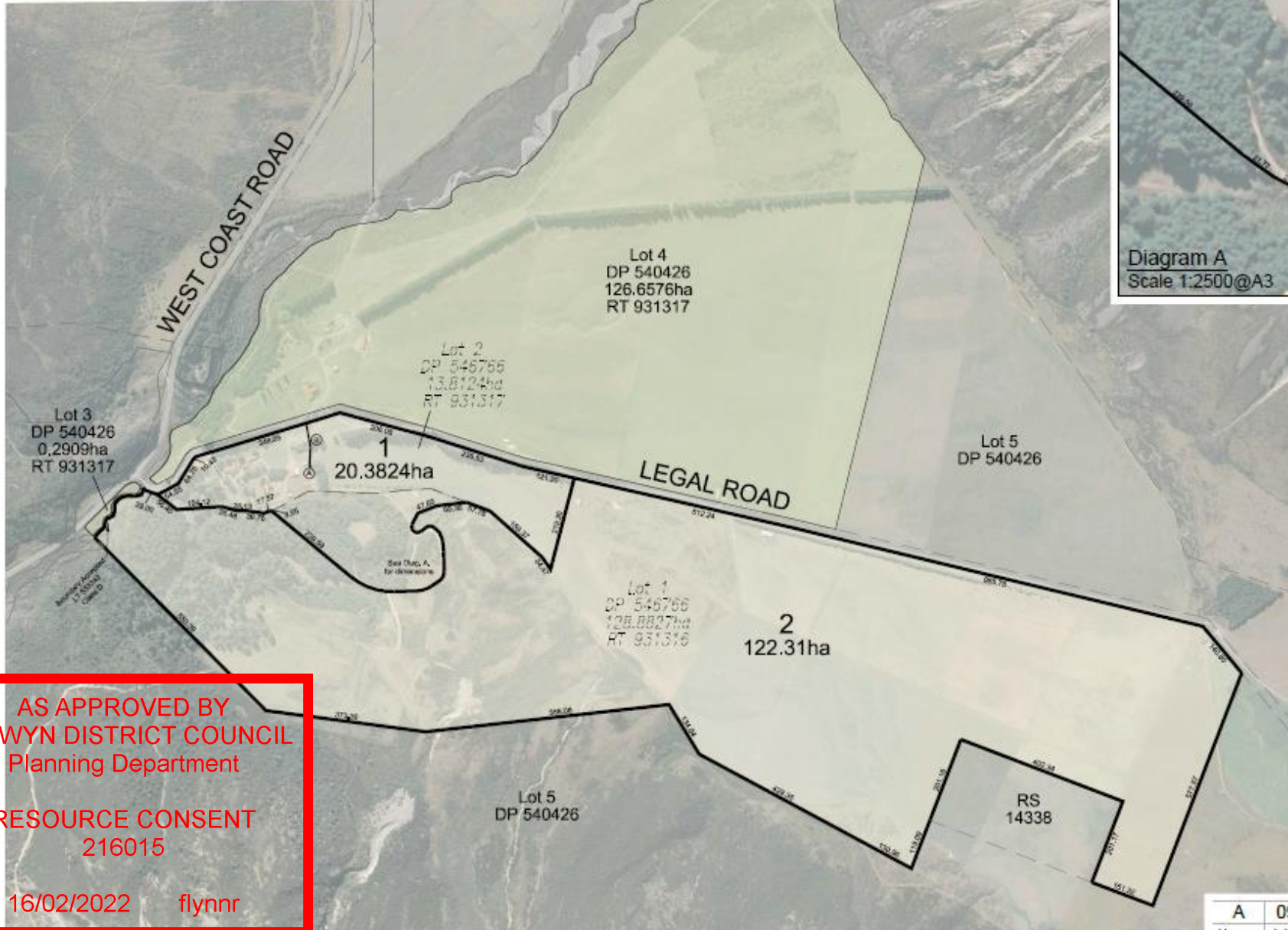
Rosie Flynn

**Team Leader, Resource Consents**



### AMALGAMATION CONDITIONS

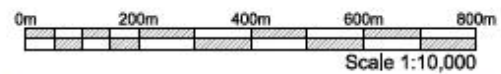
- Lots 3 and 4 DP 540426 (RT 931317) are to be amalgamated and one Record of Title be issued.



- Lot 1 DP 546766**  
 RT: 931316  
 Owners: University of Canterbury  
 Area: 128.8827ha more or less
- Lot 1 DP 546766 is subject to:
- Section 120(9) Public Works Act 1981
  - Compensation Certificate 54512.1
  - Part 9 of the Ngai Tahu Claims Settlement Act 1998 A387793.1 and A391004.1
  - Lease (10802145.1) in renewal of Lease 160022.1

- Lot 2 DP 546766**  
 RT: 931317  
 Owners: University of Canterbury  
 Area: 13.8124ha (140.7609ha RT) more or less
- Lot 2 DP 546766 is subject to:
- Section 120(9) Public Works Act 1981
  - Compensation Certificate 54512.1
  - Part 9 of the Ngai Tahu Claims Settlement Act 1998 A387793.1 and A391004.1
  - Lease (10802145.1) in renewal of Lease 160022.1
  - Right to Convey Electricity in E.I. 12179973.2

Areas, dimensions and boundaries are subject to final survey.  
 A full assessment of easements will be undertaken after any engineering is completed. This may result in additional easements.



**AS APPROVED BY  
 SELWYN DISTRICT COUNCIL  
 Planning Department**

**RESOURCE CONSENT  
 216015**

16/02/2022 flynnr

A	09/21	Preliminary Issue	RB
/ issue	/ date	/ reason	/ approved

**Appendix D**  
**Relevant Objectives and Policies of the Canterbury Regional Policy Statement**

## Appendix D – Relevant Objectives and Policies of Canterbury Regional Policy Statement

Regional Policy Statement Objectives/Policies	Comment
<b>Chapter 5 – Land use and Infrastructure</b>	
<p><b>5.2.1 Location, Design and Function of Development (Entire Region)</b>  <i>Development is located and designed so that it functions in a way that:</i></p> <ol style="list-style-type: none"> <li>1. <i>achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and</i></li> <li>2. <i>enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:</i> <ol style="list-style-type: none"> <li>a. <i>maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features and landscapes, and natural values;</i></li> <li>b. <i>provides sufficient housing choice to meet the region's housing needs;</i></li> <li>c. <i>encourages sustainable economic development by enabling business activities in appropriate locations;</i></li> <li>d. <i>minimises energy use and/or improves energy efficiency;</i></li> <li>e. <i>enables rural activities that support the rural environment including primary production;</i></li> <li>f. <i>is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;</i></li> <li>g. <i>avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure;</i></li> <li>h. <i>facilitates the establishment of papakāinga and marae; and</i></li> </ol> </li> </ol>	<p>The submission seeks to introduce a Special Purpose Zone (being the FHSVZ), which recognises the unique history of the Site and the existing and consented use and of the Site and that provides for future tourism-related development and activities. The FHSVZ will enable the social and economic wellbeing of Flock Hill as well as the wider District's community through economic benefits, employment opportunities and attraction of visitors.</p> <p>As identified in the evidence prepared by Mr Smith the proposal will be contained within an existing node of development, in an area that has the capacity to absorb development when compared to its surroundings. Further, the proposed provisions require the protection of the values of the surrounding Outstanding Natural Landscape. The FHSVZ provides for an activity for people who wish to experience the high-country setting and activities, and therefore avoids conflict between incompatible activities.</p> <p>Overall, the rezoning proposal is considered to give effect to Objective 5.2.1.</p>

<p><i>i. avoids conflicts between incompatible activities</i></p>	
<p><b>5.2.2 Integration of land-use and regionally significant infrastructure (Wider Region<sup>1</sup>)</b></p> <p><i>In relation to the integration of land use and regionally significant infrastructure:</i></p> <ol style="list-style-type: none"> <li>1. <i>To recognise the benefits of enabling people and communities to provide for their social, economic and cultural well-being and health and safety and to provide for infrastructure that is regionally significant to the extent that it promotes sustainable management in accordance with the RMA.</i></li> <li>2. <i>To achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that:</i> <ol style="list-style-type: none"> <li>a. <i>development does not result in adverse effects on the operation, use and development of regionally significant</i></li> <li>b. <i>adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable.</i></li> <li>c. <i>there is increased sustainability, efficiency and liveability.</i></li> </ol> </li> </ol>	<p>As detailed in the evidence prepared by Mr Carr, in practice, the traffic volumes on State Highway 73 in the vicinity of the Site are low and there is ample ability to accommodate additional development on Site that might result from the proposed rezoning.</p> <p>Should future development of the Site in accordance with the proposed rezoning generate more than 100 equivalent car movements a day, then a rule is proposed which seeks to safeguard the safety and efficiency of the State Highway. This is recognised though the potential upgrade of the existing accessway at Waka Kotahi NZ Transport Agency's discretion.</p> <p>Overall, it is considered that the proposal gives effect to Objective 5.2.2.</p>
<p><b>5.3.2 Development conditions (Wider Region)</b></p> <p><i>To enable development including regionally significant infrastructure which:</i></p> <ol style="list-style-type: none"> <li>1. <i>ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose :</i> <ol style="list-style-type: none"> <li>a. <i>existing or consented regionally significant infrastructure;</i></li> <li>b. <i>options for accommodating the consolidated growth and development of existing urban areas;</i></li> <li>c. <i>the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land;</i></li> <li>d. <i>the protection of sources of water for community supplies;</i></li> </ol> </li> </ol>	<p>The proposal is contained within an existing historic node of development that does not impact on the productivity of the region's soils.</p> <p>The proposed provisions require the protection of the values of the surrounding ONL and enable the continuation and development of an activity which is dependent and relies on its remote and scenic location, in a manner that is compatible with its high country setting.</p> <p>The Site does not contain any known natural hazards and future development will not result in an increase in frequency or severity of hazards and will be able to be appropriately managed. It is proposed to supply the Site with suitable potable water in a manner that will not</p>

<sup>1</sup> Those areas of the Canterbury Region outside of the Greater Christchurch area defined on Map 1 in Chapter 5 — Development of Greater Christchurch

<p>e. <i>significant natural and physical resources;</i></p> <p>2. <i>avoid or mitigate:</i></p> <p>a. <i>natural and other hazards, or land uses that would likely result in increases in the frequency and/or severity of hazards;</i></p> <p>b. <i>reverse sensitivity effects and conflicts between incompatible activities, including identified mineral extraction areas; and</i></p> <p>3. <i>integrate with:</i></p> <p>a. <i>the efficient and effective provision, maintenance or upgrade of infrastructure; and</i></p> <p>b. <i>transport networks, connections and modes so as to provide for the sustainable and efficient movement of people, goods and services, and a logical, permeable and safe transport system.</i></p>	<p>adversely impact on sources of water for community supplies.</p> <p>The proposal has been designed to ensure that there is adequate movement for vehicles and pedestrians within the Site and externally to the wider road network.</p> <p>The proposal is considered to give effect to Policy 5.3.2.</p>
<p><b>5.3.3 Management of development (Wider Region)</b></p> <p><i>To ensure that substantial developments are designed and built to be of a high-quality, and are robust and resilient:</i></p> <p>1. <i>through promoting, where appropriate, a diversity of residential, employment and recreational choices, for individuals and communities associated with the substantial development; and</i></p> <p>2. <i>where amenity values, the quality of the environment, and the character of an area are maintained, or appropriately enhanced.</i></p>	<p>The proposal provides for a Special Purpose Zone that will contribute to employment opportunities within the district of Selwyn. The Outline Development Plan and supporting suite of provisions will ensure that the quality of the environment is managed, in particular the protection of the values of the wider ONL, as is detailed in the evidence prepared by Mr Smith. Overall, it is considered that the proposal gives effect to the relevant policy.</p>
<p><b>Policy 5.3.5 Servicing development for potable water, and sewage and stormwater disposal (Wider Region)</b></p> <p><i>Within the wider region, ensure development is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water, by:</i></p> <p>1. <i>avoiding development which will not be served in a timely manner to avoid or mitigate adverse effects on the environment and human health; and</i></p> <p>2. <i>requiring these services to be designed, built, managed or upgraded to maximise their on-going effectiveness.</i></p>	<p>Servicing for the Site can be accommodated on-site in a manner that accommodates existing and future development as detailed in the evidence prepared by Mr McLeod. The proposal therefore gives effect to the relevant policy.</p>
<p><b>5.3.6 Sewerage, stormwater and potable water infrastructure (Wider Region)</b></p> <p><i>Within the wider region:</i></p>	<p>As detailed in the evidence prepared by Mr McLeod, servicing to the Site can and is enabled without having an adverse</p>

<ol style="list-style-type: none"> <li>1. <i>Avoid development which constrains the on-going ability of the existing sewerage, stormwater and potable water supply infrastructure to be developed and used.</i></li> <li>2. <i>Enable sewerage, stormwater and potable water infrastructure to be developed and used, provided that, as a result of its location and design:</i> <ol style="list-style-type: none"> <li>a. <i>the adverse effects on significant natural and physical resources are avoided, or where this is not practicable, mitigated; and</i></li> <li>b. <i>other adverse effects on the environment are appropriately controlled.</i></li> </ol> </li> <li>3. <i>Discourage sewerage, stormwater and potable water supply infrastructure which will promote development in locations which do not meet Policy 5.3.1.</i></li> </ol>	<p>environmental impact. The proposal therefore gives effect to the relevant policy.</p>
<p><b>5.3.7 Strategic land transport network and arterial roads (Entire Region)</b>  <i>In relation to strategic land transport network and arterial roads, the avoidance of development which:</i></p> <ol style="list-style-type: none"> <li>1. <i>adversely affects the safe efficient and effective functioning of this network and these roads, including the ability of this infrastructure to support freight and passenger transport services; and</i></li> <li>2. <i>in relation to the strategic land transport network and arterial roads, to avoid development which forecloses the opportunity for the development of this network and these roads to meet future strategic transport requirements.</i></li> </ol>	<p>As detailed in the evidence prepared Mr Carr, subject to the inclusion of a rule relating to the potential upgrade of the existing vehicle crossing should visitor movements exceed 100ecm/d, then the proposal is considered to maintain the safe and effective functioning of the State Highway.</p> <p>Subject to the above, the proposal is considered to give effect to Policy 5.3.7.</p>
<p><b>5.3.12 Rural production (Wider Region)</b>  <i>Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:</i></p> <ol style="list-style-type: none"> <li>1. <i>avoiding development, and/or fragmentation which:</i> <ol style="list-style-type: none"> <li>a. <i>forecloses the ability to make appropriate use of that land for primary production; and/or</i></li> <li>b. <i>results in reverse sensitivity effects that limit or precludes primary production.</i></li> </ol> </li> <li>2. <i>enabling tourism, employment and recreational development in rural areas, provided that it:</i> <ol style="list-style-type: none"> <li>a. <i>is consistent and compatible with rural character, activities, and an open rural environment;</i></li> </ol> </li> </ol>	<p>In respect of Clause 1 of Policy 5.3.12, the proposal seeks to contain development within an existing and consented node of development that can be absorbed into the environment with minimal impact on the existing primary production areas. Given the proposal is contained to the existing node of development, the proposal will not prevent the adjoining use of land for primary production purposes.</p> <p>In respect of clause 2 of Policy 5.3.12, the activities provided for under the FHSVZ are considered to have a functional and operational need to locate within the rural area as they relate to an existing and long established development which is dependent and relies on its remote and scenic setting. Further, as detailed in the evidence prepared by Mr Smith, the development</p>

<p>b. <i>has a direct relationship with or is dependent upon rural activities, rural resources or raw material inputs sourced from within the rural area;</i></p> <p>c. <i>is not likely to result in proliferation of employment (including that associated with industrial activities) that is not linked to activities or raw material inputs sourced from within the rural areas; and</i></p> <p>d. <i>is of a scale that would not compromise the primary focus for accommodating growth in consolidate, well designed and more sustainable development patterns; and</i></p> <p>3. <i>ensuring that rural land use intensification does not contributed to significant cumulative adverse effects on water quality and quantity.</i></p>	<p>can be absorbed into the environment, with minimal impact on the function and form, character, and amenity values of rural area, and existing primary production.</p> <p>In respect of clause 3, the proposal is contained around an existing node of development, which does not contribute to significant adverse effects on water quality and quantity.</p>
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## **Chapter 9 – Ecosystems and Indigenous Biodiversity**

<p><b>9.2.1 Halting the decline of Canterbury's ecosystems and indigenous biodiversity</b>  <i>The decline in the quality and quantity of Canterbury's ecosystems and indigenous biodiversity is halted and their life-supporting capacity and mauri safeguarded.</i></p>	<p>As identified in the evidence prepared by Mr Lambie, the Site has been highly modified and does not contain a high level of indigenous vegetation. Future development enabled by the rezoning will not have a significant impact on the minimal amount of indigenous vegetation currently present on the Site. In addition, the proposed provisions seek to encourage indigenous planting associated with new development.</p> <p>Overall, the proposal gives effects to Objective 9.2.1.</p>
<p><b>9.2.2 Restoration or enhancement of ecosystems and indigenous biodiversity</b>  <i>Restoration or enhancement of ecosystem functioning and indigenous biodiversity, in appropriate locations, particularly where it can contribute to Canterbury's distinctive natural character and identity and to the social, cultural, environmental and economic well-being of its people and communities.</i></p>	<p>The proposed provisions incorporated seek to encourage indigenous planting, which will positively reinforce the character and identity of the Site and wider Flock Hill Station area.</p>
<p><b>9.3.1 Protecting significant natural areas</b></p> <p>1. <i>Significance, with respect to ecosystems and indigenous biodiversity, will be determined by assessing areas and habitats against the following matters:</i></p> <ul style="list-style-type: none"> <li>a. <i>Representativeness</i></li> <li>b. <i>Rarity or distinctive features</i></li> <li>c. <i>Diversity and pattern</i></li> <li>d. <i>Ecological context</i></li> </ul> <p><i>The assessment of each matter will be made using the criteria listed in Appendix 3.</i></p>	<p>As identified in the evidence prepared by Mr Lambie, the Site has been highly modified and does not contain a high level of indigenous vegetation.</p> <p>The proposal therefore gives effect to Policy 9.3.1.</p>



<p>2. Areas or habitats are considered to be significant if they meet one or more of the criteria in Appendix 3.</p> <p>3. Areas identified as significant will be protected to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities</p>	
<p><b>9.3.2 Priorities for protection</b>  <i>To recognise the following national priorities for protection:</i></p> <ol style="list-style-type: none"> <li>1. Indigenous vegetation in land environments where less than 20% of the original indigenous vegetation cover remains.</li> <li>2. Areas of indigenous vegetation associated with sand dunes and wetlands.</li> <li>3. Areas of indigenous vegetation located in “originally rare” terrestrial ecosystem types not covered under (1) and (2) above.</li> <li>4. Habitats of threatened and at risk indigenous species</li> </ol>	<p>As identified in the evidence prepared by Mr Lambie, the Site has been highly modified and does not contain a high level of indigenous vegetation.</p> <p>The proposal therefore gives effect to Policy 9.3.2.</p>
<p><b>9.3.4 Promote ecological enhancement and restoration</b>  <i>To promote the enhancement and restoration of Canterbury’s ecosystems and indigenous biodiversity, in appropriate locations, where this will improve the functioning and long term sustainability of these ecosystems.</i></p>	<p>The proposal seeks to promote ecological enhancement through the inclusion of Rule RE7- Landscaping.</p>
<p><b>Chapter 11 – Natural Hazards</b></p>	
<p><b>11.2.1 Avoid new subdivision, use and development of land that increases risks associated with natural hazards</b>  <i>New subdivision, use and development of land which increases the risk of natural hazards to people, property and infrastructure is avoided or, where avoidance is not possible, mitigation measures minimise such risks.</i></p>	<p>As detailed in the evidence prepared by Mr Thompson, from a geotechnical perspective, the proposed FHSVZ is considered low risk due to the dense underlying gravel deposits and the ability to design future structures to cope with seismic demands of the regions.</p> <p>The Proposal is considered to give effect to Objective 11.2.1.</p>
<p><b>11.3.1 Avoidance of inappropriate development in high hazard areas</b>  <i>To avoid new subdivision, use and development (except as provided for in Policy 11.3.4) of land in high hazard areas, unless the subdivision, use or development:</i></p> <ol style="list-style-type: none"> <li>1. is not likely to result in loss of life or serious injuries in the event of a natural hazard occurrence; and</li> <li>2. is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and</li> <li>3. is not likely to require new or upgraded hazard</li> </ol>	<p>As detailed in the evidence prepared by Mr Thompson, from a geotechnical perspective, the proposed FHSVZ is considered low risk due to the dense underlying gravel deposits and the ability to design future structures to cope with seismic demands of the regions.</p> <p>The Proposal is considered to give effect to Policy 11.3.1.</p>

mitigation works to mitigate or avoid the natural hazard; and

4. is not likely to exacerbate the effects of the natural hazard; or

5. Outside of greater Christchurch, is proposed to be located in an area zoned or identified in a district plan for urban residential, industrial or commercial use, at the date of notification of the CRPS, in which case the effects of the natural hazard must be mitigated; or

6. Within greater Christchurch, is proposed to be located in an area zoned in a district plan for urban residential, industrial or commercial use, or identified as a "Greenfield Priority Area" on Map A of Chapter 6, both at the date the Land Use Recovery Plan was notified in the Gazette, in which the effect of the natural hazard must be avoided or appropriately mitigated; or

7. Within greater Christchurch, relates to the maintenance and/or upgrading of existing critical or significance infrastructure.

## **Chapter 12 - Landscape**

### **12.2.1 Identification and protection of outstanding natural features and landscapes**

*Outstanding natural features and landscapes within the Canterbury region are identified and their values are specifically recognised and protected from inappropriate subdivision, use, and development*

As detailed in the evidence from Mr Smith, the Site has been modified to a degree where internally it does not display or add to the high degree of landscape values that contribute to the surrounding ONL. To that end, future development is capable of being appropriately absorbed within the Site, in a manner that will not adversely affect the landscape values within the ONL.

Further, the FHSVZ has been designed to follow the node of existing and consented development, so as to ensure the proposal does not adversely affect the landscape values of the wider ONL.

Proposed provisions of the FHSVZ also require the protection of the landscape values of the ONL. Amongst other matters this includes provisions relating to location, design, colour, scale, height of development and landscape.

Overall, the proposal is considered to give effect to Objective 12.2.1.

### **12.3.1 Identification of outstanding natural features and landscapes**

*To identify the outstanding natural features and landscapes for the Canterbury region, while:*

As outlined above and in the evidence prepared by Mr Smith, the Site has been modified to a degree where internally it does not display or add to the high

- 1. recognising that the values set out in Appendix 4 indicate the outstanding natural features and landscapes for Canterbury, at a regional scale; and*
- 2. enabling the specific boundaries of outstanding natural features and landscapes, for inclusion in plans, to be determined through detailed assessments which address the assessment matters set out in Policy 12.3.4(1).*

degree of landscape values that contribute to the surrounding ONL. On this basis, the identification of the Site as part of the wider ONL is not warranted.

**Appendix E**  
**Efficiency and Effectiveness**

## Appendix E - Efficiency and Effectiveness

OBJECTIVE	COSTS	BENEFITS	EFFECTIVENESS AND EFFICIENCY	
<p><i>To provide for additional visitor and residential accommodation on site.</i></p> <p><i>Proposed Provisions – rezone the site to FHSVZ, with consequential changes to the objectives, polices and rules and insert an ODP through the District Plan Review Process</i></p> <p><i>Retain ONL overlay but with exception in relation to earthworks and structure provisions and instead apply FHSVZ earthworks and structure provisions</i></p>	<p><b>ENVIRONMENTAL EFFECTS</b> Potential adverse effects on rural character, landscape and amenity. Effects can be minimised through implementation of appropriate rule package.</p> <p>Construction effects, noise, dust.</p> <p>Increased traffic on road network.</p> <p>Loss of rural land for agricultural purposes.</p> <p>Potential impacts on ONL and EIB Overlays.</p>	<p><b>ENVIRONMENTAL EFFECTS</b> Provides a focused regime to enable the establishment of well-designed and appropriately located visitor accommodation within a rural environment, while at the same time ensuring that landscape values are protected and biodiversity is encouraged in the wider context.</p> <p>Landscape effects within FHSVZ are managed and the surrounding ONL values protected.</p>	<p>Generally enabling consenting regime which recognises the existing nature and use of the Site and facilitates the establishment of further appropriate development in the zone in a manner that can manage the effects of development, such that landscape values are protected and biodiversity encouraged in the wider context.</p> <p>Proposed zone is consistent with strategic objectives.</p> <p>Provides clearer guidance as to the appropriate location of visitor accommodation and ensures that there will be focus on the protection of natural environment.</p>	
	<p><b>ECONOMIC EFFECTS</b> Costs associated with the submission, including administrative costs for Council.</p> <p>Potential impacts on servicing. Upgrades will be required to be funded by the developer.</p>	<p><b>ECONOMIC EFFECTS</b> Access to new employment opportunities.</p> <p>Attraction of visitors to the District and economic benefits.</p> <p>Reduced regulation costs for future development of FHSVZ.</p> <p>Significant investment for the physical establishment of the site.</p>	<p>The retention of the ONL overlay but with exception in relation to FHSVZ is consistent with the treatment of similar zones (SKIZ and GRAZ) in the PDP.</p>	
			<p><b>SOCIAL EFFECTS</b> Employment opportunities give</p>	

OBJECTIVE	COSTS	BENEFITS	EFFECTIVENESS AND EFFICIENCY
		rise to potential benefits and social well-being.	
		<b>CULTURAL EFFECTS</b> The FHSVZ better enables people to enjoy the ONL natural setting.	
OBJECTIVE	COSTS	BENEFITS	EFFECTIVENESS AND EFFICIENCY
<i>Alternative – resource consents (status quo)</i>	<p>Greater consenting costs associated with non-complying and discretionary status.</p> <p>Environmental effects assessed at the time of the proposal, no overall vision for assessment.</p> <p>High level of consenting uncertainty and costs may discourage visitor accommodation consent applications, with a resulting lost opportunity to enhance tourism and economic benefits.</p>	<p>Council retains greater level of control over future accommodation proposals and potential effects.</p>	<p>Discretionary and non-complying status of visitor accommodation generally consistent with PDP objectives and policies. Option not efficient in providing for diversification of rural land uses or adequately providing for visitor accommodation. Takes a case by case basis for assessing proposals and does not encourage or assist in identifying appropriate locations. Therefore the proposal is not effective or efficient in implementing objectives.</p> <p>Cost associated with non-complying and discretionary consent would likely be costly and uncertain and is not efficient.</p>

OBJECTIVE	COSTS	BENEFITS	EFFECTIVENESS AND EFFICIENCY
<p><i>Retain PDP zoning, ONL and EIB status for site but change status of new visitor and residential development to controlled activity subject to specific performance standards and an ODP on basis that there is a functional and operational need for the activity in this location i.e. it is anticipated by the PDP policy framework.</i></p>	<p><b>ENVIRONMENTAL EFFECTS</b> Potential adverse effects on rural character, landscape and amenity. Effects can be minimised through implementation of appropriate rule package.</p> <p>Construction effects, noise, dust.</p> <p>Increased traffic on road network.</p> <p>Loss of rural land for agricultural purposes.</p> <p>Potential impacts on ONL and EIB Overlays.</p> <p><b>ECONOMIC EFFECTS</b> Costs associated with the submission, including administrative costs for Council.</p> <p>Potential impacts on servicing. Upgrades will be required to be funded by the developer.</p>	<p><b>ENVIRONMENTAL EFFECTS</b></p> <p>Provides a focused regime to enable the establishment of well-designed and appropriately located visitor accommodation within a rural environment, while at the same time ensuring that landscape values and biodiversity is maintained.</p> <p><b>ECONOMIC EFFECTS</b> Access to new employment opportunities.</p> <p>Significant investment for the physical establishment of the site</p> <p><b>SOCIAL EFFECTS</b> New direct or indirect employment opportunities give rise to potential benefits in social wellbeing</p> <p><b>CULTURAL EFFECTS</b> Site is not located within any sites or areas of known significance to Iwi.</p>	<p>Not consistent with PDP approach of Special Purpose zones, potentially undermines integrity of GRUZ and could be confusing for subsequent plan implementation.</p>