BEFORE THE ASHBURTON DISTRICT COUNCIL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of Proposed Plan Change 3 to the Ashburton District Plan

---

Statement of evidence of **Liz White** for Farmers Corner Development Limited

24 August 2020

Statement of Professional Qualifications and Experience

1. My name is Liz (Elizabeth) White. I am an Associate Planning Consultant from the firm Incite, based in Christchurch. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.

2. I have 14 years' planning experience working in both local government and the private sector. My experience includes regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents, preparing and processing resource consent applications and notices of requirement for territorial authorities.

3. I was contracted by Farmers Corner Development Limited (the applicant), initially to provide planning advice on the development of visitor accommodation on the application site. Following the recommendation to pursue the development by way of a private plan change application to the Ashburton District Plan, I prepared proposed Plan Change 3 (PC3) and the associated section 32 report in conjunction with the applicant and various technical experts.

Code of Conduct

4. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I have complied with the Practice Note when preparing my written statement of evidence, and will do so when I give oral evidence.

5. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Scope

6. The scope of this evidence is to provide planning evidence in relation to:
   a. The Council Officer's Section 42A report;
   b. Submissions made on PC3; and
   c. Changes recommended to PC3 as a result of the above.

7. Appendix 1 to my evidence includes a track change version of the proposed Rural Tourism Zone chapter. This reflects the changes recommended in this evidence.

Officer's Report

8. I have read the Council Officer's Section 42A report, prepared by Ms Clay. To avoid repetition, and because I agree in a large part with her evidence, this evidence does not set out all the various matters traversed in the Officer's Report and comment on each matter. Instead, I have concentrated on outlining where I agree with any recommended changes to PC3 and outlining any areas of disagreement or alternate methods recommended to address matters raised.

Visual and amenity matters

9. Appendix 9 to the Plan Change application included a Landscape and Visual Assessment undertaken by Robert Watson Landscape Architects. Appendix F to the Officer's Report provide a Landscape Assessment Peer Review undertaken by Paul Smith.

10. I agree with Ms Clay and Mr Smith, that there is a potential conflict between the road boundary setback (applying to Longbeach Road) being 10m, despite there also being a requirement for planting to be established adjacent to this boundary at a 15m depth. I agree that it is appropriate to amend the road boundary setback to 15m. This ensures consistency and integration between the rules.

11. Ms Clay, based on Mr Smith's peer review, recommends that a shelterbelt, two rows deep, and maintained at a minimum height of 8m, is included on the outer perimeter of the 15m planting buffer required under the Rural Tourism Zone framework. Mr Smith considers that this should be required to be planted within the first planting season post the approval of a resource consent following the Plan Change.

12. As set out in the evidence of Mr Watson, he does not consider it appropriate for a non-indigenous shelterbelt to be required at the outer perimeter of the planting buffer. I also note that if this were required, as appears to be the recommendation of Mr Smith, it would conflict with the direction in Policy 3A.2B to encourage a predominance of indigenous planting throughout the zone. Mr Watson also does not consider that a minimum height of 8m is required to screen buildings. My understanding is that, taking into account the minimum building setback requirements in the rules, as well as the perspective from which the development will be viewed, a height of at least 6m is sufficient to provide the appropriate level of screening.

13. With the exception of increasing the height, I do however agree with the specific wording recommendations of Ms Clay, that are set in the recommended track changes to Rule 3A.10.2. This requires that the 15m depth boundary planting is a minimum of two row deep. This does not require any particular form of hedge and would still allow for the use of native planting, while ensuring at least a double row of planting. I also agree with the drafting, for this requirement to be applied in the same way as the current requirements are drafted, i.e. for the required planting to be established prior to the erection of any new buildings. The difficulty with amending the requirement to instead relate to a resource consent approval is that PC3 provides a framework for development to occur within a permitted framework. Therefore, where development is in accordance with the framework, there would not be a resource consent process[1]. In my view, it would be more appropriate to continue to apply the revised landscaping requirement prior to the erection of any new buildings, as proposed by Ms Clay (in Rule 3A.10.2a).

14. In relation to views from the neighbouring property at 54 Long Beach Road, I note that while the submitter currently enjoys views through the application site to the mountains, these views are not protected by the District Plan. Under Rule 3.9.12(b), the only restriction in the Rural B

[1] As exception to this is in relation to the any centralised facilities, for which a controlled activity consent is required (Rule 3A.8.3). However, this is subject to compliance with all Site and Zone Standards, including boundary planting requirements.

zone is that any new tree must be planted a minimum of 2.5 metres from any internal boundary. It is common in rural areas for views to be obstructed by planting such as shelterbelts and in absence of the zone change, boundary planting that would obstruct views could be expected.

15. Notwithstanding this, Mr Watson, has further considered the current views and how these might be afforded protection through the proposed zone framework. I also accept the comments of Ms Clay, that it is reasonable in this instance to provide for the protection of some existing views to balance the loss of some views and openness as a result of the development facilitated by PC3. In conjunction with Mr Watson, we propose that amendments are made to the Outline Development Plan (ODP) to identify viewshafts. Within these viewshafts, rules are proposed to limit the height of boundary planting and buildings. The intention of the viewshafts and related restrictions is to ensure that buildings within the proposed zone are adequately screened, but the main unobstructed views over the application site to the mountains beyond are retained. This approach also reflects Mr Smith's recommendation to create a view shaft in the ODP, with related rules for landscape treatment, though or over the top of Area 3.

16. Mr Smith recommends, in order to address landscape effects, and to retain the open space values of the site and cluster built form within Areas 1 & 2, that no buildings be contained in Area 3. This is reflected in the recommendations of Ms Clay.

17. In my view, the location of buildings within Area 3 should not be considered in isolation of the wider planning context within which Area 3 sits. Firstly, I note that the limits on activities that can be established within Area 3 mean that the type of buildings that would be permitted under the rule framework as proposed are limited to those associated with farming and recreational activities only. By definition, farming activities include the use of land and buildings, but with any buildings limited in size to 500m^2.[2]

18. Beyond the application site, in the Rural B Zone, buildings are provided for, subject to the same site coverage limits, internal and road boundary setbacks as proposed within Area 3. I also note that PC3 includes the requirement for boundary screening. As noted above, Mr Smith recommends that the requirements around this planting are strengthened. It is not clear to me how some buildings within Area 3 will affect the open space values (as experienced from outside the site), given that they will be screened by the boundary planting. In addition, they are limited to buildings associated with two particular permitted activities, and at a density and scale consistent with the surrounding rural environment. Taking into account the proposed viewshaft provided through the site in Area C, I consider that it would be more appropriate to limit buildings within the viewshaft, but that it is not necessary to achieve the Plan's objectives to limit all buildings within Area 3. Based on the advice of Mr Watson, I consider that the most appropriate way to retain the open space values associated with the current viewshafts, is to apply a lower height limit to buildings within a viewshaft area identified in the ODP. Related to this, there is also an exception currently applied within Area 3, which allows for a building associated with a farming activity to up to 20m. This reflects a similar exception within the Rural

[2] ***Farming Activity*** *- means the use of land and buildings for the primary purpose of the production of vegetative matter and/or commercial livestock. Farming activity includes the packing, storage, and/or processing of the vegetative matter and/or commercial livestock produced on/in that land or on other land owned or managed by the same person(s). Buildings for this purpose are permitted up to an area of 500m² per site, where they meet all other rules. Farming activity excludes residential activity, home occupations, intensive livestock management, and forestry activity.*

B Zone. Notwithstanding that this exception would only allow for a farm building, which would be rural in character, I consider this exception can be removed, thus limiting the height of any buildings within Area 3 to 8m outside of a Viewshaft, and 5m within a Viewshaft.

19. Notwithstanding the above, if the Hearing Commissioner is of a view to require consent for any buildings within Area 3, I consider that this should not default, as recommended by Ms Clay, to a non-complying activity status, which would capture buildings associated with farming or recreational activities on this area of land, despite these activities being a permitted use. This is because the issue identified by Mr Smith and sought to be addressed through the rule relates to effects on open space values. In my view, consideration of these, if required through a consent process, would be better suited to a restricted discretionary consent process, given that with the boundary planting and viewshaft controls, there are likely to be designs and locations that would still achieve the outcome sought.

20. For completeness I note that if the Hearing Commissioner does agree with Ms Clay's recommendation for any building within Area 3 to be non-complying, Rule 3A.10.7(d) should also be amended so that the site coverage rule is applied only to impervious surfaces. Otherwise the reference within this rule to buildings could result in confusion and a lack of clarity. For consistency I also consider that if this rule were included, an additional explanation would be required in the reason for rules section.

21. Mr Smith considers that limiting the Light Reflectivity Value to 40% will not, on its own, minimise the visual prominence and glare on the receiving environment, noting that reflectivity and colour and glare are different. He refers to the Queenstown Lakes District Council's colour guidelines chart as a tool for restricting colours. However, I note that the guideline in that instance applies within a consenting framework, whereby because of the sensitivity of the landscape in that District (most are ONLs), resource consent is required for any building in the rural zone. I do not consider this to be an equivalent context to the application site. In addition, because of the permitted rule framework, any additional controls on colour or glare would therefore need to be specific and able to be applied within a permitted activity framework.

22. I also note that any visual prominence and glare effects on the surrounding environment will only result before the required boundary planting is established, and will only exist for a short time, until buildings are fully screened. I have therefore not recommended additional changes.

23. I further note that Mr Smith refers to future built form being able to be designed to cohesively match the existing commercial buildings to as to "*enhance internal amenity".* In my view, internal amenity is a matter for the developer of the site to consider, and controls in relation to this are not necessary to address effects on the surrounding environment.

24. Mr Smith expresses concerns that the lighting restrictions proposed in the zone framework only relates to Area 1, stating that the amenity effects on neighbours will be worse if the hours of operation and lighting restrictions are not applied to Area 2. Ms Clay agrees that restrictions on lighting should apply to both Area 1 and Area 2 "*to ensure that effects are adequately mitigated".* However, I note that no changes have been recommended by Ms Clay to Site Standard 3A.9.5, which limits external lighting to sensor activated lighting around buildings, lighting associated with existing signage, or with driveways and car parking areas. I consider that it is appropriate to amend this rule to refer to both Areas 1 & 2, but consider, given the nature

of the activity anticipated in Area 2, that it is appropriate to also allow for lighting associated with pathways. This allows for security lighting for guests walking between any centralised facilities and their rooms. I suggest that this is limited in height to ground level lighting or lighting placed up to a height of 50cm above ground. In my view, this would restrict external lighting within Area 2 and therefore appropriately address Mr Smith's concerns.

25. I note however, that Ms Clay's recommendation is to amend Zone Standard 3A.10.3, which limits hours of operation for any commercial activity within Area 1, to 8am – 11pm, with specific reference to this including any external and internal lighting.

26. This standard consolidates (and slightly extends) the hours of operation applying to the activities located in Area 1 currently, under the resource consents for these activities. During the preparation of PC3, consideration was given to whether limitations on hours of operation should be applied to visitor accommodation activities within Area 2. The nature of visitor accommodation is such that there will be some requirements for activities to occur outside the 'normal' hours of operation, for example, if a bus load of guests arrive into Christchurch Airport on a delayed flight, which means they arrive after 11pm and still need to check in. 'Hours of operation' are also difficult to apply to visitor accommodation, which is necessarily occupied after 11pm. My understanding is, given the broad definition of commercial activities, to which Rule 3A.10.3 applies, it would capture visitor accommodation. Given its nature, I do not consider it appropriate to apply a control on hours of operation more broadly to visitor accommodation units. It is particularly difficult to see how the applicant could enforce a restriction on internal lighting in visitor accommodation units after 11pm, which I consider would be the effect of the changes recommended to 3A.10.3 by Ms Clay.

27. I consider that potential effects arising from visitor accommodation, as it relates to the hours of operation, will primarily be related to centralised services or facilities, such as reception areas, restaurants and other areas open to all guests. My recommended changes to 3A.9.5 will limit external lighting associated with these facilities. The rule framework also requires that these centralised facilities are located within the area identified for these on the ODP, and are subject to a controlled activity consent, which allows consideration of noise and lighting. It was considered in the development of the plan change application that this consent process would allow for the design and operation of this type of centralised facility to be subject to consent conditions, including restriction on hours of operation. In my view, this approach is still appropriate. This would allow for the imposition of conditions to address lighting effects, including any restrictions on operating hours relating to lighting (or noise), in addition the recommended external lighting restrictions in 3A.9.5. In my view, this provides more flexibility than a one-size-fits-all set of operating hours, which goes beyond addressing lighting effects.

Policy 3A.1C

28. Ms Clay recommends that the wording used in Policy 3A.1C is strengthened, as she considers that using the word 'minimise' in relation to adverse effects on character and amenity is too weak. She recommends the following:

To allow for the development of visitor accommodation in accordance with the outline Development Plan attached in Appendix 3A-1, while ensuring its location and design will avoid ~~minimise~~ adverse effects on the character and amenity of the surrounding rural land, and avoid reverse sensitivity effects arising'

29. A similar recommendation is made to amend bullet point 6 in 3A.5 Anticipated Environment Results to replace "*mitigation*", with "*avoidance"* as it applies to adverse effects on the surrounding rural environment.

30. The difficulty I have with this, is that avoidance of **any** adverse effects on character and amenity is a very low threshold, and in my view, is not consistent with the objective, which seeks that the effects of the proposed tourism activities and facilities are managed to avoid, remedy or mitigate adverse effects on the surrounding environment. That is not to say that in some cases, avoidance of particular effects is not the appropriate response. For example, the remainder of the policy does seek to avoid reverse sensitivity effects. However, in my opinion, avoidance of all adverse effects on the surrounding character and amenity would be difficult to achieve and would not be implemented through the current rule framework, which does allow for a level of adverse effects.

31. I also consider that taking an avoidance approach within the Rural Tourism Zone, to all adverse effects on character and amenity of the surrounding area, would not be consistent with the approach taken in that surrounding rural area. In particular, Policy 3.5B provides for the establishment of non-rural activities in rural areas, while seeking to **manage** any potential adverse effects on the character and amenity of the rural environment and rural productive activities. Where the policy framework for the rural zones does direct an avoidance approach, it relates to more specific matters to be avoided, for example, particular activities that are to be avoided to address conflict between rural and residential activities (Policies 3.1B, 3.1C and 3.1D).

32. I also note that Ms Clay compares the proposed avoidance approach for effects on the surrounding rural environment, with those of the vitality of the Ashburton township, stating that the surrounding rural environment should be of equal importance in terms of the level of effects acceptable (para 112). I note that the outcomes sought in terms of vitality of the Ashburton Township (bullet point 7 in 3A.5 Anticipated Environment Results) is the avoidance of "*significant adverse effects".*

33. In my view, if the word avoid is used in the policy, it would be more appropriate for this to be related to significant adverse effects only.

34. By way of comparison, I note that the New Zealand Coastal Policy Statement includes some directive 'avoidance' policies. This includes:
    a. Policy 11, which directs the avoidance of adverse effects of any activity on specifically listed taxa, vegetation types and areas; and the avoidance of significant adverse effects, and otherwise, avoidance, remediation or mitigation of other adverse effects of activities on other specified areas or habitats.
    b. Policy 13, which directs the avoidance of adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and avoidance of significant adverse effects and avoidance, remediation or mitigation of other adverse effects of activities on natural character in all other areas of the coastal environment;
    c. Policy 15, which directs the avoidance of adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and

avoidance of significant adverse effects and avoidance, remediation or mitigation of other adverse effects of activities on other natural features and outstanding natural landscapes.

35. In the above instances, avoidance of all adverse effects is limited to particular areas/features, with those areas/features being matters of national importance in sections 6(a),(b) and (c) of the RMA. In my view, this is not the same as the requirement under section 7(c) to have regard to the maintenance of amenity values. In other words, I consider that the character and amenity values of the surrounding rural area can be maintained through minimising adverse effects on those values; or at worst, by avoiding only significant effects.

36. As a further alternative, it may be more appropriate to use the word "*mitigate*" in this policy, rather than "*minimise*". The former would be more consistent with the wording of Objective 3A.1 and with bullet point 6 in 3A.5 Anticipated Environment Results. This also reflects better that the measures put in place through the rule framework, for example, the landscaping requirements, are intended to mitigate adverse effects.

Submissions

37. Following receipt of submissions on PC3, I contacted the New Zealand Transport Agency (NZTA) and Fire and Emergency New Zealand (FENZ) to discuss the matters raised in their submissions. The following sections set out the areas where the applicant agrees to the changes sought in these submissions, or proposes an alternate method for addressing the issues raised, and the reason for any changes or areas of disagreement.

38. In relation to other submissions not discussed above or set out below, I agree with the comments of Ms Clay in the Section 42A report in relation to the matters raised in these submissions. In general, I note that various matters raised in the other submissions have been considered in the various technical reports that were appended to and formed part of the application. These all conclude that the effects of PC3 (as related to their specific discipline) can be appropriately mitigated through various controls or measures that are ultimately reflected in the proposed framework for the Rural Tourism Zone.

New Zealand Transport Agency

39. As noted in the submission from NZTA, they were consulted with during the preparation of the Plan Change application and as a consequence of this a number of suggestions made by them were included in the notified application. They note in their submission that they are supportive of the intent of the provisions, but seek a range of changes to better address effects on the State Highway and transport network.

40. The NZTA submission also noted their willingness to discussing the proposal further to reach agreement on how matters raised in their submission could be addressed. As a consequence of this, I have discussed the matters raised with Deborah Hewett, and recommend making a series of changes that address the matters raised in the submission. In some cases, this includes adopting the specific relief sought; on others it involves making alternate changes which I consider align with the intent of the submission. It is my understanding that these alternate changes are generally acceptable to the NZTA, but I appreciate that they reserve the right to comment on these at the hearing.

41. NZTA seek changes to Rule 3A.8.5(b) to refer to Section 3A.7.14 and specifically refer to 81-100 visitor accommodation units. Rule 3A.8.5(b) states that visitor accommodation is a discretionary activity, where it is not otherwise listed. In combination with other rules, this means that there is a discretionary activity status for visitor accommodation within Area 2 of between 81-100 units; and for any centralised services or facilities for visitor accommodation located outside the identified Central Hub area on the ODP; and for any visitor accommodation within Areas 1 or 3. Although I do not think it is strictly necessary, I have no issue with the impact of amending the rule to more specifically refer to 81-100 visitor accommodation units, as this does not alter the application of the rule. Similarly, I have no issue with referring to Section 3A.7.14, as I consider it should be considered in any discretionary resource consent process, but again I do not consider it necessary. I have included these changes in the recommended Rural Tourism Zone chapter in Appendix 1 to this evidence.

42. NZTA sought a new policy be included as follows:

Development of the Rural Tourism Zone recognises the need for actual and/or potential upgrades to the State Highway and associated intersections, subject to (the scale of development), development thresholds or triggers, and other mechanisms, to ensure the provision of necessary and timely upgrades for a safe and efficient transport network

43. I agree with the substance of the policy sought because this is what the rule package, including thresholds, combined with the reasons for rules and policy direction does. However, in my view it is not necessary to have an additional policy essentially state all of this. I also note that Ms Clay does not consider the proposed policy is necessary to achieve the purpose of the RMA. Rather, I consider that the key policy direction needed is currently contained in Policy 3A.1E - which is about managing traffic effects to ensure the safe and efficient functioning of the network. The upgrades and thresholds are essentially the mechanisms to implement this. Therefore, I consider that it would be more appropriate to expand Policy 3A.1E instead to more explicitly refer to the need for upgrades.

44. Related to this, NZTA also seeks minor changes to the drafting of Policy 3A.1E which I agree provide greater clarity.

45. NZTA also seek controls to require a higher fence to be established the full length of the State Highway and add a related assessment matter. Ms Clay agrees in principle with providing fencing, but consider it may not be appropriate to progress this through the plan change as the fencing would not be necessary until development occurs.

46. I agree that a rule relating to fencing is an appropriate way to address potential effects on the safety of the State Highway. I consider that the concerns of Ms Clay regarding the timing of the fencing can be addressed by drafting the standard so that it is required prior to the erection of any new buildings in Areas 2 or 3. This is the same approach as that taken to landscaping, where the fencing or landscaping can be undertaken at any time the landowner choices, but must be in place prior to a new building being erected in these areas, in order for the new building to be permitted (assuming buildings are permitted in Area 3).

47. I have therefore recommended an additional site standard (3A.9.11) relating to this, and related assessment matters (3A.11.10). For consistency with the drafting style used in this chapter and

the District Plan more broadly, I also recommend the reasoning for this is included in the reason for rules section (3A.7.16). In addition, I consider that while the standard is appropriate to achieve the outcome sought for the zone – as it seeks to avoid or mitigate a potential adverse effect on the adjoining State Highway – there is currently a lack of policy support for the standard. This is because Policy 3A.1E includes reference to the State Highway, but is about managing effects of traffic generated by the zone's activities. Policy 3A.1C is more broadly about managing effects of the proposed activities on the surrounding area (and includes reference to reverse sensitivity, which relates to the State Highway) but is focussed on the location and design of new development. I consider that this gap can be rectified by amending Policy 3A.1E as follows:

To ensure the safe and efficient functioning of the transport network by:

- *managing the effects of traffic generated by activities within the Rural Tourism Zone on the network, including the need for upgrades to the State Highway; and*
- *discouraging people within the zone form entering the State Highway corridor.*

48. I consider that the amended policy set out above would address the matters raised by NZTA and is broadly consistent with the recommendation of Ms Clay, with the addition of more specific direction relating to boundary fencing.

49. NZTA also seeks that specific controls are included for signage. I note that PC3 does not proposed to amend the signage rules in the District Plan, meaning that the current controls on signage would not alter. For the avoidance of doubt, this is because the signage chapter (13) refers to 'Rural Zones' rather than specifically listing each different rural zone, and therefore would continue to apply on the same basis to the Rural Tourism Zone. Ms Clay notes that she considers the application of the current plan rules relating to signage remain appropriate. I agree with this and therefore do not consider a change to be necessary.

50. NZTA also seek that Policy 3A.1B is amended to refer to tourism "*connected to the rural resource*" not the "*market*". There does not appear to be a reason given in the submission for the amendments sought. The proposed wording has been taken from that used in the existing consents and is implemented through Rule 3A.8.2(a). I therefore do not recommend a change being made in relation to this.

51. Policy 3A.1C provides direction regarding how visitor accommodation within the zone is to be managed, including in relation to reverse sensitivity. NZTA seeks that the policy is expanded to include "*in particular, to provide for the safe and efficient operation of the transport network, and ongoing maintenance and development."* I consider that adding this to the policy makes it lengthy and somewhat clunky, and that the intent could be captured more succinctly by instead adding "*including in relation to the transport network."*

52. NZTA also seek minor amendments are made to 3A.5 Anticipated environmental results (5) and the addition of a further bullet point to this section. I agree that the change to (5) provides greater clarity and the additional bullet point adds an outcome that is anticipated in the framework and is therefore appropriate. The submitter also seeks minor amendments to 3A.11.2 Assessment matter (g), which are relevant where resource consent is sought for a building to breach a road boundary setback so that it states:

(g) The proximity of the proposed building to the State Highway and whether there would be adverse effects on amenity values anticipated to be enjoyed on the site, including effects of noise and vibration on the enjoyment of occupants, and the potential for reverse sensitivity to arise.

53. I agree the amendments provide greater clarity on what is to be considered. However, NZTA also seek the addition of two further assessment matters. These are:

Reverse sensitivity effects on the operation, maintenance and development of the State Highway

Noise and vibration effects on the occupants in buildings arising from the proximity to State Highway 1.

54. In my view, the additional matters are not necessary, if the additions are made to (g), as they essentially cover the same matters.

55. As noted above, my understanding is that the changes recommended above, as well as the reasoning for not making some of the changes sought, are acceptable to NZTA; however, they may wish to advise if this is not the case.

Fire and Emergency NZ (FENZ)

56. FENZ request changes to PC3 to ensure that appropriate consideration is given to fire safety. The specific changes sought are for:
    a. An additional policy to be added in relation to indigenous biodiversity in the Plan Change area, directing that the planting of highly flammable plant species is avoided;
    b. Amending Appendix 3A-2 ('Plant Species List') to remove species identified as being highly flammable and posing a fire risk;
    c. An additional zone standard requiring water supply and access to comply with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008; and
    d. An additional zone standard requiring all habitable buildings and visitor accommodation shall be set back at least 3.0 metres from any plantings, unless otherwise agreed with Fire and Emergency New Zealand.

57. In relation to request (c) above, I am familiar with plan provisions that require water supply and access to comply with the specified Code of Practice and am comfortable that this is an appropriate addition to the Rural Tourism Zone framework. This is consistent with the policy direction in 3A.1H to ensure that future development is appropriately serviced, and assists with achieving Objective 3A.1 in terms of managing the potential adverse effects from development on the surrounding environment. I recommend this is added as an additional zone standard, and that a corresponding section is added in the 'reasons for rules' section (new 3A.7.18).

58. In terms of the additional policy and the removal of identified highly flammable species (requests (a) and (b) above), the applicant is happy to accommodate the request to remove the identified plants from the Appendix. At a policy level, I consider that this matter is better included in Policy 3A.2B because ultimately it is about the establishment of planting. I therefore recommend the following change to Policy 3A.2B:

To encourage indigenous planting throughout the zone that will result in a predominance of indigenous biodiversity, while avoiding highly flammable species.

59. For completeness, I recommend that the explanation and reason under this policy is amended to add the following sentence at the end of the explanation:

It is important, however, that highly flammable species are limited to avoid additional planting posing a fire risk.

60. My understanding is that the alternate changes recommended above are acceptable to the submitter, but they may wish to advise if this is not the case.

61. In terms of request (d), I consider that it is highly unusual to restrict all planting from being located near habitable buildings and this would conflict with the recommendations in the Landscape and Visual Assessment to use landscaping around units as mitigation for visual impacts. I agree with Ms Clay that a trade-off might be to restrict flammable plant types within 3m, but note that this would require what constitutes a 'flammable' plant to be defined. I do not consider that this can be achieved by requiring planting within 3 metres to be only species listed in Appendix 3A-2, as this list serves a different purpose and would severely limit the planting of other species that are not highly flammable. It also appears from the submission that the rationale for the change sought relates more specifically to BBQ areas and car parking beneath vegetation, rather than habitable buildings. If the Hearings Commissioner considers that a restriction is necessary to implement the proposed policies and achieve the outcomes ought for the zone, I consider that there are three options:
    a. Identifying in some way what plants are considered highly flammable, such as through inclusion of a definition or further appendix, and including a standard restricting planting of these species within 3m of any habitable building; or
    b. Including a standard that only applies to BBQ and car parking areas beneath vegetation, such as "*Any outdoor cooking area shall be setback a minimum distance of 3m from any vegetation*" and "*Any car parking area shall be setback a minimum of 3m from any vegetation that at maturity will exceed a height of 3m*"; or
    c. Restricting larger areas of planting (over a specified threshold) in proximity to habitable buildings, such as "*Any habitable building or visitor accommodation unit shall be setback a minimum of 3m from any area of planting that exceeds 1000m^2 in area."*

Changes recommended to Proposed Plan Change 3

62. As a consequence of matters considered above, I recommend that various change are made to the proposed Rural Tourism Zone chapter. I have set out the recommended changes, in full, in Appendix 1 to my evidence. For ease of reference, any changes are shown in green text, using underlining to indicate additions, and strikethrough to indicate deletions.[3]

Liz White
24 August 2020

[3] For the avoidance of doubt, the recommended changes have been applied to the version of the chapter notified for submissions, meaning that any changes made as a response to the request for further information are already incorporated into the base version of the chapter.

Appendix 1 – Recommended change to Section 3A: Rural Tourism Zone