

Before the Queenstown Lakes District Council Hearing Panel

Under the Resource Management Act 1991

In the matter of the renotification of two submissions on Stage 1 of the Queenstown Lakes Proposed District Plan concerning the zoning of land at Arthurs Point by Gertrude's Saddlery Limited and Larchmont Enterprises Limited

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**Statement of Evidence of Jeffrey Brown on behalf of Gertrude's Saddlery  
Limited and Larchmont Enterprises Limited**

**15 November 2022**

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# 1 Introduction

1.1 My name is Jeffrey Andrew Brown. I have the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by the Queenstown Lakes District Council (**QLDC**) from 1992 – 1996, the latter half of that time as the District Planner. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown & Company Planning Group Ltd, a consultancy with offices in Auckland and Queenstown. I have resided in Auckland since 2001.

1.2 **Attachment A** contains a more detailed description of my qualifications and experience.

## Code of Conduct

1.3 I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

## Documents reviewed

1.4 **Attachment B** contains a list of the documents I have reviewed in preparing this evidence.

## Background

1.5 This evidence is on behalf of Gertrude's Saddlery Limited (**GSL**) and Larchmont Enterprises Ltd (**Larchmont**), in relation to the submissions to the Queenstown Lakes District Council's Proposed District Plan (**PDP**). The submissions seek rezoning of land at 111 Atley Road, Arthurs Point and 163 Atley Road, Arthurs Point (collectively the **Gertrude Land** or the **Site**), with a total area of 5.3ha. The submissions seek the removal of the Outstanding Natural Landscape (**ONL**) classification from the Site, the extension of the Arthurs Point Urban Growth Boundary (**UGB**) over the Site, and to change the zoning of the Site from the Rural General Zone (**RGZ**) (the Council's notified zoning) to the Lower Density Suburban Residential Zone (**LDSRZ**).

1.6 In September 2022 I was asked by GSL to review the relevant material for this case, with a view to supporting GSL's and Larchmont's submissions. I visited

the Site and environs with the owners, Ms Pfluger and other advisers, and followed this with a further site visit with one of my colleagues. After a number of discussions with Ms Pfluger and Mr Espie about the landscape issues, I agreed to support a specific zoning regime comprising the LDSRZ over part of the Site and the Large Lot Residential Zone B (**LLRZB**), with some bespoke modifications, over the balance of the Site. I discuss this zoning regime throughout this evidence.

- 1.7 In separate proceedings relating to this land, I prepared an affidavit (affirmed 28 October 2022) in support of GSL’s declaration on the Council’s inclusion of the Site in the notified Shotover River Outstanding Natural Feature (**ONF**) Priority Area, as parts of its Variation to introduce landscape schedules into the PDP<sup>1</sup>.

#### **Evidence structure**

- 1.8 My evidence is based on section 32 of the Act and is structured as follows:

Section 2	I discuss the Site and the zoning background;
Section 3	I address the National Policy Statement for Highly Productive Land ( <b>NPS-HPL</b> );
Section 4	I discuss the relevant zoning “options” before the Commissioners;
Section 5	I set out the statutory tests for evaluating the options;
Sections 6 – 11	I evaluate the options in accordance with the statutory tests;
Section 12	I summarise and conclude my evidence.

## **2 The Site and surrounding environment**

- 2.1 The Site and wider surrounds are shown on Figure 1 of Ms Evan’s report which for convenience I reproduce below as [Figure 1](#).
- 2.2 Mr Espie and Ms Pfluger describe the Site in more detail. In summary, the Site has varied topography, ranging from terraces to steep rocky

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<sup>1</sup> As part of that Variation process the Council lodged a corporate submission seeking that the boundary of the Shotover Gorge ONF Priority Area be determined in this rezoning hearing. Given this and other submissions on the boundary, no weight can be placed on the notified mapping of the Priority Area ONF over the Site.

escarpments. There are four dwellings in the northern part near Atley Road, and some accessory buildings, but the Site is otherwise vacant. It had been covered in self-seeded wilding pines until recently. There is an existing formed access into and through the Site from Atley Road. Surrounding the Site to the west, south and east is the heavily forested (in self-seeded wildings) Department of Conservation land fronting the Shotover River gorge, and to the north is the Arthurs Point residential area.

**Figure 1 – Arthurs Point area. The Site is shown in red (reproduced from Ms Evans' Figure 1)**



### Zoning background

- 2.3 Under the Operative District Plan (ODP) the Site was part zoned Low Density Residential and part zoned Rural, as shown on the snip from ODP Planning Map 39A in **Figure 2**:

**Figure 2 – from ODP zoning map 39A. The northern part of the Site is zoned Low Density Residential (yellow) and the balance is Rural (green).**



2.4 The PDP notified zoning comprises part LDSRZ and part Rural Zone, in the same configuration as the ODP as above, and as shown on Ms Evans' Figure 2 which I reproduce in **Figure 3** below. The Rural Zone area is outside the UGB and within the ONL. When the PDP stage 1 maps were originally notified, no ONL boundary was identified around the Arthurs Point urban areas, so by default the Site, and the Arthurs Point urban areas, were within a broader ONL.

**Figure 3 – PDP zoning map. The brown colour is the LDSRZ. The yellow colour is the Rural Zone. The red dot-dash line is the UGB.**



2.5 I agree with Ms Evans assessment of the submissions and further submissions (her paragraphs 5.2 – 5.11).

### 3 The National Policy Statement for Highly Productive Land

- 3.1 The NPS-HPL requires that regional councils map as “highly productive land” any land in its region that is in a general rural zone or rural production zone; is predominantly LUC 1, 2, or 3 land; and forms a large and geographically cohesive area. The mapping is to be notified and when operative, territorial authorities must map the highly productive land in their districts.
- 3.2 Until the regional council’s mapping is operative, each territorial authority and consent authority must apply the NPS-HPL as if references to highly productive land were references to land zoned general rural or rural production; and is LUC 1, 2, or 3 land; but is not identified for future urban development or subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.
- 3.3 The Queenstown Lakes Spatial Plan<sup>2</sup> maps this land as “Urban” (see for example Map 7) but I do not place a great deal of weight on that mapping because it is based on the zoning maps following the Council’s Independent Hearings Panel’s Stage 1 zoning decision, which zoned the Site urban, and which has subsequently been suspended.
- 3.4 The NPS-HPL defines LUC 1, 2, or 3 land as *land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification*. The Manaaki Whenua Landcare Research mapping tool maps this land as LUC3. Dr Hill has undertaken more detailed mapping using the LUC classification. His property-scale mapping assessment using aerial photography and detailed slope class map information indicates that the Site would more accurately be classed as LUC class 4 or greater, and therefore would not be classed as NPS highly productive land<sup>3</sup>. In addition there are a number of other practical constraints to undertaking primary production on the Site, including its small size, separation from farming areas, and access through and potential sensitivities to the adjacent urban area.
- 3.5 On this basis the land is not highly productive land and is therefore not affected by the constraints that would otherwise be imposed by the NPS-HPL.

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<sup>2</sup> The *Queenstown Lakes Spatial Plan*, July 2021

<sup>3</sup> Evidence of Mr Reece Hill dated 15 November 2022, paragraph 23

3.6 I therefore disagree with Ms Evans position<sup>4</sup> on the effects of the NPS-HPL on this rezoning case.

## 4 The relevant zoning options

4.1 In identifying the relevant zoning options I have taken into account the objectives of the proposal (in the sense of the purpose of the proposal under s32(6)(b)) and the scope enabled by the GSL and Larchmont submissions<sup>5</sup>. The purpose of the proposal, from the submissions, is to rezone the land to LDSRZ and for the land to be within the UGB and outside the ONL. The purpose is now refined so that part of the land is zoned LDSRZ and part is within the LLRBZ with a bespoke Structure Plan and related provisions, and for the land to be within the UGB and outside the ONL.

4.2 Section 32(1)(a) requires that the evaluation examines the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act. This therefore requires a comparison of the objectives of the proposal with other potential options. Fundamentally the options available are:

- Retain the Site as rural; or
- Change to enable urban residential development, within the bounds of the scope of the submissions, including, possibly, different urban residential zones over different parts of the Site.

4.3 Based on this, there are two relevant zoning options:

**Option A** the Site is zoned Rural and is outside the UGB and inside the ONL;

**Option B** the Site is part zoned LDSRZ and part zoned Large Lot Residential B (**LLRBZ**) and the Site is within the UGB and outside the ONL. Taking into account the evidence of Ms Pfluger and Mr Espie, Option B is further refined with some site-specific provisions for the LLRBZ area including a structure plan.

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<sup>4</sup> Section 42A report, paragraphs 3.6, 7.12 – 7.25

<sup>5</sup> The scope includes the LDSRZ across the whole of the Site, or a zoning that provides for a lesser density than what the LDSRZ enables but not a greater density. There is scope for the Site to be within the ONL or outside it, and for the Site to be within the UGB or outside it.



4.4 Other options I have considered, but rejected, are:

***The LDSRZ over the entire Site***

4.5 In my view, and having discussed with Ms Pfluger and Mr Espie, the entire Site is not suited to the LDSRZ zoning because:

- the topography in many parts is steep and the Site would need to be significantly earth-worked to enable suitable roading widths and building sites for the residential density at or approaching that anticipated by the LDSRZ;
- the Site is visible from various external locations and the change resulting from the works required, and the development in accordance with the LDSRZ, would likely have adverse effects that are not able to be avoided or mitigated by methods including integrating buildings into the topography and by landscaping.

***Other residential zones with higher densities than LDSRZ***

4.6 Any other residential zone enabling a density greater than the LDSRZ would be impractical on the land, and in any case would be beyond the scope of the original submissions.

***A rural residential or lifestyle-type zoning over the Site***

4.7 One of the Chapter 22 rural living zones (Rural Residential or Rural Lifestyle) would be physically feasible and could be accompanied by a structure plan and bespoke provisions (in the same way as is proposed for the LLRB area) but, from discussions with Mr Foy, and taking into account his and Mr Espie's evidence, either of the rural living zones would have less residential yield than the LLRBZ while having effects on landscape values that are likely to be not significantly different to those of the LLRBZ.

***Commentary on the planning method proposed***

4.8 In my view, if the Commission were to adopt a form of urban residential development of the Site, the LLRBZ with a structure plan and bespoke provisions, as proposed in Option B, strikes an appropriate balance between achieving a worthwhile residential yield, delivering broader community and associated benefits (including in the form of open space, ongoing revegetation and pest management, and public access), while managing the effects on landscape values of the Site and the adjacent ONF.

4.9 To expand on this, the LLRBZ is an existing PDP zone tailor made for low density living opportunities within the UGB, serving as a buffer between high density residential areas and rural areas. It applies to some locations in Wanaka, including an area that was formerly the Rural Residential Zone (on the foothills of Mt Iron at Aubrey Road) but adopted into the UGB as an urban residential zone as urban Wanaka grew towards and eventually integrated with it. The LLRBZ provisions recognise landscape or topographical constraints and the provisions are geared towards enabling development while having regard to the landscape values.

4.10 The existing LLRBZ is effectively a special zone for specific land in Wanaka, and I consider that very similar attributes of that land are inherent in this Site. The LLRBZ objectives and policies are, overall, a very good fit for the Site. The objective is appropriate and no new Chapter 11 objective is required. One additional policy and some tweaks to the Chapter 11 rules are required, as well as the site-specific provisions in Chapter 27. Site-specific examples within the LLRBZ already exist, including for the Mt Iron site. Site-specific provisions in Chapter 27, including structure plans, are a common tool for managing effects and directing certain outcomes where the specific attributes of a site or zone require it. There are currently 18 structure plan areas in Chapter 27, ranging from entire zones (such as Jacks Point or Millbrook) to smaller scale areas involving only a few lots (such as the Criffel Station rural lifestyle area). The LLRBZ / Arthurs Point Structure Plan combination for this land would therefore not be an alien or even unusual planning method in the PDP.

4.11 I briefly describe Options A and B as follows.

**Option A – the Rural Zone**

4.12 For the purposes of s32(3), Option A is the “existing proposal”. It is shown on [Figure 4](#) below.

4.13 The purpose statement for the Rural Zone at Chapter 21.1 includes:

**The purpose of the Rural Zone is to enable farming activities and provide for appropriate other activities that rely on rural resources while protecting, maintaining and enhancing landscape values, ecosystem services, nature conservation values, the soil and water resource and rural amenity.**

**A wide range of productive activities occur in the Rural Zone and because the majority of the District’s distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value**

are located in the Rural Zone, there also exists a wide range of living, recreation, commercial and tourism activities and the desire for further opportunities for these activities.

4.14 The objectives and policies reflect this purpose statement.

**Figure 4: Option A (Rural Zone)**



4.15 In the Rural Zone, farming is a permitted activity, as are farm buildings (subject to standards), and various rural activities including retail sales of farm produce and commercial recreation of groups up to 12 people are permitted (subject to standards). Residential units are a permitted activity if within an approved building platform (subject to standards), and a discretionary activity if no building platform exists. Identifying a building platform is also a discretionary activity. Various non-farming or non-residential activities are discretionary activities. For subdivision, there is no minimum lot size; all subdivision, and the identification of any building platform, is a discretionary activity.

**Option B – part LDSRZ and part LLRBZ (with bespoke Structure Plan)**

4.16 For the purposes of s32(3), Option B is the “amending proposal”.

4.17 Under this option the Site is part zoned LDSRZ and part zoned Large Lot Residential B Zone (LLRBZ), with the LLRBZ area being within the UGB and outside the ONL, as shown in **Figure 5** below. The configuration of the boundary between the LRSRZ and the LLRBZ is based on Ms Pfluger’s and Mr Espie’s analysis, and is not dissimilar to the LDSRZ / Rural Zone boundary promoted by Ms Mellsop.

4.18 The draft<sup>6</sup> provisions are set out in **Attachment C**. In summary they provide for:

- (a) Modifications / additions to Chapter 11 (Large Lot Zone) to provide for the new LLRBZ at Arthurs Point, including a new policy and provisions that require that all buildings are contained within the building platforms shown on the Structure Plan (discretionary to breach); and that any non-building domestic elements outside the building platforms are a restricted discretionary activity with discretion over (in summary) landscape impacts;
- (b) The “Arthurs Point Structure Plan”, in Chapter 27 (copied in **Figure 6** below) which defines the spatial layout of future development, including locations of roading, Building Restriction Areas (**BRA**), residential building platforms, and “Structural Planting Areas” where native revegetation is required for visual mitigation of built form;
- (c) A subdivision standard for a minimum lot area in the LLRBZ Arthurs Point Structure Plan area of 2000m<sup>2</sup> provided that the average lot size is 2500m<sup>2</sup>;
- (d) Provisions to control the subdivision of the Arthurs Point Structure Plan area, as a Controlled activity. The rules require that information is submitted with the subdivision application, including the specific plan of the Structural Planting Areas and the methods by which the planting will be maintained and monitored. The matters of control include:
  - The matters listed in Rule 27.7.1 (which I address further below);
  - The content of a *Structural Planting Areas Plan* for the Structure Planting Areas shown on the Structure Plan;
  - The methods to ensure that the planting required by the *Structural Planting Areas Plan* will be established prior to the issue of Section 224(c) certification;
  - The methods to ensure that any ongoing requirements of the *Structural Planting Areas Plan* will be complied with on an ongoing basis, alongside pest and weed management ; and

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<sup>6</sup> I propose these as draft provisions as other planning witnesses may have comments or suggestions for improvement

- The methods to ensure public access through the Zone and to the adjoining public land to the south and the ongoing management of the road shown on the Structure Plan in the event it does not vest with the Council.

4.19 The matters in Rule 27.7.1 are the general matters of control for subdivision consistent with a structure plan included in the District Plan (except for three structure plan areas which carry a restricted discretionary, not controlled, status for subdivision). The general matters<sup>7</sup> are:

- a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;
- b. internal roading design and provision, and any consequential effects on the layout of lots, and on lot sizes and dimensions;
- c. property access and roading;
- d. esplanade provision;
- e. the adequacy of measures to address the risk of natural hazards;
- f. fire fighting water supply;
- g. water supply;
- h. stormwater design and disposal;
- i. sewage treatment and disposal;
- j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;
- k. open space and recreation; and
- l. ecological and natural values;
- m. historic heritage;
- n. easements;
- o. any additional matters relevant to achievement of the objectives and policies in part 27.3 of this Chapter.

4.20 The decision maker on any subdivision application would be required to apply the above matters as well as the site-specific matters for the Arthurs Point Structure Plan area.

4.21 The “style” of rule proposed, with information requirements as part of any application, is based on the Council’s style that has been used in other zones, for example in the Jacks Point Special Zone where specific landscaping areas are required to be established prior to construction of buildings.

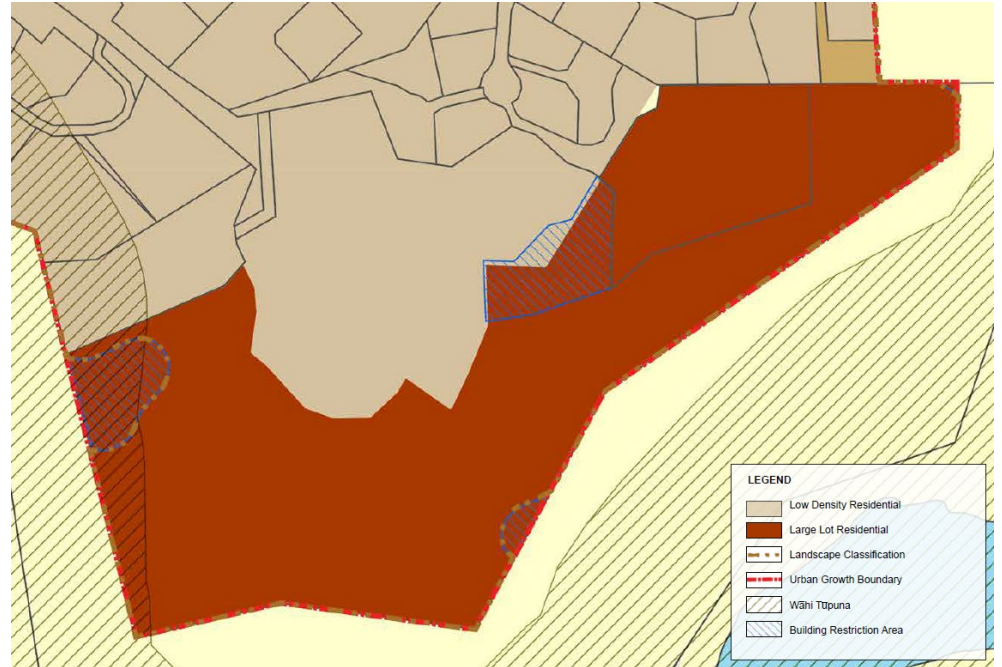
4.22 The Arthurs Point Structure Plan and associated provisions provide for a specific spatial and environmental outcome by locking in the number and location of building sites, access, landscaping, and management of the

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<sup>7</sup> These are still under appeal but the appeals seek site specific relief.

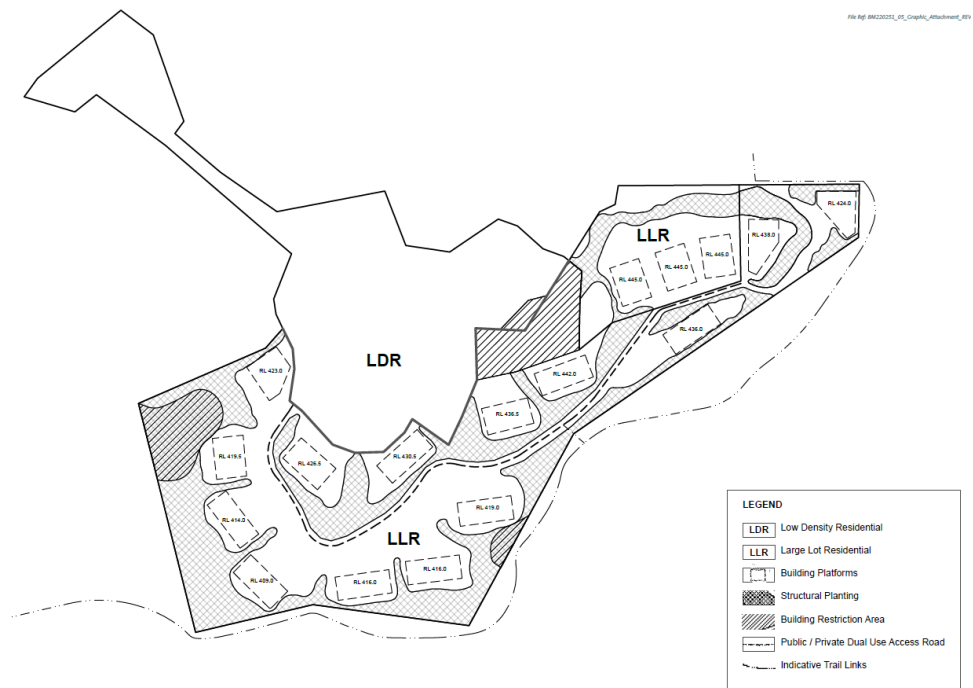
Building Restriction Areas to ensure that an integrated development, with due regard for wider landscape values, is achieved. I consider that it is helpful for the parties, particularly the landscape witnesses, to have this certainty so that the effects can be thoroughly understood and assessed, with minimal guesswork as to the outcome.

**Figure 5: Option C (part LDSRZ, part LLRBZ)**



4.23 The proposed Structure Plan is shown in **Figure 6** below.

**Figure 6 – Proposed Structure Plan**



4.24 Ms Pfluger has described the design process and rationale for the Structure Plan and I adopt her explanation and reasoning – indeed I worked with Ms Pfluger and Mr Espie in devising the Structure Plan in tandem with crafting the Option B provisions.

4.25 The zoning map (Figure 5) and Structure Plan (Figure 6) include small areas of the ONF within the LLRBZ, and these are subject to a BRA and the Structural Planting requirement. The PDP has other instances where an ONF or ONL are within an urban zone but directly protected by a BRA, for example at Arthurs Point / Malaghans Road south of Packhorse Lane, as shown on **Figure 7** below:

**Figure 7 – PDP mapping south of Packhorse Lane, Arthurs Point. Colours: orange = MDRZ; yellow = Rural Zone; blue diagonal hatch = BRA; red dashed line = UGB; brown dashed line = ONL boundary**



4.26 The configuration of LLRBZ and ONF is therefore not a novel concept in the PDP.

## 5 The statutory tests

5.1 Statutory tests are to be applied when considering the most appropriate provisions for the District Plan. The tests<sup>8</sup> are summarised as follows:

- (a) whether the provisions accord with and assist the Council in carrying out its functions and achieve the purpose of the Act (s74(1) of the

<sup>8</sup> The tests are from the case *R Adams and others v Auckland Council*, Decision [2018] NZEnvC 008. I have adopted the same summary as in paragraph 53 of that decision but have divided test (f) into two tests to reflect the different duties in s32(1)(a), and s32(1)(b) and s32(2).

Act);

- (b) whether the provisions accord with Part 2 of the Act (s74(1)(b));
- (c) whether the provisions give effect to the regional policy statement (s75(3)(c)) and have regard to any proposed regional policy statement (s74(2));
- (d) whether the provisions give effect to a national policy statement (s75(3)(a));
- (e) whether the provisions [rules] have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s76(3));
- (f) the extent to which the objectives are the most appropriate way to achieve the purpose of the Act (s32(1)(a));
- (g) whether the policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness (s32(1)(b)) and taking into account (under s32(2):
  - (i) the benefits and costs of the proposed policies and methods; and
  - (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.

5.2 I examine each of these tests in Sections 6 – 11 below, but I change the order – I begin with item (e) (and then continue in the above order) because much of the rest of my evaluation is based on the assessment of the effects on the environment.

## **6 Whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect**

6.1 I address the following categories of effects on the environment:

- Traffic effects;
- Infrastructural servicing effects – water, wastewater and stormwater;
- Effects on ecological values;
- Natural hazard risks;
- Effects relating to soils and rural productivity, and sensitivities / reverse sensitivities;



- The effects of the rezoning on landscape and visual amenity values;
- The effects on the amenity values of nearby landowners;
- Effects on cultural values;
- Positive effects.

#### **Traffic effects**

- 6.2 Option A will have no traffic effects.
- 6.3 Jason Bartlett has assessed the traffic effects of Option B. He considers that there will be areas of reduced legal width but an appropriate access road with 5.5m carriageway width and footpath one side only provides sufficient transport infrastructure for the likely development to be served, and that the upgraded roading will result in benefits of improved access and safety to existing residents using this stretch of the road<sup>9</sup>. He also considers that the Atley Road roundabout can accommodate the additional traffic with little noticeable change in the operational efficiency and will not restrict the operation or safety of the nearby intersection with Arthurs Point Road<sup>10</sup>.
- 6.4 I rely on Mr Bartlett's conclusions and conclude that no adverse traffic effects will arise from Option B.

#### **Infrastructure servicing effects – water and wastewater**

- 6.5 John McCartney has assessed the ability and options for servicing the Site for residential subdivision and development, under Option B. He concludes that water supply, wastewater reticulation and stormwater disposal methods are available and feasible<sup>11</sup>. Stormwater runoff (through the construction phase and when operational) can be managed appropriately and would be designed and implemented at subdivision consent and works stage, through the provisions of Chapter 25 (Earthworks) and Chapter 27 (Subdivision).
- 6.6 I rely on Mr McCartney's evidence and conclude that any potential adverse effects infrastructural servicing arising from Option B can be managed appropriately through subdivision design and implementation.

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<sup>9</sup> Evidence of Jason Bartlett dated 15 November 2022, paragraph 35

<sup>10</sup> *ibid*, paragraph 65

<sup>11</sup> Evidence of John McCartney dated 15 November 2022, paragraphs 41-46

### **Effects on ecological values**

- 6.7 Kelvin Lloyd addresses the ecological context of the Site and discusses the benefits of the wilding control. He considers that the Option B rezoning will result in a net conservation benefit for the Site and surrounding environment from the scale of the native revegetation required under Option B, and that potential further benefits would arise from the integration of this revegetation with any conservation enhancement on the adjacent Department of Conservation land<sup>12</sup>.
- 6.8 On this basis I conclude that Option B would have no adverse effects, and positive benefits for ecological values of the Site. The ecological benefits would not arise from Option A.

### **Natural hazards**

- 6.9 Paul Faulkner appends to his evidence the original Geosolve report prepared in the 2015 rezoning hearing for the Site. He concludes that the original conclusions from the report remain true and there are no geotechnical issues which would constrain future development under Option B<sup>13</sup>.
- 6.10 The evidence confirms that there are no natural hazard issues which constrain future development under an Option B zoning, and I therefore conclude that no adverse effects from natural hazard risks arise from Option B.

### **Soils and productivity, sensitivities / reverse sensitivities**

- 6.11 As expressed in part 3 above the land would not be “highly productive land”, taking into account Dr Reece’s evaluation of the soils.
- 6.12 Residential development under Option B would not create any adverse sensitivities to other existing uses nearby (noting that I assess effects on amenity values further below). These are residential uses in Arthurs Point, and conservation land. There are no rural productive activities in the wider vicinity and any potential adverse reverse sensitivity effects would not arise.

### **Effects on wāhi tupuna and Manawhenua values**

- 6.13 Part of the southern periphery of the Site is within the wāhi tūpuna overlay. This overlay is for the purpose of managing potential threats to Manawhenua values within those areas. The overlay area is within the Building Restriction Area / Structural Planting Area as shown on the proposed Arthurs Point

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<sup>12</sup> Evidence of Kelvin Lloyd dated 15 November 2022, paragraphs 23 – 24

<sup>13</sup> Evidence of Paul Faulkner dated 15 November 2022

Structure Plan, and hence will not be affected by building development but will be revegetated in indigenous species. I do not consider that any adverse effects on Manawhenua values would arise from this outcome.

- 6.14 The iwi representatives (Aukaha and Kai Tahu ki Otakau) are not participants in this case, having not filed submissions.

#### **Effects on landscape and visual amenity values**

##### *Landscape classification*

- 6.15 A preliminary issue I deal with is the landscape classification. The landscape witnesses all consider that the Site is not part of the Shotover River Outstanding Natural Feature (**ONF**)<sup>14</sup>. Ms Mellsop considers that the Site is within the Western Whakatipu Outstanding Natural Landscape (**ONL**) but Mr Espie and Ms Pfluger do not agree. I defer to their expertise on that matter but prefer the evidence of Mr Espie and Ms Pfluger on this point because, as Mr Espie points out, the Site is not outstanding or natural in itself and is not part of some broader ONL or ONF<sup>15</sup>. Ms Pfluger's view is that the Site is too small to be categorised as a distinct landscape in itself and is distinct and separated from the Western Whakatipu ONL<sup>16</sup>. I agree with those assessments.

##### *Effects*

- 6.16 Option A would likely have no adverse effects on landscape values, in my view, but if the Rural Zone is preferred then – in light of the lack of opportunities for much else – it is likely (I would say inevitable) that the land would be sought to be subdivided and / or used for rural living, which would require discretionary activity consents<sup>17</sup>.
- 6.17 Mr Espie and Ms Pfluger (in her peer review of Mr Espie's assessment, which helpfully includes a comparative evaluation of Ms Mellsop's and Mr Espie's opinions) address Option B's effects on landscape and visual amenities. In summary, the degree of adverse effects will range between "very low" through to "moderate" and "moderate-high", depending on the location of the viewer (see Mr Espie's summary table at his paragraph 95).

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<sup>14</sup> Evidence of Helen Mellsop (paragraph 7.5); Ben Espie (paragraph 10) and Yvonne Pfluger (paragraph 45)

<sup>15</sup> Evidence of Ben Espie dated 15 November 2022, paragraph 55

<sup>16</sup> Evidence of Yvonne Pfluger dated 15 November 2022, paragraph 48

<sup>17</sup> In the Rural Zone subdivision, and identifying residential building platforms, are Discretionary activities

- 6.18 The location from where the adverse effects would be “moderate” is the Arthurs Point West area (McChesney Road / Moonlight Track) where the Site and development within it will be visible but the effects are mitigated to some extent by the wide panoramic vista available from the elevated location of this area, and by the planting within the *Structural Planting Areas*, as well as by the Chapter 11 standard for buildings to be in recessive external materials and colours.
- 6.19 The location from where the adverse effects would be “moderate-high” (in Mr Espie's opinion) is the Watties Track area, which is a relatively small visual catchment<sup>18</sup> and which, as Ms Pfluger points out, is lower than the proposed LLRBZ area and the visibility of proposed development when viewed from that area will be more effectively reduced once the planting in the *Structural Planting Areas* is sufficiently established. Her view is that when the planting is established the adverse effects would reduce to moderate.
- 6.20 Proposed Rule 27.7.XX.1 requires that the planting required within the *Structural Planting Areas* is established prior to s224(c) certification. The planting would therefore be well established prior to construction of any buildings. A situation where buildings could be established prior to the planting would not arise unless consent to a non-complying application were granted (Rule 27.7.XX.2). The rules are framed to ensure that visual effects will be mitigated from the outset, with the degree of mitigation increasing as the vegetation grows.
- 6.21 From Mr Espie's scale of effects (at his paragraph 16), a “moderate” effects rating equates to a “more than minor”, but not significant, adverse effect. I also note Espie's conclusion that effects when viewed from north of the Site (from the existing residential area) would be negligible as development already enabled under the operative LDRZ will largely screen any newly enabled development.
- 6.22 Based on Mr Espie's and Ms Pfluger's assessments, I conclude that any potential adverse effects of Option B on landscape and visual amenity values would be, overall, less than minor from some viewing points, and more than minor but not significant from other viewing points (restricted to relatively small visual catchments), and I therefore consider Option B to be appropriate, yielding an acceptable landscape outcome.

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<sup>18</sup> Espie, paragraph 13

### **Effects on amenity values of neighbouring landowners**

- 6.23 The amenity values of nearby properties or those within the relevant visual catchment comprise the following elements: privacy; outlook and spaciousness; quietness; and ease of access. The operative but undeveloped LDSRZ area north of the Site would affect the amenity values of nearby residential properties regardless of whether Option A or Option B is preferred for the Site.
- 6.24 Option A has no adverse effects on these elements of amenity values.
- 6.25 Mr Espie and Ms Pfluger have addressed visibility from the neighbouring and nearby properties and I rely on and agree with their assessments as above, and add the following.
- 6.26 Option B would have effects on the elements of amenity but not to the extent that the effects would be significantly adverse, in my view, because:
- (a) the building sites are located a sufficient distance from the Site boundary, and from any other dwelling on any other site, to not cause any adverse effects on any person's privacy.
  - (b) the current outlook across the Site from other properties will change because of additional buildings, landscaping, access, and activity. The extent of the change to any viewer's current outlook will vary depending on the location of the viewer. The distance and intervening landscaping mitigates adverse effects on any person's outlook and perceived sense of spaciousness that the Site currently provides.
  - (c) a related factor for outlook is Chapter 11 Rule 11.5.10 which requires that any buildings not complying with the required external materials and colours list, and reflectance values, requires restricted discretionary activity. The intention is that buildings blend with the natural colours in the surrounds. Similarly, Rule 11.5.8 addresses the potential adverse effects of lighting and glare.
  - (d) further domestic residential noise would arise from sources such as voices, lawnmowers, traffic, dogs, amplified music and so on. I do not consider that domestic noise generated would adversely affect any persons' sense of quietness, for the following reasons:
    - the distance from the area from areas of potential sensitivity;

- the existing background level of activity and related noise from other properties in the neighbourhood, vehicles, and other common residential noises, jetboats and aircraft; and
- the noise standards that apply (through Chapter 36).

(e) there will be no impact on any persons' ability to access their land, whether by vehicle or other means.

6.27 I therefore consider that Option B will have no or very low adverse effects on the amenity values of nearby properties.

#### **Soils, and effects on rural productivity**

6.28 I addressed the NPS-HPL in part 3 above. To recap, based on Dr Reece's evidence, I do not consider that the Site comprises *Highly Productive Land*, and therefore the rezoning proposal is not contrary to the NPS-HPL.

6.29 Further on the NPS-HPL mapping, the Site is distinctly separate from any large and geographically cohesive rural area, and does not have the potential to be highly productive (and yield any long term economic viability) having regard to the soil type and the physical characteristics of the land<sup>19</sup>.

6.30 The loss of productive soils, by their use for residential purposes, is not in my view a key factor in this inquiry, given the lack of potential of the land for primary production, the minor contribution that primary production makes to the local economy in the Wakatipu anyway, and the more significant socio-economic benefits that arise from Option B, which I address further below.

#### **Effects on cultural values**

6.31 The western periphery of the Site is within the wāhi tūpuna overlay. Identified threats for Kimiākau (Shotover River) include subdivision and development and earthworks which would be enabled under the LLRBZ, however the proposed Structure Plan and bespoke provisions provide for the protection of that part of the site through the BRA and the Structural Planting Areas. Option B may better avoid the threat of wilding pine spread, and ongoing pest species management control, than Option A.

#### **Positive effects**

6.32 Option A would have a minor public benefit in retaining the land as Rural Zone, although at some point it is likely (as I discussed above) that one or more

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<sup>19</sup> NPS-HPL, clauses 3.5(5) and 3.5(3) respectively

dwellings would be applied for under the Rural Zone provisions, which would likely change the character of the Site.

- 6.33 Option B contributes, more than Option A, to residential housing supply in the Basin, as discussed by Mr Foy, and there would be positive economic effects from the jobs created in constructing the subdivision and future dwellings, and for the Queenstown Trails network. There is also a private benefit for future residents living in this location from the amenities of the area (alpine views, spacious sections), and the proximity to Arthurs Point and Queenstown.
- 6.34 Although not a specific intention of the *Structural Planting Areas*, the establishment and ongoing maintenance of large areas of indigenous vegetation, and the integration of this vegetation with the likely similar treatment on the adjacent Department of Conservation land in the future, will have positive ecological effects, as discussed by Dr Lloyd.

#### **Summary – effects on the environment**

- 6.35 The statutory test under section 76(3) is whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect. There are no adverse traffic or infrastructure effects and no adverse hazard risk. Option B has greater positive effects than Option A, in relation to economic and ecological outcomes.
- 6.36 Option A effectively has little potential adverse effects on landscape and amenity values, although the character may eventually change if discretionary activity consents for Rural Zone subdivision or residential building platforms are granted. Option B has regard to any actual or potential effects, and any adverse effects, as I discussed above and as thoroughly addressed by Mr Espie and Ms Pfluger. Adverse effects will be greater under Option B but I do not consider that the adverse effects would be significant, and would be acceptable
- 6.37 On this basis I consider that both the Option A and the Option B provisions have regard to the actual or potential effects on the environment, including any adverse effects, and on balance, taking into account potential adverse and positive effects, I conclude that Option B is the better option.

## **7 Whether the provisions accord with and assist the Council in carrying out its functions and achieve the purpose of the Act (section 74(1))**

- 7.1 The Council's functions are set out in section 31 of the Act:

**31 Functions of territorial authorities under this Act**

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
  - (aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district: ...
  - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of —
    - (i) the avoidance or mitigation of natural hazards; and
    - (ia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:
    - (iii) the maintenance of indigenous biological diversity:
  - (d) the control of the emission of noise and the mitigation of the effects of noise:

7.2 In relation to s31(1)(a) (integrated management of the use, development or protection of land and associated natural resources), I do not consider that either Option A or Option B are superior to the other. Option A fulfils the Council's functions, as does Option B, based on Mr Espie's and Ms Pfluger's evidence, because development under Option B would integrate successfully with the urban areas and with the ONF and conservation land surrounding the Site.

7.3 In relation to s31(1)(aa), Option B would contribute to the additional residential land supply in the District, as discussed by Mr Foy, and to that extent Option B can be regarded as being superior to Option A.

7.4 In relation to s31(1)(b), there are no relevant natural hazards, land contamination or indigenous biodiversity issues; and there are no noise issues arising under s31(1)(d).

7.5 The Council's functions under s31 are *for the purpose of giving effect to this Act*. I consider that Option B achieves the purpose of the Act, for the reasons I set out in Part 7 below.



## Summary – Council’s functions

- 7.6 For the above reasons I consider that both options generally accord and assist the Council in carrying out its functions under s74(1), but that Option B is more appropriate in relation to its contribution to residential housing supply.

## 8 Whether the provisions accord with Part 2 of the Act (section 74(1)(b))

### Section 6

- 8.1 No section 6 matters of national importance are directly engaged by the proposal, providing Mr Espie’s and Ms Pfluger’s evidence is accepted in relation to the land being almost entirely outside an ONF and entirely outside an ONL. The minor incursions of the ONF Gorge escarpment into the Site are covered by a BRA in the Structure Plan, thereby providing a higher level of protection than would potentially accrue under Option A, and the values of the ONF are protected from any inappropriate use or development, as required by s6(b).

### Section 7

- 8.2 The key section 7 matters (matters to which regard must be given) are:

- (b) **The efficient use and development of natural and physical resources:**
- (c) **The maintenance and enhancement of amenity values:**
- (f) **The maintenance and enhancement of the quality of the environment:**
- (g) **Any finite characteristics of natural and physical resources:**

- 8.3 Regarding *efficiency* in relation to Option B, in my view it is an efficient use of this land, in this location, in that:

- (a) the land is otherwise a small remnant of a rural block with very limited capacity for production, and its capacity to accommodate an appropriate residential density, with acceptable effects on wider landscape values and amenity values, is a more efficient use of the Site than Option A;
- (b) it is adjacent to existing urban areas and utilises existing road and infrastructure networks, with no infrastructure costs to the community

and potential benefits to nearby neighbours from infrastructural upgrades;

- (c) there are no inefficiencies arising from noise sensitivities or reverse sensitivities with other activities nearby, or from any ecological factors.

8.4 I therefore consider that Option B is a more efficient use of the land resource than Option A.

8.5 Regarding *amenity values* and *quality of the environment*, Option A has regard to these and they are, or will, likely be maintained. As I discussed in part 6 above, based on Mr Espie's and Ms Pfluger's evidence I am satisfied that the Option B provisions have regard to the wider visual amenity values and more localised amenity values, through the location of building platforms and the Structural Planting Areas and Building Restriction Areas, and the existing LLRBZ development controls for building bulk, amenity controls and noise standards.

8.6 Regarding *finite characteristics*, Option A has no finite characteristics in that the loss of a relatively small parcel of land with limited economic value for farming, is of no particular consequence. On Option B, land that is adjacent to existing urban zoned land and is appropriate for residential development, where it can utilise existing roading and infrastructure; can co-exist with other land uses in the vicinity without sensitivity or reverse sensitivity effects; and can be developed with acceptable and not inappropriate effects on landscape values and amenity values, is a finite resource in the District. I therefore consider that Option B has better regard to s7(g) than Option A.

8.7 In my view Option A and B are on equal footing in respect of some s7 principles but Option B is more consistent with the principles for efficiency and finite characteristics and is therefore better than Option A.

#### **Section 5**

8.8 Option A enables the Site to continue to be in open space depending on whether Rural Zone discretionary activity subdivisions and/or land uses are ever promoted. There is a minor public landscape benefit from Option A but it does not contribute meaningfully in any economic sense (in terms of primary production or any other public or private benefit), in my view.

8.9 Option B as proposed contributes to sustaining the potential of the natural and physical resources of the Site, and wider environs, to meet the reasonably foreseeable needs of future generations, by its (minor) contribution to residential land supply, and the associated jobs created in constructing the

subdivision and future dwellings, and there is a private benefit for future residents living in this location with the amenities of the neighbourhood and the wider available vistas to the surrounding landscapes, as I discussed in paragraphs 6.32 – 6.34 above in relation to positive effects.

- 8.10 The intrinsic values of the air, water, soil and ecosystems will continue to be safeguarded by the use of the reticulated services and the appropriate management of stormwater and the enhancement of ecological values from the revegetation. Any adverse effects on the environment arising from Option B are acceptable, in my view, and taking into account the evidence of the other witnesses, particularly that of Mr Espie and Ms Pfluger on landscape issues, Mr Lloyd on nature conservation issues, and Mr Foy on economic issues.

### **Summary**

- 8.11 The statutory test is whether the provisions accord with Part 2 of the Act, under s74(1)(b). From the foregoing evaluation I consider that Option B better achieves the purpose and principles of the Act because it can contribute to providing for public and private wellbeing, and can better sustain the potential of the land to accommodate residential growth, even if in a small way, while not causing unacceptable adverse effects on the environment.

## **9 Whether the provisions give effect to the regional policy statement (section 75(3)(c)) and have regard to any proposed regional policy statement (section 74(2)(a)(i))**

- 9.1 Broadly, the themes of the RPSs are adequately given effect to by the higher order chapters of the PDP, which I address in Part 11 below, however I provide the following summary assessment of the RPSs.
- 9.2 There are four relevant “themes” of provisions in the PORPS19: economic and social wellbeing; integrated management of resources; landscapes; and urban growth and development. I address these as follows.
- 9.3 On economic and social wellbeing, Option A does not provide economic wellbeing to the same extent as Option B. Option B provides for economic and social wellbeing (as discussed by Mr Foy and as I discussed in paragraph 8.9 above in relation to the purpose of the Act) and is a more efficient use of the land resource, while adequately managing potential adverse effects on the environment.
- 9.4 On integrated management of resources, either option integrates visually with the surrounds, and Option B integrates with the adjacent urban environment;

9.5 On landscapes, the key relevant RPS policy is:

**Policy 3.2.6 *Managing highly valued natural features, landscapes and seascapes***

**Maintain or enhance highly valued natural features, landscapes and seascapes by all of the following:**

- a) **Avoiding significant adverse effects on those values that contribute to the high value of the natural feature, landscape or seascape;**
- b) **Avoiding, remedying or mitigating other adverse effects;**
- c) **Encouraging enhancement of those values that contribute to the high value of the natural feature, landscape or seascape.**

9.6 The PORPS19 defines “Highly valued natural features, landscapes and seascapes” as those which have values that are of significance under sections 6(a), 6(c), 7(c) and 7(f) but are not outstanding natural features or landscapes under section 6(b)” or features. The Site does not qualify under all of these sections, particularly s6(a) (coastal, wetlands, lakes and rivers and their margins) and s6(c) (significant indigenous vegetation and significant habitats of indigenous fauna).

9.7 In any case, Option A would likely maintain the landscape values of the Site and wider area (except if it reverts to wildings). Option B would see greater change but the landscape effects are appropriate, as discussed by Mr Espie and Ms Pfluger<sup>20</sup> and as I addressed in paragraphs 6.16 – 6.22 above.

9.8 On urban growth and development, the key objective and policy, and my assessment of them (in relation to Option B) are in this table:

PORPS19 Provision	Assessment
<p><b>Objective 4.5</b></p> <p><b>Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments</b></p>	<p>Yes. In my view Option B is well designed and integrates effectively with the adjoining urban and rural environments (respectively, the existing Arthurs Point LDSRZ and the Rural Zone (DoC reserve to the south), and with the wider landscape. Option B co-ordinates with roading and reticulated services and can enhance the public trail network. It is “strategic”, in my view, for the above reasons</p>

<sup>20</sup> Evidence of Y Pfluger, paragraphs 15, 94 - 95

	<p>and in the sense that the urban development area can be absorbed into the landscape, as discussed by Mr Espie and Ms Pfluger.</p>
<p>Policy 4.5.1</p> <p><i>Providing for urban growth and development</i></p> <p>Provide for urban growth and development in a strategic and co-ordinated way, including by:</p> <ul style="list-style-type: none"> <li>a) Ensuring future urban growth areas are in accordance with any future development strategy for that district.</li> <li>b) Monitoring supply and demand of residential, commercial and industrial zoned land;</li> <li>c) Ensuring that there is sufficient housing and business land development capacity available in Otago;</li> <li>d) Setting minimum targets for sufficient, feasible capacity for housing in high growth urban areas in Schedule 6;</li> <li>e) Coordinating the development and the extension of urban areas with infrastructure development programmes, to provide infrastructure in an efficient and effective way.</li> <li>f) Having particular regard to: <ul style="list-style-type: none"> <li>i. Providing for rural production activities by minimising adverse effects on significant soils and activities which sustain food production;</li> <li>ii. Minimising competing demands for natural resources;</li> <li>iii. Maintaining high and outstanding natural character in the coastal environment; outstanding natural features, landscapes, and seascapes; and areas of significant indigenous vegetation and</li> </ul> </li> </ul>	<p>Option B provides for urban growth and development, in a confined location where it can be absorbed into the landscape and is strategic and co-ordinated as I discussed for the objective above.</p> <p>On items a) – h) of the policy:</p> <ul style="list-style-type: none"> <li>a) The Queenstown Spatial Plan identifies existing urban areas and includes Arthurs Point, and the Site, as I discussed in paragraph 3.3 above, but is not shown as an area of future development. Nevertheless it is broadly consistent with the aspirations of the Spatial Plan (although that was based upon the initial hearing rezoning the site to LDSRZ).</li> <li>b) Not relevant as this is a function of the Councils;</li> <li>c) Option B will contribute to the land supply for urban development in a location for which there is a shortage of supply in this area as discussed by Mr Foy;</li> <li>d) These minimum targets are not set; they will be addressed as part of the Council's obligations under the NPS-UD;</li> <li>e) Not relevant as the infrastructure (roading, water, wastewater reticulated services) are already present and have capacity to service the Site if it is zoned urban, as discussed by Mr Bartlett and Mr McCartney;</li> <li>f) <ul style="list-style-type: none"> <li>i. There is no appreciable impact on rural production;</li> <li>ii. Not relevant – there are no competing demands for natural resources;</li> <li>iii. Not relevant; in reliance on Ms Espie and Ms Pfluger the land is not within an outstanding natural feature or landscape. It does not contain any significant indigenous vegetation or</li> </ul> </li> </ul>

<p>significant habitats of indigenous fauna;</p> <p>iv. Maintaining important cultural or historic heritage values;</p> <p>v. Avoiding land with significant risk from natural hazards;</p> <p>g) Ensuring efficient use of land;</p> <p>h) Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed;</p>	<p>significant habitats of indigenous fauna;</p> <p>iv. Not relevant;</p> <p>v. Not relevant;</p> <p>g) Option B is an efficient use of the Site as I discussed in Part 8 above in relation to s7(c), and it is more efficient than Option A;</p> <p>h) There are no sensitive activities in the vicinity, and Option B would not introduce sensitive activities, such that reverse sensitivity effects would arise, given the lack of effects-generating activities nearby.</p>
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9.9 The key relevant themes in the pRPS21 are the same or very similar to those in the PORPS19, and to avoid repetition I have not further assessed those pRPS21 themes and my conclusions in paragraph 8.1 above apply. One additional theme in the pRPS21 is the control of wilding conifers – for example Policy ECO-P9(2) seeks to reduce the impact of wilding conifers on indigenous biodiversity by supporting initiatives to control existing wilding conifers and limit their further spread. Option B is consistent with this policy. Option A does not have any direct mechanism for wilding control.

9.10 In summary I consider that Option B can, broadly, give better effect to the relevant regional objectives and policies for economic and social well-being than Option A. On landscapes, both Options A and B give effect to the objectives and policies. Option B is consistent with and can give effect to the regional provisions for urban growth and development, and in relation to wilding control.

9.11 Overall, I consider that Option B is the better option in relation to the regional instruments.

## **10 Whether the provisions give effect to a national policy statement (s75(3)(a))**

10.1 I have addressed the NPS-HPL in Part 3 above.

- 10.2 The NPS-UD is relevant, and I agree with Ms Evans' review of the relevant provisions of that instrument<sup>21</sup> which is in the context of the original submission's proposal (the LDSRZ over all of the Site). I concur with her conclusion that overall the proposed rezoning does not offend against the principles of the NPS-UD even with the change from LDSRZ to LLRBZ over much of the Site, with a reduction in overall yield.
- 10.3 Taking into account Mr Foy's opinion that there will be continued demand for additional dwellings in Arthurs Point, I consider that Option B will assist in achieving Policy 2 of the NPS-UD that requires authorities to, at all times, provide at least sufficient development capacity to meet expected demand for housing over the short term, medium term and long term.
- 10.4 The statutory test is whether the provisions give effect to the national policy statement under section 75(3)(a). In reliance on Mr Foy, I consider that Option B is consistent with the NPS-UD and better contributing to achieving the provisions of this national instrument than Option A.

**11 The extent to which the objectives are the most appropriate way to achieve the purpose of the Act (s32(1)(a)), and whether the policies and methods are the most appropriate method for achieving the objectives (s32(1)(b))**

- 11.1 The statutory tests under section 32 are the extent to which the objectives of the proposal are the most appropriate to achieve the purpose of the Act (section 32(1)(a)) and whether the provisions are the most appropriate method for achieving the objectives, having regard to their efficiency and effectiveness and taking into account the benefits and costs of the proposed policies and methods; and 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 (s32(1)(b)).
- 11.2 On the latter aspect of s32(1)(b), I do not consider there is any risk of acting or not acting because the information available is not uncertain or insufficient, given the extent of inquiry presented in GSL's evidence.

**Section 32(1)(a)**

- 11.3 The Option A (Rural Zone) objectives are those in Chapter 21. The Option B provisions comprise the Chapter 8 and 11 provisions along with the proposed bespoke Arthurs Point Structure Plan objective, policies, provisions and

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<sup>21</sup> s42A report, paragraphs 7.6 – 7.10

structure plan in Chapter 27. These include the proposed objective:

**27.3.XX Objective – Subdivision and development that avoids adverse effects on the values of the Shotover River ONF and mitigates visibility of buildings from beyond the zone through appropriate siting and landscaping.**

- 11.4 I have already found, in Part 8 above, that Option B better achieves the purpose and principles of the Act because it can contribute to wider wellbeing by accommodating growth (taking into account Mr Foy’s findings) while not causing unacceptable adverse effects on the environment (taking into account Mr Espie and Ms Pfluger’s opinions). I therefore consider that the Option B objectives of the proposal – in the sense of both the purpose of the proposal and the specific objective as above – are appropriate to achieve the purpose of the Act, under s32(1)(a). I consider that, overall, Option B is better than Option A in this regard.
- 11.5 In further support of this conclusion I have assessed the objectives (i.e. the overall purpose) of the two options against the PDP’s “higher order” objectives and policies – being those objectives and policies that in a general sense the PDP promotes in order to achieve the purpose of the Act. These higher order objectives and policies are in Chapter 3 (Strategic Direction), Chapter 4 (Urban Development), Chapter 6 (Landscapes), and Chapter 39 (Wāhi Tūpuna). The assessment is at **Attachment D**, which also contains my assessment of Option B in the context of the objectives and policies of Chapter 11 (the Large Lot Residential Zone). Below I discuss some key provisions and my conclusions from the evaluation in Attachment D.
- 11.6 On Chapter 3:
- (a) The strategic objectives for the development of a prosperous, resilient and equitable economy in the District are better achieved by Option B because of the provision of additional housing and contribution to local economy through construction activities and by residents.
  - (b) The strategic objectives for managing urban growth in a strategic and integrated manner are not relevant to Option A. Option B achieves the objectives because it promotes urban development in an appropriate location and contributes to the strategic and integrated management of urban growth. It integrates with the existing LDSRZ, with existing roading and servicing (with relevant upgrades), will be integrated with existing infrastructure, and can achieve a built environment that provides desirable, healthy and safe places to live and play. It is not



“sporadic” because it adjoins and integrates with the existing urban zoning, and integrates with services, roading, open space and trail linkages. It is not “sprawling” because it is contained by topography and where the landscape has ability to absorb urban development. It can contribute to the mix of housing opportunities, and to housing affordability by providing more land for housing development, in line with the NPS-UD.

- (c) The strategic objectives for nature conservation values are better achieved by Option B than Option A through the direct mechanisms for enhancing the nature conservation values of the Site by the requirement for indigenous planting.
- (d) The strategic objectives for public access to the natural environment are better achieved by Option B than Option A through the direct mechanisms for public access to the adjoining DoC land and public trails.
- (e) The strategic objectives for the retention of the District’s distinctive landscapes are achieved by Option A because it does not change the landscape. The same applies to Option B; the location can absorb the development enabled by the proposed zoning, in the form proposed, as addressed by Mr Espie and Ms Pfluger.
- (f) The strategic objectives and policies for the ability of the District’s residents and communities to provide for their social, cultural and economic wellbeing and their health and safety are better achieved by Option B because it will contribute to peoples’ and communities’ wellbeing by providing housing and related amenities, and greater economic benefits than Option A.

11.8 Chapter 4 is relevant to Option B but not to Option A. On Option B I consider that:

- (a) Option B includes a UGB, and structure plan mechanisms to set back buildings and provide a green buffer from the ONF boundary, which, in combination, provide a distinct and defensible edge to the urban development within the zones proposed.
- (b) Option B contributes to the current and anticipated demand for urban development and would contribute to the Council’s effort in providing ongoing availability of a competitive land supply for urban purposes.
- (c) It involves a minor – indeed inconsequential – loss of productive

potential of rural land with little inherent productive potential anyway.

- (d) Urban development within the UGB would be integrated with the abutting residential zone, taking into account landscape values and the potential to absorb development when viewed from public roads and the wider area, and to maintain surrounding amenities. The values of the ONF will continue to be protected, and development would be coordinated with the existing roading and services infrastructure.
- (e) The Arthurs Point Structure Plan allocates land appropriately, taking into account the topography (by enabling development within the areas most suitable for development and disabling development outside these areas), ecological values, connectivity and integration with the adjoining urban development; public trail links, and contributing to enhanced housing choice.

11.9 Chapter 6 provides the overall context for landscapes and rural character. The most relevant provisions relate to the adjoining ONF and wider ONL values and seek that the ONF and ONL values are not compromised. In reliance on Mr Espie's and Ms Pfluger's assessment, I consider that the Chapter 6 provisions are not offended by Option B.

11.10 Chapter 39 is specific to the wāhi tūpuna overlay which passes across the eastern part of the Site. I do not consider that the relevant objectives and policies for the wāhi tūpuna overlay are offended in any way by Option B. Under Option B, the areas within the overlay will be protected by the BRA and Structural Planting Areas shown on the Structure Plan, and any threats to the Manawhenua values are avoided.

### **Summary**

11.11 The statutory test under section 32(1)(a) is the extent to which the objectives are the most appropriate to achieve the purpose of the Act. From the assessment above I conclude that Option B overall is superior to Option A principally because it has better outcomes for peoples' and the community's wellbeing and it manages, adequately in my view, effects on landscape and amenity values. Although Option A represents little change to the localised landscape values or amenity values, I do not consider that this factor alone outweighs the advantages of Option B.

11.12 Accordingly, in better achieving the higher order provisions of the PDP, I consider that Option B is the most appropriate way to achieve the purpose of

the Act, under s32(1)(a), and this supports my conclusion under s74(1)(b) (see Part 7 above).

**s32(1)(b) – efficiency, effectiveness, costs, benefits**

- 11.13 Section 32(3) requires that if the amending proposal (Option B) will amend a change that is already proposed (Option A), the examination under s32(1)(b) must relate to the provisions and objectives of the amending proposal and objectives of the existing proposal to the extent that those objectives are relevant and would remain if the amending proposal were to take effect. The Chapter 11 objective is not affected by Option B and I have addressed Option B in relation to this objective and the associated Chapter 11 policies in [Attachment D](#), Table 5. Given the Site's location, and the provisions proposed, Option B is consistent with the objective and policies.
- 11.14 Further, for the purposes of s32(3)(a), in [Attachment E](#) I evaluate whether the Option B provisions (policies and rules) are the most appropriate way to achieve Objective 11.2.1 and the proposed Arthurs Point Structure Plan area objective (Objective 27.3.XX as set out in paragraph 11.3 above), under s32(1)(b). I conclude from that evaluation that the provisions will achieve the objective, principally by:
- (a) the Structure Plan, and the requirement for adherence to the Structure Plan;
  - (b) the Structural Planting Areas and Building Restriction Areas; and
  - (c) the mechanisms requiring that the Structural Planting Areas be given effect to prior to subdivision and development, and maintained in perpetuity.

**Summary**

- 11.15 The statutory tests under section 32 are the extent to which the objectives are the most appropriate to achieve the purpose of the Act (section 32(1)(a)) and whether the provisions are the most appropriate method for achieving the Plan's objectives, having regard to their efficiency and effectiveness, benefits and costs, and risk of acting or not acting (s32(1)(b)). From the foregoing evaluation I consider that the Option B provisions are appropriate and better achieve the higher order objectives of the Plan, and hence are the most appropriate to achieve the purpose of the Act.

## **12 Summary and conclusion**

12.1 I have addressed the two options under the statutory tests for plan changes. In summary, my opinion is as follows:

### **Section 76(3) – effects on the environment?**

12.2 The statutory test under section 76(3) is whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect. I consider that, overall, the effects are acceptable, and that both Option A and Option B meet the statutory test as to whether the provisions have regard to the actual or potential effects on the environment, including any adverse effect. This particularly applies to effects on landscape and visual amenity values, which I consider is the most relevant category of effect for this case, and in reaching my conclusion on this category I rely on the evidence of Mr Espie and Ms Pfluger.

### **Section 31 – achieve the Council's functions?**

12.3 The statutory test is whether the provisions accord with and assist the Council in carrying out its functions and achieve the purpose of the Act under s74(a). From my evaluation in Part 7 above I consider that Option B is the more appropriate option to achieve the Council's functions under s31, and to achieve the purpose of the Act.

### **Section 74(1)(b) – accord with Part 2?**

12.4 The statutory test is whether the provisions accord with Part 2 of the Act, under s74(1)(b). From my evaluation in Part 8 above I consider that Option B better achieves the purpose and principles of the Act than Option A because Option B can better provide for wellbeing, and better contributes to sustaining the potential of the resources of the Site for the reasonably foreseeable needs of the current as well as future generations.

### **Section 75(3)(c) – give effect to the RPS?**

12.5 The statutory test is whether the provisions give effect to the RPS, under section 75(3)(c), while regard must be had to the proposed RPS, under s74(2). From my evaluation in Part 9 above I consider that Option B generally gives better effect to the relevant RPS provisions.

### **Section 75(3)(a) – give effect to a NPS?**

12.6 The statutory test is whether the provisions give effect to the national policy statement under section 75(3)(a). The NPS-HPL is not engaged. Option B

contributes to how the Council and community achieves the imperatives of the NPS-UD whereas Option A does not.

**Section 32(1)(a) – objectives appropriate to achieve the purpose of the Act and Section 32(1)(b) and 32(2) – policies and methods the most appropriate to achieve objectives?**

- 12.7 The statutory tests under section 32 are the extent to which the objectives are the most appropriate to achieve the purpose of the Act (section 32(1)(a)) and whether the provisions are the most appropriate method for achieving the Plan's objectives, having regard to their efficiency and effectiveness, benefits and costs, and risk of acting or not acting (s32(1)(b)). I consider that the Option B provisions are appropriate and better achieve the higher order objectives of the PDP than Option A, and hence are the most appropriate to achieve the purpose of the Act.

**Overall conclusion**

- 12.8 In conclusion, I consider that Option B, the LDSRZ and LLRBZ with bespoke structure plan provisions, is the better option for the zoning of the land than Option A, the Rural Zone.

**J A Brown**

**15 November 2022**

## Jeffrey Brown – CV

### Curriculum vitae – Jeffrey Brown

#### Professional Qualifications

1986: Bachelor of Science with Honours (Geography), University of Otago

1988: Master of Regional and Resource Planning, University of Otago

1996: Full Member of the New Zealand Planning Institute

#### Employment Profile

- May 05 – present: Director, Brown & Company Planning Group Ltd – resource management planning consultancy based in Queenstown and Auckland. Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan preparation, changes, variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.
- 1998 – May 2005: Director, Baxter Brown Limited – planning and design consultancy (Auckland and Queenstown, New Zealand). Consultants in resource management statutory planning, landscape architecture, urban design, strategic planning, land development, environmental impact assessment, public liaison and consultation.
- 1996-1998: Director, JBA, Queenstown – resource management consultant.
- 1989 – 1996: Resource management planner in several local government roles, including Planner (1992 – 1994) and District Planner (1994 – 96), Queenstown-Lakes District Council. Held responsibility for all policy formulation and consent administration.

#### Other

- Full member of the Resource Management Law Association
- New Zealand Planning Institute – presenter at *The Art of Presenting Good Planning Evidence* workshops for young planners (2016 –)
- Judge, New Zealand Planning Institute Best Practice Awards (2017 – present)

### Documents reviewed

- (a) The original submissions of Gertrude's Saddlery Limited and Larchmont Developments Limited to Stage 1 of the PDP;
- (b) The s42A report and evidence presented to the Independent Hearings Panel and the *Report and Recommendations of Independent Commissioner Regarding Mapping of Arthurs Point* Report 17-4
- (c) The further submissions
- (d) The s42A report by Ruth Evans, dated 18 October 2022;
- (e) The evidence of the following witnesses for the Council (October 2022):
  - Helen Mellsop, (landscape);
  - Michael Smith (transport);
  - Robert Bond (geotechnical); and
  - Richard Powell (infrastructure);
- (f) The evidence of the following witnesses for GSL (November 2022):
  - Andrew Fairfax (owner);
  - Yvonne Pfluger (masterplanning);
  - Ben Espie (landscape);
  - Jason Bartlett (traffic);
  - John McCartney (infrastructure);
  - Paul Faulkner (geotechnical);
  - Derek Foy (economics);
  - Reece Hill (soils and productivity);
  - Kelvin Lloyd (ecology).
- (g) The Proposed District Plan (**PDP**) (Updated versions following Environment Court decisions and consent orders): Chapters 3 (Strategic Direction), 4 (Urban Development), 6 (Landscapes – Rural Character), 7 (Lower Density Suburban Residential Zone), 11 (Large Lot Residential Zone), 21 (Rural Zone), 25 (Earthworks), 27 (Subdivision) and 29 (Transport);
- (h) The Partially Operative Regional Policy Statement 2019 (**PORPS**) and the proposed Regional Policy Statement 2021 (**pRPS21**);
- (i) The National Policy Statement on Urban Development (**NPS-UD**) and the National Policy Statement for Highly Productive Land (**NPS-HPL**);
- (j) The Queenstown Lakes Spatial Plan (July 2021);

- (k) The Environment Court's decisions on Topics 2.1 – 2.9 (various landscape decisions)
- (l) The JWS of the landscape experts in relation to Priority Areas, dated 29 October 2020;
- (m) The Council's Priority Area Landscape Schedules Variation and supporting s32 documentation.



### Proposed Provisions – Large Lot Residential B Zone at Arthurs Point, including Zoning map and Arthurs Point Structure Plan

[Underlined text shows additions and ~~striketrough~~ text shows deletions]

#### A. Modify Chapter 11 – Large Lot Residential as follows:

##### 11.1 Zone Purpose

The Large Lot Residential Zone provides low density living opportunities within defined urban growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of urban growth Boundaries.

The zone generally provides for a density of one residence every 2000m<sup>2</sup> to provide for a more efficient development pattern to utilise the Council's water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space. Identified areas have a residential density of one residence every 4000m<sup>2</sup> reflecting landscape or topographical constraints such as around Mt Iron in Wanaka, and 2000m<sup>2</sup> at Arthurs Point.

The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and in respect of the lower density (4,000m<sup>2</sup>) part of the zone, design and landscaping controls imposed at the time of subdivision.

...

##### 11.2 Objectives and Policies

###### 11.2.1 Objective - A high quality of residential amenity values are maintained within the Large Lot Residential Zone.

###### Policies

11.2.1.1 Maintain low density residential character and amenity through minimum allotment sizes that efficiently utilize the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).

11.2.1.2 Maintain or enhance residential character and high amenity values by controlling the scale, location and height of buildings and in addition within Area B by requiring landscaping, colour and vegetation controls.

11.2.1.3 Control lighting to avoid glare to other properties, roads, public places and views of the night sky.

11.2.1.4 Have regard to hazards and human safety, including fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and landscaping in Area B.

11.2.1.5 Require subdivision and development in accordance with a structure plan within the LLRB Zone at Arthurs Point to avoid adverse effects on values of the Shotover River Gorge ONF and ensure development integrates with underlying topography and revegetation.

...

##### 11.4 Rules – Activities

<b>Table 1</b>	<b>Activities located in the Large Lot Residential Zone</b>	<b>Activity status</b>
11.4.1	Residential Unit	P
...	...	...
<u>11.4.12</u>	<p><u>Residential domestic elements outside of Building Platforms shown on the Arthurs Point LLRB Structure Plan.</u></p> <p>For the purpose of this rule, residential domestic elements include <u>clotheslines, play equipment, water tanks, external lighting, and carparking areas (but exclude boundary fencing and permitted planting).</u></p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li><u>The location and scale of the residential domestic elements;</u></li> <li><u>Landscape and visual effects;</u></li> <li><u>Mitigation landscaping.</u></li> </ol>	<u>RD</u>
<u>11.4.13</u>	<u>Buildings outside of Building Platforms shown on the Arthurs Point LLRB Structure Plan</u>	<u>D</u>

## 11.5 Rules - Standards for Activities

<b>Table 2</b>	<b>Standards for Activities</b>	<b>Non-compliance status</b>
<b>11.5.1</b>	<p><b>Building Height</b></p> <p>11.5.1.1 Except where limited by Rules 11.5.1.2 to 11.5.1.45 a maximum height limit of 8 metres.</p> <p>11.5.1.2 A maximum height of 7 metres:</p> <ol style="list-style-type: none"> <li>on sites located between Beacon Point Road and the margins of Lake Wanaka; and</li> <li>on sites located between Studholme Road and Meadowstone Drive.</li> <li><u>Above the RL of building platforms identified on the Arthurs Point LLRB Structure Plan</u></li> </ol> <p>11.5.1.3 A maximum height of 6 metres:</p> <ol style="list-style-type: none"> <li>on sites located at Mt Iron West (as identified on the District Plan web mapping application)</li> </ol> <p>11.5.1.4 A maximum height of 5.5 metres above a floor level of 283 masl:</p> <ol style="list-style-type: none"> <li>on the site(s) located at the northern end of Beacon Point Road (as identified on the District Plan web mapping application).</li> </ol>	<p>NC</p> <p>NC</p> <p>NC</p> <p>NC</p>
<b>11.5.2</b>	<p><b>Building Coverage</b></p> <p>11.5.2.1 The maximum building coverage shall be 15% of the net site area.</p> <p>11.5.2.2 The maximum building coverage at Mt Iron West (as identified on the District Plan web mapping application) shall be 500m<sup>2</sup> net site area.</p> <p>11.5.2.3 <u>The maximum building coverage at LLRB Zone at Arthurs Point (as identified on the District Plan web mapping application) shall</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>the effect on openness and spaciousness ;</li> <li>effects on views and</li> </ol>

Table 2	Standards for Activities	Non-compliance status
	<p style="text-align: center;"><u>be 500m<sup>2</sup> net site area.</u></p>	<p>outlook from neighbouring properties;</p> <p>c. visual dominance of buildings;</p> <p>d. landscaping.</p>
<p><b>11.5.3</b></p>	<p><b>Setback from internal boundaries</b></p> <p>11.5.3.1 Large Lot Residential Area A: the minimum setback of any building from internal boundaries shall be 4 metres.</p> <p>11.5.3.2 Large Lot Residential Area B: the minimum setback of any building from internal boundaries shall be 6 metres.</p> <p><u>Rule 11.5.3.2 does not apply to a building located within a building platform shown on the Arthurs Point LLRB Structure Plan.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect on openness and spaciousness ;</p> <p>b. effects on privacy, views and outlook from neighbouring properties;</p> <p>c. visual dominance of buildings;</p> <p>d. landscaping.</p>
<p><b>11.5.4</b></p>	<p><b>Setback from roads</b></p> <p>The minimum setback of any building from a road boundary shall be 10m.</p> <p>This rule does not apply within the Arthurs Point LLRB Zone.</p>	<p>NC</p>
<p><b>11.5.5</b></p>	<p><b>Setback of buildings from water bodies</b></p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. any indigenous biodiversity values;</p> <p>b. visual amenity values;</p> <p>c. landscape character;</p> <p>d. open space including public access;</p> <p>e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the</p>

Table 2	Standards for Activities	Non-compliance status
		location of the building.
11.5.6	<p><b>Building Length</b></p> <p>The length of any facade above the ground floor level shall not exceed 20m.</p>	<p>RD</p> <p>Discretion shall be restricted to:</p> <p>a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.</p>
11.5.7	<p><b>Home Occupation</b></p> <p>Home occupation activities shall comply with the following:</p> <p>11.5.7.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>11.5.7.2 The maximum number of vehicle trips shall be:</p> <p>a. heavy vehicles: 2 per week;</p> <p>b. other vehicles: 10 per day.</p> <p>11.5.7.3 Maximum net floor area of not more than 60m<sup>2</sup>.</p> <p>11.5.7.4 Activities and the storage of materials shall be indoors.</p>	D
11.5.8	<p><b>Glare</b></p> <p>a. All exterior lighting shall be directed away from the adjacent sites and roads and downward to limit effects on the night sky.</p> <p>b. No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	D
11.5.9	<p><b>Residential Density</b></p> <p>11.5.9.1 Large Lot Residential Area A:</p> <p>(a) a maximum of one residential unit per site; or</p> <p>(b) a maximum of one residential unit per 2000m<sup>2</sup> (total area).</p> <p>11.5.9.2 Large Lot Residential Area B: a maximum of one residential unit per 4000m<sup>2</sup> net site area, <u>except in the Arthurs Point LLRB Zone.</u></p> <p>11.5.9.3 In addition to Rule 11.5.9.2, at Mt Iron West (as identified on the District Plan web mapping application), a maximum of four residential units.</p> <p>11.5.9.4 <u>In the Arthurs Point LLRB Zone, a maximum of one residential unit per site.</u></p>	D
11.5.10	<p><b>Building Materials and Colours</b></p> <p>For sites within Large Lot Residential Area B:</p> <p>a. all exterior surfaces shall be coloured in the range of</p>	<p>RD</p> <p>Discretion is restricted to:</p>

Table 2	Standards for Activities	Non-compliance status
	black, browns, greens or greys; b. pre-painted steel, and all roofs shall have a reflectance value not greater than 20%; c. surface finishes shall have a reflectance value of not greater than 30%.	a. landscape and visual effects, including the extent to which the physical scale of the building(s) make a proposed building's materials and colours more or less visually prominent.
<b>11.5.11</b>	<b>Recession plane</b> The following applies to all sites with a net site area less than 4000m <sup>2</sup> . 11.5.11.1 Northern boundary: 2.5m and 55 degrees. 11.5.11.2 Western and eastern boundaries: 2.5m and 45 degrees. 11.5.11.3 Southern boundary: 2.5m and 35 degrees. Exemptions: a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height. b. recession planes do not apply to site boundaries fronting a road or a reserve.	NC
<b>11.5.12</b>	<b>Building Restriction Area</b> No building shall be located within a building restriction area as identified on the District Plan web mapping application.	NC
<b>11.5.13</b>	...	...

...

## B. Modify Chapter 27 – Subdivision and Development as follows:

...

### 27.3 Location-specific objectives and policies

In addition to the district wide objectives and policies in Part 27.2, the following objectives and policies relate to subdivision in specific locations.

...

#### Arthurs Point Large Lot Residential B

**27.3.XX**      **Objective – Subdivision and development that avoids adverse effects on the values of the Shotover River ONF and mitigates visibility of buildings from beyond the zone through appropriate siting and landscaping.**

**Policies**

27.3.XX.1      Enable subdivision within the Arthurs Point LLRB Zone which is consistent with the Arthurs Point LLRB Structure Plan located within Section 27.13.

27.3.XX.2      Require that structural planting areas shown on the Structure Plan are established prior to construction of residential units and are maintained to ensure the long-term effectiveness in protecting the values of the Shotover River ONF.

27.3.XX.3      Avoid buildings within the Building Restriction Areas shown on the Structure Plan.

27.3.XX.4      Require the provision of walkway and cycleway access through the Zone and the adjoining Lower Density Suburban Residential Zone, and to adjacent public land in the location generally shown on the Structure Plan contained in Section 27.13

...

**27.6 Rules – Standards for Minimum Lot Areas**

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

Zone		Minimum Lot Area
...		
<b>Residential</b>	High Density	450m <sup>2</sup>
	...	...
	Large Lot Residential A	1500m <sup>2</sup> providing that the average lot size is not less than 2000m <sup>2</sup> (total area)
	Large Lot Residential B	4000m <sup>2</sup> , <u>except within the LLRB Zone at Arthurs Point where the minimum lot area is 2000m<sup>2</sup></u>
	...	...

**27.7 Zone – Location Specific Rules**

<b><u>27.7.XX</u></b>	<p><u>Arthurs Point Large Lot Residential B</u></p> <p><u>27.7.XX.1</u>      <u>Subdivision in the Arthurs Point LLRB Zone consistent with the Structure Plan provided that the road may vary from the location shown on the Structure Plan by + / - 20m.</u></p> <p><u>Control is reserved to:</u></p> <p><u>(a) The matters listed under Rule 27.7.1;</u></p>	<u>C</u>
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	<p>(b) <u>The content of a <i>Structural Planting Areas Plan</i> for the Structural Planting Areas shown on the Structure Plan;</u></p> <p>(c) <u>The methods to ensure that the planting required by the <i>Structural Planting Areas Plan</i> will be established prior to the issue of Section 224(c) certification;</u></p> <p>(d) <u>The methods to ensure that the <i>Structural Planting Areas Plan</i> will be complied with on an ongoing basis;</u></p> <p>(e) <u>The methods to ensure public walking and cycling access through the Zone and to the adjoining Lower Density Suburban Residential Zone connecting to public land to the south; and</u></p> <p>(f) <u>The methods to ensure the ongoing maintenance of any private roading.</u></p> <p><u>Information requirements:</u></p> <p>1. <u>Any application for subdivision shall include a <i>Structural Planting Areas Plan</i> for the Structural Planting Areas shown on the Structure Plan. The purpose of the <i>Structural Planting Areas Plan</i> is to integrate built development with the landscape, enhance nature conservation values, and protect the landscape values of the adjacent Shotover River ONF. The <i>Structural Planting Areas Plan</i> shall:</u></p> <p>(a) <u>Be prepared by a suitably qualified landscape architect;</u></p> <p>(b) <u>Include details of planting including:</u></p> <p style="padding-left: 40px;">i. <u>The species to be used, based on achieving indigenous ecological restoration of the planting areas and visual integration of future development into the site and surrounding landscape. At least 30% of plants used shall be of species that achieve more than 5m height at maturity;</u></p> <p style="padding-left: 40px;">ii. <u>Grades of plants to be used;</u></p> <p style="padding-left: 40px;">iii. <u>Spacings of plants to achieve at least one plant per 1.5m<sup>2</sup> on average over the total area of the Structural Planting Areas shown on the Structure Plan;</u></p> <p>(c) <u>Identify locations of accesses to residential lots and any planting required to soften or screen these from views outside of the Zone;</u></p> <p>(d) <u>Specify ongoing maintenance and monitoring requirements, including irrigation and methods to control animal and plant pest species on an ongoing basis.</u></p> <p><u>27.7.XX.2 Any subdivision which does not comply with Rule 27.7.XX.1</u></p>	NC
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## 27.13 Structure Plans

...

### 27.13.XX Arthurs Point (Large Lot Residential B Zone)

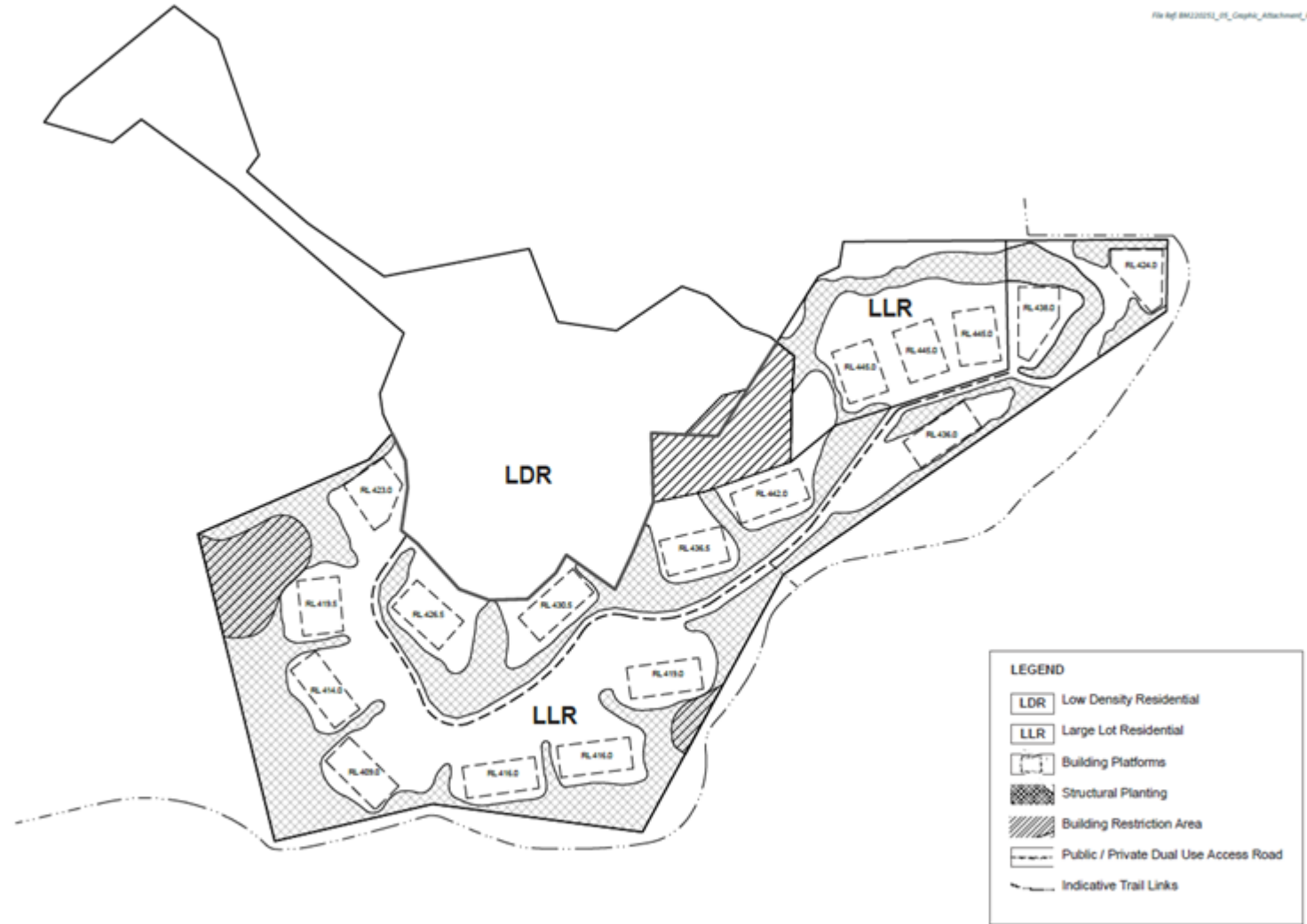
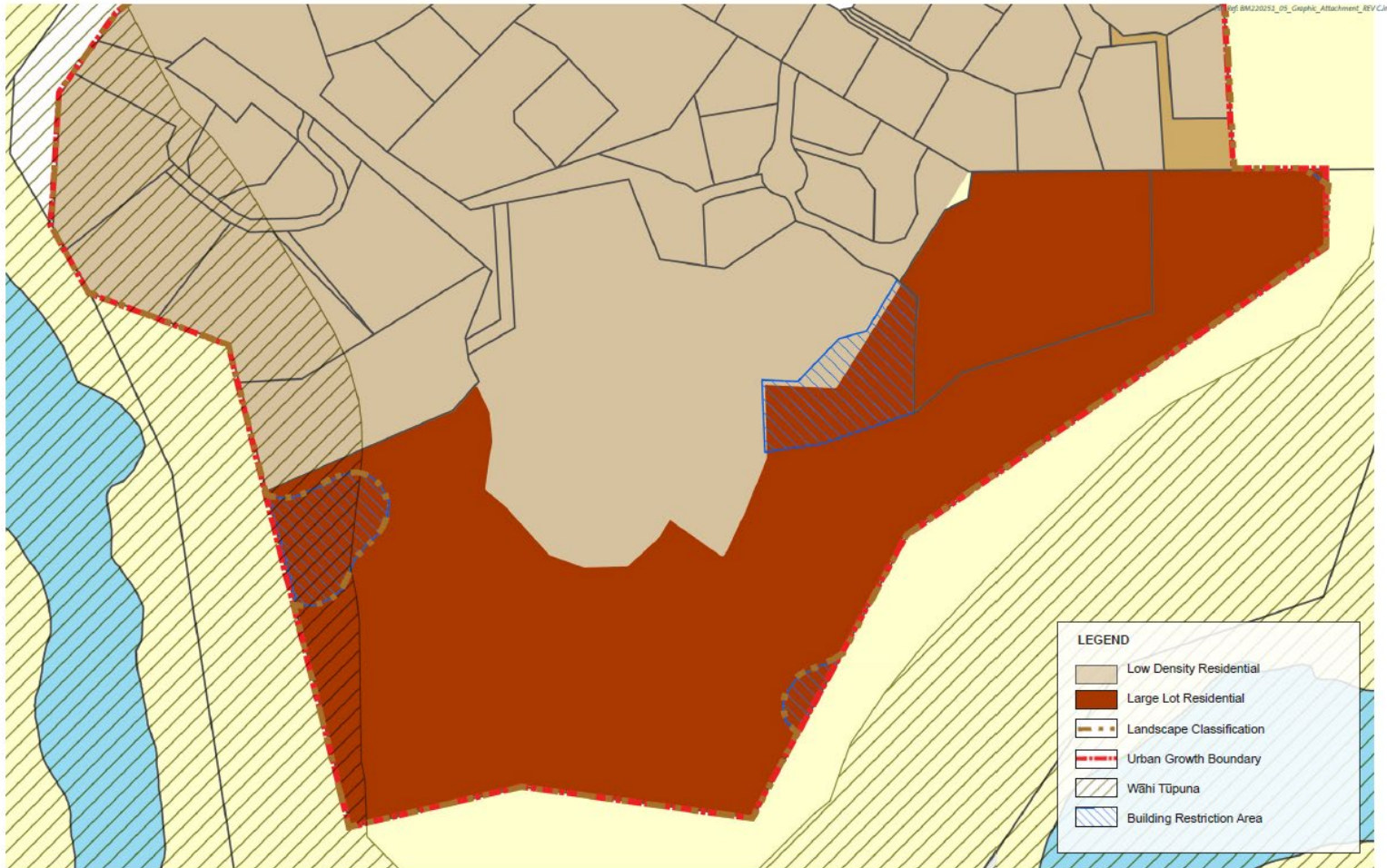


Figure 2



**C. Modify planning maps by adding LLRBZ on Site as follows:**



**Evaluation of the options in relation to the relevant “higher order” objectives and policies of the PDP (Chapters 3, 4, 6 and 39) and evaluation of Option B under Chapter 11**

**Note: the provisions addressed in the tables below are colour coded as follows:**

Black – Operative (either not appealed or amended through consent order or Environment Court decision)

Red – Subject to draft consent order (tracked changes as agreed)

**Table 1: Chapter 3 – Strategic Direction**

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDSRZ / LLRBZ)
<b>3.2 – Strategic Objectives</b>			
3.2.1	<b>The development of a prosperous, resilient and equitable economy in the District.</b>	No. The small size and topography of the site, its proximity to the urban area and lack of productive soils (as addressed in the evidence of Mr Hill) means that the site is unlikely to contribute in any meaningful way to the economy via farming or other permitted activities.	Yes. Provision of additional housing for residents and contribution to the local economy through construction activities and by residents.
3.2.1.7	Agricultural land uses are enabled provided those uses are consistent with:  a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;  b. the maintenance of the	Yes – although the extent to which agricultural uses are practically enabled on the site (due to its small size and topography, its proximity to the urban area and lack of productive soils) is very limited.	Not relevant

Provision No.	Provision	Assessment:	
		Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDRSZ / LLRBZ)
	<p>landscape character of Rural Character Landscapes and the maintenance or enhancement of their visual amenity values; and</p> <p>c. the maintenance of significant nature conservation values.</p>		
3.2.1.9	<p>Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs, and to maintain the quality of the environment. (also elaborates on S.O 3.2.2 following)</p>	Not relevant	Yes. Connection to existing Council services can be provided efficiently, for water supply, wastewater and roading, which have adequate capacity, and achieves efficient operation of existing infrastructure.
3.2.2	<p>Urban growth is managed in a strategic and integrated manner.</p>	Not relevant as the Rural Zone does not enable urban growth.	Yes. The proposed LDRSZ / LLRBZ zoning provides for urban development in an appropriate location and contributes to the strategic and integrated management of urban growth. The zoning integrates with the existing urban area of Arthurs Point, with shared roading and servicing, open space, and public pedestrian connections.
3.2.2.1	<p>Urban development occurs in a logical manner so as to:</p> <p>a. promote a compact, well designed and</p>	Not relevant as the Rural Zone does not enable urban development.	<p>Yes. Urban development will be logical, as follows, in relation to (a) – (h):</p> <p>a. Yes. The LDRSZ / LLRBZ as proposed provides a well-designed urban form and</p>

Provision No.	Provision	Assessment:	
		Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDSRZ / LLRBZ)
	<p>integrated urban form;</p> <p>b. build on historical urban settlement patterns;</p> <p>c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;</p> <p>d. minimise the natural hazard risk, taking into account the predicted effects of climate change;</p> <p>e. protect the District's rural landscapes from sporadic and sprawling urban development;</p> <p>f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;</p> <p>g. contain a high quality network of open spaces and community facilities; and.</p>		<p>integrates with the adjoining LDSRZ of Arthurs Point;</p> <p>b. Yes, to the extent that it builds on the existing urban area of Arthurs Point which has existed for many decades.</p> <p>c. Yes. It can achieve a built environment that provides desirable, healthy and safe places to live, work and play;</p> <p>d. Yes. It can be developed in a way that minimises natural hazard risk;</p> <p>e. Yes. It protects the rural landscapes from sporadic and sprawling development. It is not "sporadic" because it integrates with the existing urban area to the north and integrates with services and roading. It is not "sprawling" because it is a compact urban form across two different development areas (the suburban density LDSRZ and the lower density LLRBZ) and where the landscape has ability to absorb urban development (in accordance with the evidence of Mr Espie / Ms Pflüger).</p> <p>f. Yes. It can provide for a mix of housing opportunities including smaller sites in the LDSRZ and larger sites in the LLRBZ;</p> <p>g. Yes. It includes areas of open space and public pedestrian connections to adjoining areas;</p> <p>h. Yes. It will be integrated with existing and planned infrastructure in accordance with the evidence of Mr McCartney.</p>

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDSRZ / LLRBZ)
	h. be integrated with existing and proposed infrastructure and appropriately manage effects on that infrastructure		
3.2.3	<b>A quality built environment taking into account the character of individual communities.</b>	Not relevant.	Yes. The LDSRZ / LLRBZ provides for a quality built environment that takes into account the character of the wider area, including the existing urban area and adjacent ONF.
3.2.3.2	Built form integrates well with its surrounding urban environment.	Not relevant.	Yes – the zoning as proposed would integrate with the adjacent urban development of Arthurs Point.
3.2.4	<b>The distinctive natural environments and ecosystems of the District are protected.</b>  [note – this and the associated SOs relate to nature conservation values; landscapes are addressed in SO 3.2.5]	No – natural environments (i.e. nature conservation values) are not protected by the Rural Zone as evidenced by the past and surrounding wilding pine dominance of the landscape.	Yes. The zoning proposed would protect the natural environment and ecosystems by enhancing the indigenous biodiversity values of the land through the establishment and maintenance of indigenous vegetation.
3.2.4.1	Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain	No. The Rural Zone will not sustain or enhance the life-supporting capacity of the Shotover River and its margins, or maintain indigenous biodiversity as evidenced by the past and surrounding wilding pine dominance of the landscape.	Yes. The zoning proposed would sustain the life-supporting capacity of water and ecosystems through enhancing the indigenous biodiversity values of the land by the establishment and maintenance of indigenous vegetation.

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDRSZ / LLRBZ)
	indigenous biodiversity.		
3.2.4.2	The spread of wilding exotic vegetation is avoided.	Not necessarily. The Rural Zone does not require the removal of existing wildings and the prevalence of wildings previously on the land and currently on the surrounding Rural Zone land is evidence that this zoning does not avoid its establishment and spread.	Not necessarily, but Option B is more like to support this outcome due to the proposed indigenous vegetation planting and the ongoing maintenance of the land in association with residential activity.
3.2.4.5	Public access to the natural environment is maintained or enhanced.	No. Option A would not enable public access to the natural environment.	Yes. Public pedestrian access connections are proposed to the adjoining DOC-owned land.
<b>3.2.5</b>	<b>The retention of the District's distinctive landscapes.</b>	Yes. Option A does not change the landscape; the wider values of the landscape would remain.	Yes. As set out in the evidence of Mr Espie, the location can absorb the LDRSZ / LLRBZ, in the form proposed, because the visual effects can be contained when viewed from surrounding public places to a relatively small visual catchment, and the distinctive areas of the adjoining ONF will be preserved through a logical and appropriate boundary that relates to landform and the important qualities of the broader mountainous ONL will be protected.
3.2.5.1	The District's Outstanding Natural Features and Outstanding Natural Landscapes and their landscape values and related landscape capacity are identified.	Yes. The land is notified as ONL in that part of the site that is zoned Rural Zone, however the evidence of Mr Espie is that the site does not fit into either the Shotover River ONF nor the Western Whakatipu Basin ONL.	Not relevant, as the evidence of Mr Espie is that the site does not fit into either the Shotover River ONF nor the Western Whakatipu Basin ONL.
3.2.5.2	Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features	If the land is determined to be in an ONL or ONF, then this SO is relevant. The Rural Zone would prevent inappropriate subdivision, use and development through the	Not relevant as the land will not be zoned Rural Zone.

Provision No.	Provision	Assessment:	
		Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDSRZ / LLRBZ)
	<p>or in Outstanding Natural Landscapes unless:</p> <p>a. where the landscape values of Priority Areas of Outstanding Natural Features and Outstanding Natural Landscapes are specified in Schedule 21.22, those values are protected; or</p> <p>b. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the values identified according to SP 3.3.45 are protected.</p>	<p>application of the existing Chapter 21 and Chapter 27 provisions.</p>	
3.2.5.3	<p>In locations other than in the Rural Zone, the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development.</p>	<p>Not relevant.</p>	<p>Yes. The proposed zoning will ensure that the landscape values of the adjacent ONF are protected through a logical and appropriate boundary that relates to landform, as discussed by Mr Espie.</p>

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDSRZ / LLRBZ)
3.2.6	<b>The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.</b>	No. The size, location and topography of the site means that no productive or economic use arising from farming activity (being one of only a limited number of permitted activities) can occur under the Rural zoning of the land.	Yes. The zoning will contribute to peoples' and communities' wellbeing by providing housing and related amenities in an area where development can be absorbed.
3.2.6.1	The accessibility needs of the District's residents and communities to places, services and facilities are met.	Not relevant	Yes. The zoning will contribute to people's accessibility to places, services and facilities within the Arthurs Point urban area.
3.2.7.1	Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wāhi tūpuna, are protected.	Yes. The westernmost edge of the site is identified as being located within the wāhi tupuna Kimiākau (Shotover River) and the retention of Rural Zone over this land would protect these values.	Yes. While earthworks, buildings and structures and subdivision and development are identified threats for this wāhi tupuna, the very small area identified is on the outskirts of the land in an area identified for structure planting purposes or a Building Restriction Area on the Structure Plan, therefore these threats are avoided.
3.2.7.2	The expression of kaitiakitanga is enabled by providing for meaningful collaboration with Ngāi Tahu in resource management decision making and implementation.	Yes. Iwi had the opportunity to have input into the zoning of this land through the statutory process.	
<b>3.3 – Strategic Policies (SP)</b>			
<b>Urban Development</b>			
3.3.14	Apply Urban Growth Boundaries (UGBs) around the urban areas in	Not relevant.	Yes. The UGB would be applied around the LDSRZ / LLRBZ.



Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDSRZ / LLRBZ)
	the Wakatipu Basin (including Queenstown, Frankton, Jack's Point and Arrowtown), Wanaka and where required around other settlements.		
3.3.15	Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs	Not relevant.	Yes. The LDSRZ / LLRBZ provisions enable urban development within the extended UGB and the existing District Plan provisions would prevent urban development outside the UGB.
<b>Natural Environment</b>			
3.3.20	Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity is safeguarded; and natural character is maintained or enhanced as far as practicable.	Yes. The Rural Zone would maintain the natural character of the margins of Shotover River, however greater risk of wilding spread.	Yes. The nature conservation values of the Shotover River margins would be enhanced through the establishment and ongoing maintenance of indigenous vegetation planting and pest management, and the likely future integration of this planting with similar treatment on the DoC land adjacent.
<b>Rural Activities</b>			
3.3.21	Enable continuation of existing farming activities and evolving forms of agricultural land	Yes. The Rural Zone enables farming, notwithstanding that no productive or economic farming activity is occurring or could occur on the Site.	Not relevant to the extent that the LDSRZ / LLRBZ would not enable farming activities however these are not currently occurring anyway,

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDSRZ / LLRBZ)
			use in rural areas except where those activities conflict with:  a. protection of the landscape values of Outstanding Natural Features or Outstanding Natural Landscapes; or  b. maintenance of the landscape character and maintenance or enhancement of the visual amenity values of Rural Character Landscapes.
3.3.26	Avoid the planting of identified exotic vegetation with the potential to spread and naturalise unless spread can be acceptably managed for the life of the planting.	Not relevant except that the zoning of the land for rural purposes resulted in the naturalisation of exotic vegetation and there is potential risk of reinfestation.	Not relevant except that the proposed zoning includes the establishment and ongoing maintenance of indigenous vegetation in the LLRBZ which will help restrict the spread of exotic species that have previously dominated the land.
3.3.27	Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development.	Not relevant	Yes. The proposed Structure Plan provides for public pedestrian access to the adjoining DOC land.
<b>Outstanding Natural Features and Landscapes and Rural Character Landscapes</b>			

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDSRZ / LLRBZ)
3.3.28	Identify the District's Outstanding Natural Features and Outstanding Natural Landscapes on the District Plan web mapping application.	Yes. The land is notified as ONL in that part of the site that is zoned Rural Zone, however the evidence of Mr Espie as confirmed by Ms Pflüger, is that the land is not in an ONL or in an ONF.	Yes. The evidence of Mr Espie is that the boundary of the ONF aligns with natural topographical change, as set out in Appendix 2 to his evidence. While very small areas of the ONF will be located within the proposed LLRBZ, these will be protected from inappropriate development through the mapping of a Building Restriction Area over these parts of the Site, and will be revegetated in indigenous species.
<b>Cultural Environment</b>			
3.3.49	Avoid significant adverse effects on wāhi tūpuna within the District.	Yes. The Rural Zone will have no adverse effects on wāhi tūpuna.	Yes. While earthworks, buildings and structures and subdivision and development are identified threats for this wāhi tūpuna, the very small area identified is on the outskirts of the land in an area identified for structure planting purposes on the Structure Plan, therefore these threats are avoided.
3.3.50	Avoid remedy or mitigate other adverse effects on wāhi tūpuna within the District.		
3.3.51	Manage wāhi tūpuna within the District, including taonga species and habitats, in a culturally appropriate manner through early consultation and involvement of relevant iwi or hapū.		

**Table 2: Chapter 4 – Urban Development**

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban rezoning (LDSRZ / LLRBZ)
<b>Objective 4.2.1</b>	<b>Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defensible urban edges.</b>	Not relevant	Yes. The proposal includes the extension of the UGB around the LDSRZ / LLRBZ to provide a distinct and defensible edge to the urban development within these zones.
Policy 4.2.1.1	Define Urban Growth Boundaries, where required, to identify the areas that are available for the growth of urban settlements.		
Policy 4.2.1.2	Focus urban development primarily on land within and adjacent to the existing larger urban areas and to a lesser extent, within and adjacent to smaller urban towns and rural settlements.		Yes. The LDSRZ / LLRBZ is adjacent to the existing urban area of Arthurs Point.
Policy 4.2.1.3	Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.		Yes. The proposed UGB will contain the urban development enabled by the LDSRZ / LLRBZ.
Policy 4.2.1.4	Ensure Urban Growth Boundaries encompass, at a minimum, sufficient feasible development capacity and urban opportunities consistent with: <ul style="list-style-type: none"> <li>a. the anticipated medium term demand for housing and business land</li> </ul>	Not relevant	Yes. The UGB has a sufficient area, in relation to (a) – (g) of the policy, as follows: <ul style="list-style-type: none"> <li>a. Yes. The UGB contains development capacity and urban opportunities which contribute to meeting the anticipated demand for urban development over the planning period, as discussed by Mr Foy;</li> <li>b. Yes. The UGB contributes to the Council's effort in providing ongoing availability of a competitive land supply for urban purposes;</li> </ul>

Provision No.	Provision	Assessment:	
		Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban rezoning (LDRSZ / LLRBZ)
	<p>within the District assuming a mix of housing densities and form;</p> <p>b. ensuring the ongoing availability of a competitive land supply for urban purposes;</p> <p>c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;</p> <p>d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;</p> <p>e. a compact and efficient urban form;</p> <p>f. avoiding sporadic urban development in rural areas;</p> <p>g. minimising the loss of the productive potential and soil resource of rural land; and</p> <p>h. A future development strategy for the District that is prepared in accordance with the National Policy Statement on Urban</p>		<p>c. Yes. The UGB takes into account the constraints on development through the Structure Plan method used in the LLRBZ to preclude development in areas subject to one or more of those constraints;</p> <p>d. Yes. The UGB area is linked to existing infrastructure;</p> <p>e. Yes. The UGB area enables a compact and efficient urban form by providing for appropriate housing densities where suitable for development;</p> <p>f. Yes. It is not a “sporadic urban development” in that it:</p> <ul style="list-style-type: none"> <li>• Contains established urban zones and an additional proposed urban zone adjoining these existing urban zones (LLRBZ);</li> <li>• Can and does integrate with existing and planned infrastructure;</li> <li>• Encompasses areas with capacity to absorb change;</li> <li>• Can collectively contribute to the range of housing available and related activities and facilities.</li> </ul> <p>g. Yes. The rezoning involves an inconsequential loss of productive potential and does not adversely affect the soil resource.</p> <p>h. The Spatial Plan identifies primary areas for future growth. The Site is within an area identified as urban in the Spatial Plan. [I note that the Spatial Plan is not a plan prepared under the NPS-UDC or its successor the NPS-UD], and the plan was based upon the initial rezoning of the Site</p>

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban rezoning (LDRSZ / LLRBZ)
	Development Capacity.		
Policy 4.2.1.5	When locating Urban Growth Boundaries or extending towns and rural urban settlements through plan changes, protect the values of Outstanding Natural Features and Outstanding Natural Landscapes.		Yes. The UGB will not impinge on the distinctive areas of the adjoining ONF which will be preserved through a logical and appropriate boundary that relates to landform as discussed by Mr Espie and Ms Pflüger, as well as through a BRA overlay on the minor ONF incursions into the Site
Policy 4.2.1.5a	When locating Urban Growth Boundaries or extending towns and rural settlements through plan changes to provide for urban development have particular regard to minimising significant adverse effects on the values of open rural landscapes.	Not relevant.	<p>Yes to the extent that the land could be considered “open” since the felling of the exotic wildings that previously covered the site.</p> <p>The Option B zoning will continue to protect key values of the site though the retention of the “knoll” as open space through the use of a Building Restriction Area and the identification of building platforms on the Structure Plan.</p> <p>I note also that the knoll is with the operative LDRZ, and that Mr Fairfax has undertaken to covenant the knoll to further protect it from built development<sup>22</sup>.</p>
Policy 4.2.1.6	Review and amend Urban Growth Boundaries, as required, to address changing community needs, respond to monitoring evidence, or to enable appropriate urban development (having regard to Policy 4.2.1.4).	Not relevant	Yes – to the extent that this zoning enquiry can amend the UGBs in the plan.
<b>Objective 4.2.2A</b>	<p><b>A compact and integrated, and well designed urban form within the Urban Growth Boundaries that:</b></p> <p><b>i) is coordinated with the efficient provision, use and operation of</b></p>	Not relevant	Yes. Within the LDRSZ the urban form will be integrated into the adjacent existing LDRSZ, and in the LLRBZ the urban form will be integrated to the extent that the Structure Plan provides a bespoke spatial layout to reflect the topology of the land, and the development will be coordinated with the efficient provision of infrastructure.

<sup>22</sup> Evidence of Andrew Fairfax, paragraph 41

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban rezoning (LDRSZ / LLRBZ)
	infrastructure and services; ...		
<b>Objective 4.2.2B</b>	<b>Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna. (From Policy 3.3.13, 3.3.17, 3.3.29)</b>	Not relevant	Yes. The building areas and building restrictions contain urban development to within the locations best able to absorb development and maintains the amenity of the adjacent ONF. There are no significant indigenous flora and fauna affected by the urban development enabled by the zoning.
Policy 4.2.2.1	Integrate urban development with existing or proposed infrastructure so that:  a. urban development is serviced by infrastructure of sufficient capacity; and  b. ...	Not relevant	Yes. The LDRSZ / LLRBZ urban development area will integrate with the capacity of existing infrastructure which has sufficient capacity as set out in the evidence of Mr McCartney.
Policy 4.2.2.2	Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to:  a. its topography;  b. its ecological, heritage, cultural or landscape significance if any;  c. any risk of natural hazards, taking into account the effects of climate change;  d. connectivity and integration with existing urban development;	Not relevant	Yes. The Option B Structure Plan allocates land in the manner sought in the policy, including:  a. the topography – enables development within the areas most suitable for development and disables development outside these areas, as generally explained by Ms Pfluger;  b. the ecological and heritage values are taken into account;  c. the natural hazard risks are taken into account;  d. there is connectivity and integration with the urban development enabled in Arthurs Point;  e. convenient linkage to the public transport services linking Arthurs Point with other destinations in the Basin;  f. contribution to the provision of a mix of housing densities and forms, to add to the compact and integrated urban environment;

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban rezoning (LDRSZ / LLRBZ)
	<ul style="list-style-type: none"> <li>e. convenient linkages with public transport;</li> <li>f. the need to provide a mix of housing densities and forms within a compact and integrated urban environment;</li> <li>fa. the level of existing and future amenity that is sought (including consideration of any identified special character areas);</li> <li>g. the need to make provision for the location and efficient operation of infrastructure and utilities, including regionally significant infrastructure;</li> <li>h. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;</li> <li>i. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and</li> <li>j. the need to locate emergency services at strategic locations.</li> </ul>		<ul style="list-style-type: none"> <li>fa. the LDSRZ will continue the existing amenity of that zone in this area, and the LLRBZ will provide for future amenity taking into account the location and attributes of the Site;</li> <li>g. no requirement for additional regionally significant infrastructure;</li> <li>h. provision (through implementation of the structure plan provisions) of open reserve spaces and cycleways / walkways) that are located and designed to be safe, desirable and accessible;</li> <li>i. no effect on the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and</li> <li>j. no need for location of emergency services.</li> </ul>
Policy 4.2.2.3	Enable an increased density of well-designed residential development	Not relevant	Not relevant as this policy relates to intensification of existing, developed urban areas, but in any case the zoning can link with existing public



Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban rezoning (LDRSZ / LLRBZ)
	in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.		transport networks and can enable development consistent with a Structure Plan (in the LLRBZ) which responds to the character of its site.
Policy 4.2.2.4	Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.	Not relevant	Yes. The zoning has the ability to connect with existing links in the area and the Structure Plan for the LLRBZ includes linkages to the adjoining DOC land.
Policy 4.2.2.5	Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.	Not relevant	Yes, if this is considered "larger scale development". This is achieved through the Structure Plan design for the LLRBZ that takes into account infrastructure, building, street, trail and open space design.
Policy 4.2.2.6	Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.	Not relevant	Yes, to the extent that this can be achieved at resource consent stage.
Policy 4.2.2.7	Explore and encourage innovative approaches to design to assist provision of quality affordable housing.	Not relevant	Yes, to the extent that this is achieved through the mix of lot sizes (and noting that the Council's Inclusionary Zoning plan change is afoot).
Policy 4.2.2.8	In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse	Not relevant	Yes, to the extent that this can be achieved through providing for lower density residential development.

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban rezoning (LDRSZ / LLRBZ)
	effect on housing affordability.		
Policy 4.2.2.9	Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design".	Not relevant	Yes. The Chapter 27 subdivision provisions require this at resource consent stage.
Policy 4.2.2.10	Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.	Not relevant	Yes. The existing provisions achieve this policy, through the rules in relation to the effects of glare and through Council controls at resource consent stage.
Policy 4.2.2.11	Ensure that the location of building platforms in areas of low density development within Urban Growth Boundaries and the capacity of infrastructure servicing such development does not unnecessarily compromise opportunities for future urban development.	Not relevant	The proposed zoning can be adequately serviced, without compromising the network for future urban development, as set out in the evidence of Mr McCartney.
<b>Wakatipu Basin Specific Policies</b>			
Policy 4.2.2.13	Define the Urban Growth Boundaries for the balance of the Wakatipu Basin, as shown on the District Plan web mapping application that: <ul style="list-style-type: none"> <li>a. are based on existing urbanised areas;</li> <li>b. identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for</li> </ul>	Not relevant	The UGB would be defined on the planning maps: <ul style="list-style-type: none"> <li>(a) it is based on, and expands, the existing urban areas at Arthurs Point;</li> <li>(b) the zoning contributes to the sufficiency of land area for urban development to provide for predicted resident population increases over the planning period, as discussed by Mr Foy;</li> <li>(c) it can connect with existing infrastructure relevant to this new area of urban development;</li> <li>(d) it avoids ONFs and ONLs as discussed by Mr Espie and as confirmed by Ms Pflüger; and</li> <li>(e) it will avoid sprawling or sporadic development due to its naturally confined extent as a result</li> </ul>

Provision No.	Provision	Assessment:	
		Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban rezoning (LDRSZ / LLRBZ)
	<p>predicted visitor and resident population increases over the planning period;</p> <p>c. enable the logical and sequenced provision of infrastructure to and community facilities in new areas of urban development;</p> <p>d. protect the values of Outstanding Natural Features and Outstanding Natural Landscapes;</p> <p>e. avoid sprawling and sporadic urban development across the rural areas of the Wakatipu Basin.</p>		of the proposed landscape boundary with the Shotover River ONF, and the UGB boundary.
Policy 4.2.2.20	Rural land outside of the Urban Growth Boundaries is not used for urban development until a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.	Not relevant	Yes – the proposal is consistent with this policy as it seeks to amend the zoning and location of the UGB.

**Table 3: Chapter 6 – Landscapes & Rural Character**

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDRSZ / LLRBZ)
<b>6.3 Policies</b>			
<b>6.3.1 Rural Landscape Characterisation</b>			
6.3.1.1	Categorise the Rural Zoned landscapes in the District as:  a. Outstanding Natural Feature (ONF); b. Outstanding Natural Landscape (ONL); c. Rural Character Landscape (RCL)	Yes. The land is notified as ONL in that part of the site that is zoned Rural Zone, however the evidence of Mr Espie as confirmed by Ms Pflüger, is that the land is not in an ONL or in an ONF.	Yes. The evidence of Mr Espie is that the boundary of the ONF is as set out in Appendix 2 to his evidence. While very small areas of the ONF will be located within the proposed LLRBZ, these will be protected from inappropriate development through the mapping of a Building Restriction Area over these parts of the site.
<b>6.3.2 Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone</b>			
6.3.2.1	Avoid urban development and subdivision to urban densities in the rural zones.	Yes. Retaining Rural Zone for the land will ensure, through the existing provisions of Chapters 4, 21 and 27 that development and subdivision to an urban density will be avoided.	Yes, to the extent that urban densities will not be occurring in rural zones, if Option B is preferred.
6.3.2.6	Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape values and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.	No. Retaining Rural Zone for the land is unlikely to result in indigenous biodiversity regeneration given the very limited subdivision and development provided for through the provisions of that zone, and as evidenced by the previous lack of maintenance on the land which had resulted in wilding tree species infestation.	Not relevant, except to the extent that the proposed LLRBZ will result in significant increase in indigenous biodiversity on the site through the planting of the Structural Planting Areas shown on the Structure Plan, while the evidence of Mr Espie (and as confirmed by Ms Pflüger) that the location of the ONF as set out in Appendix 2 to his evidence, is a logical and appropriate boundary based on landform which would maintain the values of the adjacent ONF.

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDRSZ / LLRBZ)
6.3.2.7	Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes in proximity to an Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Outstanding Natural Feature or Outstanding Natural Landscape.	Yes. The existing provisions of the Rural Zone enable Council to decline applications for subdivision and development that would compromise the landscape values of the ONL (as notified) or the adjoining ONF.	Not relevant, except to the extent that the use of the Structure Plan elements and the bespoke provisions for the LLRBZ proposed will ensure that subdivision and development will not compromise the values of the adjacent ONF as located as per Appendix 2 of the evidence of Mr Espie (and as confirmed by Ms Pflüger).
6.3.2.8	Encourage any landscaping to be ecologically viable and consistent with the established character of the area.	Yes, to the extent that if any application for subdivision or development on the site were made, Council would have scope to require this.	Yes, to the extent that the LLRBZ proposed provides for a mix of native plants to achieve ecological and visual diversity while achieving an overall homogenous appearance that settles into the landform as set out in the evidence of Ms Pflüger.

**Table 4: Chapter 39 – Wāhi Tūpuna**

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDRSZ / LLRBZ)
Objective 39.2.1	<b>Manawhenua values, within identified wāhi tūpuna areas, are recognised and provided for</b>	No, as some mining and extraction activities can occur as permitted or controlled activities (outside of the ONF) in the Rural zoned parts of the site that are identified as wāhi tūpuna Kimiākau (Shotover River).	Yes, in that no development is proposed in the areas of the site that are identified as wāhi tūpuna Kimiākau (Shotover River) as the Structure Plan and bespoke provisions provide for the protection of that part of the site through the structural planting areas.
Policy 39.2.1.1	<p>Recognise that the following activities may have effects that are incompatible with Manawhenua values where they occur within identified wāhi tūpuna areas;</p> <ul style="list-style-type: none"> <li>a. Mining and mining activities, including gravel extraction;</li> <li>b. Landfills;</li> <li>c. Cemeteries and crematoria;</li> <li>d. Forestry;</li> <li>e. Removal of indigenous vegetation from significant natural areas (SNA); and</li> <li>f. Wastewater treatment plants.</li> </ul>	No, as some mining and extraction activities can occur as permitted or controlled activities (outside of the ONF) in the Rural zoned parts of the site that are identified as wāhi tūpuna Kimiākau (Shotover River).	Yes, in that no development is proposed in the areas of the site that are identified as wāhi tūpuna Kimiākau (Shotover River) as the Structure Plan and bespoke provisions provides for the protection of that part of the site.
39.2.1.2	Recognise that the effects of activities may be incompatible with Manawhenua values when that activity is listed as a potential threat within an identified wāhi tūpuna area, as set out in Schedule 39.6.	Yes and no. Most activities that are identified as threats to Kimiākau (Shotover River) would require resource consent under the Rural Zone provisions and provide an opportunity to consider if effects may be incompatible with manawhenua values, however the threat of exotic species including wilding pines could occur on the site under the Rural Zone, as evidenced by the recent state of the site prior to being cleared.	Yes and no. Identified threats for Kimiākau (Shotover River) include subdivision and development and earthworks which would be enabled under the LLRBZ, however the Structure Plan and bespoke provisions provide for the protection of that part of the site.

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A: Rural Zone	Option B: Urban zoning (LDRSZ / LLRBZ)
39.2.1.3	<p>Within identified wāhi tūpuna areas:</p> <p>a. avoid significant adverse effects on Manawhenua values and avoid, remedy or mitigate other adverse effects on Manawhenua values from subdivision, use and development listed as a potential threat in Schedule 39.6; and</p> <p>b. avoid, remedy or mitigate adverse effects on Manawhenua values from subdivision, use and development within those identified wāhi tūpuna areas where potential threats have not been identified in Schedule 39.6.</p>	<p>Both yes and no. Yes to the extent development within the Rural Zone and within the areas identified as wāhi tūpuna Kimiākau (Shotover River) would provide an opportunity to ensure significant adverse effects on manawhenua values are avoided, and no in that a level of mining and extraction activities can occur in the Rural Zone as permitted or controlled activities.</p>	<p>Yes and no. Identified threats for Kimiākau (Shotover River) include subdivision and development and earthworks which would be enabled under the LLRBZ, however the Structure Plan and bespoke provisions ensure significant adverse effects on manawhenua values are avoided through protection from development in those areas.</p>
39.2.1.4	<p>Encourage consultation with Manawhenua as the most appropriate way for obtaining understanding of the effects of any activity on Manawhenua values in a wāhi tūpuna area.</p>	<p>Both yes and no. Yes to the extent development within the Rural Zone and within the areas identified as wāhi tūpuna Kimiākau (Shotover River) would provide an opportunity for consultation with manawhenua, and no in that a level of mining and extraction activities can occur in the Rural Zone as permitted or controlled activities.</p>	<p>No specific consultation has been undertaken with manawhenua on the LDRSZ / LLRBZ, but there was the opportunity for manawhenua to further submit on the original submission relief sought (LDRSZ across the entire site) during the re-notification process and no such submission was received. Given the outcomes of the proposed Structure Plan prevent development from occurring within the areas of the that are identified as wāhi tūpuna Kimiākau (Shotover River), it is considered that the intention of the policy is met.</p>

**Table 5: Chapter 11 – Large Lot Residential Zone (relates to Option B only)**

Chapter 11 Provision	Provision	Assessment: Is the objective/ policy achieved? If so, how? If not, why not?
		Option B – Urban zoning (LDSRZ / LLRBZ)
<b>Objective 11.2.1</b>	<b>Objective - A high quality of residential amenity values are maintained within the Large Lot Residential Zone</b>	Yes – the location can absorb the LLRBZ development, in the form proposed, because the visual effects can be contained and the density provided for by the Structure Plan provisions will provide and maintain a high quality of residential amenity.
Policy 11.2.1.1	Maintain low density residential character and amenity through minimum allotment sizes that efficiently utilise the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).	Yes – the amended subdivision provisions including the larger lot sizes and the identification of building platforms on the Structure Plan respond to the topographical constraints and will ensure the character and amenity of low density will be maintained.
Policy 11.2.1.2	Maintain or enhance residential character and high amenity values by controlling the scale, location and height of buildings and in addition within Area B by requiring landscaping, colour and vegetation controls.	Yes – the Structure Plan and bespoke provisions will control the scale, location and height of built form within the LLRBZ while the existing provisions will control colour and materials. The proposed subdivision provisions enable a high level of control over landscaping and vegetation.
Policy 11.2.1.3	Control lighting to avoid glare to other properties, roads, public places and views of the night sky.	Yes – the existing LLRZ provisions would achieve this policy.
Policy 11.2.1.4	Have regard to hazards and human safety, including fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping in Area B.	Yes – the proposed subdivision provisions enable a high level of control over landscaping and vegetation.
<b>Objective 11.2.2</b>	<b>Objective - Predominant land uses are residential. Where appropriate, community and recreational activities also occur.</b>	Not relevant – the existing provisions will ensure this objective and associated policies are met.
...		
<b>Objective 11.2.3</b>	<b>Objective – Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.</b>	Not relevant – the existing provisions will ensure this objective and associated policies are met.
...		



Option B – LLRBZ / Arthurs Point Structure Plan: evaluation of the policies and methods under s32(1)(b)

Policies to achieve the objective	Methods to achieve the policies	Efficiency and effectiveness of the policies and rules	Costs and benefits of the policies and rules; risks of acting or not acting
<b>11.2.1 Objective - A high quality of residential amenity values are maintained within the Large Lot Residential Zone</b>			
<p>11.2.1.1 Maintain low density residential character and amenity through minimum allotment sizes that efficiently utilise the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).</p>	<ul style="list-style-type: none"> <li>• Rule 27.7.XX.1 – subdivision rule ensuring consistency with the Structure Plan (non-complying if inconsistent)</li> <li>• Rule 27.7.1 – subdivision rule specifying minimum and average lot sizes (non-complying if inconsistent)</li> <li>• Rule 11.4.1 – residential units are enabled</li> <li>• Rule 11.5.9.1 – residential density rule ensuring one residential unit per site (discretionary to breach)</li> <li>• Rule 27.6.1 – subdivision rule setting minimum lot size of 2000m<sup>2</sup> with an average lot size of 2500m<sup>2</sup> (non-complying to breach)</li> </ul>	<p>The provisions are very specific about the activities that can be located in the LLRBZ and those that cannot, with non-complying status for any activity not anticipated in the Zone or for site sizes that do not meet the minimums required.</p> <p>No other alternatives were considered reasonably practicable and were not evaluated.</p> <p>The rules are effective in achieving the objective, and efficient in that the non-complying status will discourage any proposals for development to greater densities that could adversely affect landscape values and residential amenity.</p>	<p><i>Costs:</i></p> <p>The provisions limit the development capability of the land, and this could be seen as an inefficient use of the Zone’s resources.</p> <p><i>Benefits:</i></p> <p>The provisions (including the Structure Plan) will enable appropriate development, from a landscape and residential amenity perspective.</p> <p><i>Risks:</i></p> <p>No particular risks of acting or not acting.</p>
<p>11.2.1.2 Maintain or enhance residential character and high amenity values by controlling the scale, location and height of buildings and in addition within Area B by requiring landscaping, colour and vegetation controls.</p>	<ul style="list-style-type: none"> <li>• Rule 11.4.12 – residential domestic elements outside of Building Platforms (restricted discretionary)</li> <li>• Rule 11.4.13 – avoids buildings outside of Building Platforms (non-complying activity)</li> <li>• Rule 11.5.1.2 (c) – specifies maximum height of buildings (non-complying to breach)</li> <li>• Rule 11.5.2.3 – specifies maximum building coverage (restricted)</li> </ul>	<p>The combination of rules managing building location (through the Structure Plan) and building bulk (height, setbacks, building length, coverage and external materials) and requiring substantial landscape planting prior to titles being issued will be effective in ensuring that development complements the surrounding landscape amenity. Any breaches to specific standards for building bulk or location will require, at a minimum, restricted discretionary activity consent, to allow the Council a greater level of control.</p>	<p><i>Costs:</i></p> <p>The restrictions and controls in place for appearance of buildings will incur a transaction cost for consenting where these controls are not met.</p> <p><i>Benefits:</i></p> <p>The provisions will ensure that a sense of place is created and amenity values are maintained, by ensuring that buildings complement the surrounding landscape.</p> <p><i>Risks:</i></p>

Policies to achieve the objective	Methods to achieve the policies	Efficiency and effectiveness of the policies and rules	Costs and benefits of the policies and rules; risks of acting or not acting
	<p>discretionary to breach)</p> <ul style="list-style-type: none"> <li>• Rule 11.5.3 to 11.5.5 – specifies setbacks for buildings (restricted discretionary to breach)</li> <li>• Rule 11.5.6 – specifies continuous building length (restricted discretionary to breach)</li> <li>• Rule 11.5.10 – specifies building materials and colours (restricted discretionary to breach)</li> <li>• Rule 11.5.11 – specifies recession planes (non-complying to breach)</li> <li>• Rule 27.7.XX.1 – subdivision rule ensuring consistency with the Structure Plan (non-complying if inconsistent)</li> <li>• Rule 27.7.XX.1 – reserves control over content of <i>Structural Planting Areas Plan</i> to ensure integration of built development and methods of implementation</li> </ul>	<p>The alternative of requiring resource consent for buildings (such as via a controlled or restricted discretionary activity) anywhere within the Zone is less efficient in that it increases transaction costs while achieving the same outcome as the identification of Building Platforms on the Structure Plan (that is, buildings located in the parts of the Zone that have the least effect on landscape and topographical values).</p> <p>The method proposed by the Chapter 11 rules in combination with the Arthurs Point Structure Plan and related provisions is the most appropriate way to achieve the policies, and hence the objectives, because there will be a high degree of certainty about the outcomes promoted by the provisions.</p>	<p>No particular risks of acting or not acting.</p>
<p>11.2.1.3 Control lighting to avoid glare to other properties, roads, public places and views of the night sky.</p>	<p>Rule 11.5.8 – specifies maximum light spill levels (discretionary to breach)</p>	<p>As above for Policy 11.2.1.3</p>	<p><b>Costs:</b></p> <p>The restrictions and controls in place for lighting will incur a transaction cost for consenting where these controls are not met.</p> <p><b>Benefits:</b></p> <p>The provisions will ensure that adverse effects arising from light spill are avoided and that built development complements the surrounding landscape.</p> <p><b>Risks:</b></p> <p>No particular risks of acting</p>

Policies to achieve the objective	Methods to achieve the policies	Efficiency and effectiveness of the policies and rules	Costs and benefits of the policies and rules; risks of acting or not acting
<p>11.2.1.4 Have regard to hazards and human safety, including fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping in Area B.</p>	<ul style="list-style-type: none"> <li>• Rule 27.7.XX.1 – subdivision rule ensuring consistency with the Structure Plan (non-complying if inconsistent)</li> <li>• Rule 27.7.XX.1 – reserves control over content of <i>Structural Planting Areas Plan</i> to ensure integration of built development and methods of implementation</li> </ul>	<p>The subdivision rules provide for structural planting to be undertaken on the land prior to built development occurring.</p> <p>The planting also needs to be maintained in perpetuity, including weed and pest control measures and replacement on the death or disease of a plant. This would be effective in ensuring in achieving the desired outcome.</p> <p>No other alternatives were or needed to be considered.</p>	<p><i>Costs:</i></p> <p>Costs of the works (planting) required.</p> <p><i>Benefits:</i></p> <p>The provisions prioritise the plantation and maintenance of vegetation prior to development of the land for further residential activities. The vegetation will contribute to the overall amenity of the area and will assist in absorbing the development into the landscape, when viewed from key public viewpoints.</p> <p><i>Risks:</i></p> <p>Risk of not acting (and allowing built form associated with residential activity to occur without planting) could have adverse effects on amenity values and landscape values that are not avoided or adequately mitigated when viewed from outside the Zone.</p>
<p>11.2.1.5 <u>Require subdivision and development in accordance with a structure plan within the LLRB Zone at Arthurs Point to avoid adverse effects on values of the Shotover River Gorge ONF and ensure development integrates with underlying topography and revegetation.</u></p>	<ul style="list-style-type: none"> <li>• Rule 27.7.XX.1 – subdivision rule ensuring consistency with the Structure Plan (non-complying if inconsistent)</li> <li>• Rule 27.7.XX.1 – reserves control over content of <i>Structural Planting Areas Plan</i> to ensure integration of built development</li> <li>• Rule 11.4.12 – residential domestic elements outside of Building Platforms (restricted discretionary)</li> <li>• Rule 11.4.13 – avoids buildings outside of Building Platforms (non-complying activity)</li> </ul>	<p>The purpose of the LLRB is to provide for a low density residential activity, in an integrated manner which recognises that parts of the zone are subject to constraints from landscape and topography.</p> <p>Other reasonably practicable options for achieving an integrated development included built development in the parts of the land that are more sensitive to landscape change because of their greater levels of visibility from a wider area. However, these were discounted as they would not be consistent with having regard to the landscape or topographical nature of the setting.</p> <p>The policies and methods, including the Structure Plan, are effective in achieving the objective, and will do efficiently, taking into account other components of the Structure</p>	<p><i>Costs:</i></p> <p>The Structure Plan limits the development capability of the land, and this could be seen as an inefficient use of the Zone’s resources.</p> <p><i>Benefits:</i></p> <p>The Structure Plan will enable appropriate development, from a landscape and amenity perspective.</p> <p><i>Risks:</i></p> <p>Risk of not acting in that inappropriate development in inappropriate parts of the land could result from an unstructured approach.</p>

Policies to achieve the objective	Methods to achieve the policies	Efficiency and effectiveness of the policies and rules	Costs and benefits of the policies and rules; risks of acting or not acting
		Plan including the integration of planting, and the integration of the zone with adjoining public land through new connective links.	
<b>27.3.XX Objective – Subdivision and development that avoids adverse effects on the values of the Shotover River ONF and mitigates visibility of buildings from beyond the zone through appropriate siting and landscaping.</b>			
<p><u>27.3.XX.1 Enable subdivision within the Arthurs Point LLRB Zone which is consistent with the Arthurs Point LLRB Structure Plan located within Section 27.13</u></p>	<ul style="list-style-type: none"> <li>• Rule 27.7.XX.1 – subdivision rule ensuring consistency with the Structure Plan (non-complying if inconsistent)</li> <li>• Rule 11.4.12 – residential domestic elements outside of Building Platforms (restricted discretionary)</li> <li>• Rule 11.4.13 – avoids buildings outside of Building Platforms (non-complying activity)</li> </ul>	<p>The purpose of the LLRB is to provide for a low density residential activity, in an integrated manner which recognises that parts of the zone are subject to constraints from landscape and topography.</p> <p>Other reasonably practicable options for achieving an integrated development included built development in the parts of the land that are more sensitive to landscape change because of their greater levels of visibility from a wider area. However, these were discounted as they would not be consistent with having regard to the landscape or topographical nature of the setting.</p> <p>The policies and methods, including the Structure Plan, are effective in achieving the objective, and will do efficiently, taking into account other components of the Structure Plan including the integration of planting, and the integration of the zone with adjoining public land through new connective links.</p>	<p><i>Costs:</i></p> <p>The Structure Plan limits the development capability of the land, and this could be seen as an inefficient use of the Zone’s resources.</p> <p><i>Benefits:</i></p> <p>The Structure Plan will enable appropriate development, from a landscape and amenity perspective.</p> <p><i>Risks:</i></p> <p>Risk of not acting in that inappropriate development in inappropriate parts of the land could result from an unstructured approach.</p>
<p><u>27.3.XX.2 Require that structural planting areas shown on the Structure Plan are established prior to construction of residential units and are maintained to ensure the long-term effectiveness in protecting the values of the Shotover River ONF.</u></p>	<p>Rule 27.7.XX.1 – subdivision rule ensuring consistency with the Structure Plan (non-complying if inconsistent)</p> <p>Rule 27.7.XX.1 – reserves control over content of <i>Structural Planting Areas Plan</i> to ensure integration of built development and methods of implementation</p>	<p>The rules provide for structural planting to be undertaken on the land prior to built development occurring.</p> <p>The planting also needs to be maintained in perpetuity, including weed and pest control measures and replacement on the death or disease of a plant. This would be effective in ensuring in achieving the desired outcome.</p>	<p><i>Costs:</i></p> <p>Costs of the works (planting) required.</p> <p><i>Benefits:</i></p> <p>The provisions prioritise the plantation and maintenance of vegetation prior to development of the land for further residential activities. The vegetation will contribute to the overall amenity of the area and will assist in absorbing the development</p>

Policies to achieve the objective	Methods to achieve the policies	Efficiency and effectiveness of the policies and rules	Costs and benefits of the policies and rules; risks of acting or not acting
		No other alternatives were or needed to be considered.	into the landscape, when viewed from key public viewpoints. <i>Risks:</i> Risk of not acting (and allowing built form associated with residential activity to occur without planting) could have adverse effects on amenity values and landscape values that are not avoided or adequately mitigated when viewed from outside the Zone.
<u>27.3.XX.3 Avoid buildings within the Building Restriction Areas shown on the Structure Plan.</u>	<ul style="list-style-type: none"> <li>• Rule 27.7.XX.1 – subdivision rule ensuring consistency with the Structure Plan (non-complying if inconsistent)</li> <li>• Rule 11.5.12 – buildings in building restriction areas (non-complying to breach)</li> </ul>	<p>As above for Policy 27.3.XX.1: Other reasonably practicable options for achieving an integrated development included built development in more sensitive parts of the land were rejected because they would not be consistent with having regard to the landscape or topographical nature of the setting.</p> <p>The rules are effective in achieving the objective, and efficient in that the non-complying status will discourage any proposals for development in the sensitive areas.</p>	<p><i>Costs:</i> The Building Restriction Area limits the development capability of the land, and this could be seen as an inefficient use of the Zone’s resources.</p> <p><i>Benefits:</i> The Structure Plan will enable appropriate development, from a landscape and amenity perspective.</p> <p><i>Risks:</i> Risk of not acting in that inappropriate development in inappropriate parts of the land could result from an unstructured approach.</p>
<u>27.3.XX.4 Require the provision of walkway and cycleway access through the Zone and to adjacent public land in the location generally shown on the Structure Plan contained in Section 27.13</u>	<ul style="list-style-type: none"> <li>• Rule 27.7.XX.1 – subdivision rule ensuring consistency with the Structure Plan (non-complying if inconsistent)</li> <li>• Rule 27.7.XX.1 – reserves control over content of <i>Structural Planting Areas Plan</i> to ensure integration of built development</li> </ul>	<p>The rules will be effective in achieving the objective for an integrated zone, and will contribute to how the Zone integrates with the adjoining public land.</p> <p>No other alternatives were or were needed to be considered.</p>	<p><i>Costs:</i> No real costs.</p> <p><i>Benefits:</i> The provision of public walkways and cycleway trails will expand the Queenstown Trail network and encourage easy access to new areas for the public and integrate with the adjoining public land.</p> <p><i>Risks:</i> No real risks of acting or not acting.</p>