

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of re-notified Stage 1
submissions: Gertrude's
Saddlery Limited and
Larchmont
Developments Limited
at Arthurs Point

**SECTION 42A OF RUTH CHRISTINE CAMERON EVANS
FOR QUEENSTOWN LAKES DISTRICT COUNCIL**

PLANNING

18 October 2022

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / R Mortiaux
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

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1. PROFESSIONAL DETAILS

- 1.1 My name is Ruth Christine Cameron Evans. I am a planner at Barker & Associates, an independent, specialist planning consultancy. I am based in the Christchurch Office.
- 1.2 I hold a Master of Regional and Resource Planning (2005) and a Bachelor of Arts (2002), both from Otago University. I am a full member of the New Zealand Planning Institute.
- 1.3 I have worked as a planner in consultancy and government agency roles since 2005.
- 1.4 I have assisted Queenstown Lakes District Council (**QLDC**) with various parts of the Proposed District Plan (**PDP**) since 2016. This includes the following roles:
- (a) s42A reporting officer for Stage 1 topics – Chapter 26 Noise, Chapter 43 Millbrook, and Queenstown Commercial and Industrial rezonings (not in relation to the subject submissions);
 - (b) expert planning witness for QLDC at various Stage 1 mediations including residential, noise and a number of Queenstown rezoning appeals (all resolved via consent order); and
 - (c) expert planning witness for Topic 31 Subtopic 2 (the Donaldson appeal) appeals, including attendance at mediation and preparation of expert evidence.
- 1.5 I have processed and peer reviewed the processing of various resource consent applications on behalf of QLDC from 2017-2021.
- 1.6 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note 2014 and I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within

my area of expertise, except where I state that I am relying on the evidence of another person.

2. INTRODUCTION

2.1 In this s42A report I provide recommendations to the Hearings Panel on the following two submissions and associated further submissions received on Stage 1 of the PDP, relating to the zoning of land at the southern end of Arthurs Point:

- (a) Submission number 494 Gertrude's Saddlery Limited (**Gertrude's Saddlery**);
- (b) Submission number 527 Larchmont Developments Limited (**Larchmont Developments**).

2.2 These submissions were originally heard in 2017 as part of Stream 13, Queenstown Mapping. Due to an error in the original summary of submissions, the Council was directed by the Environment Court to renotify the submissions. The submissions were notified for further submissions earlier this year, closing on 14 April 2022. A total of 101 further submissions were received.

2.3 In assessing the submissions, I refer to and rely on the evidence of the following expert witnesses for the Council for this hearing:

- (a) Ms Helen Mellsop, Landscape Architecture;
- (b) Mr Mike Smith, Traffic and Transportation;
- (c) Mr Rob Bond, Geotechnical Engineering; and
- (d) Mr Richard Powell, Infrastructure.

2.4 In preparing this evidence, the key documents I have read and used to inform my views include:

- (a) Chapter 3 Strategic Directions (dated November 2021),¹
Chapter 4 Urban Development (dated September 2022),² and

1 [Section Title \(qldc.govt.nz\)](#)
2 [Section Title \(qldc.govt.nz\)](#)

Chapter 6 Landscapes (dated April 2022),³ as updated by Environment Court decisions and issued consent orders.

- (b) S42A report of Rosalind Devlin for Group 1C Queenstown Urban – Central, West and Arthurs Point, dated 24 May 2017; rebuttal evidence of Rosalind Devlin dated 7 July 2017; reply evidence of Rosalind Devlin dated 6 October 2017.
- (c) Statement of evidence of Wendy Banks (Transport) dated 25 May 2017; rebuttal evidence of Wendy Banks dated 7 July 2017; and reply evidence of Wendy Banks dated 6 October 2017 for Hearing 13 Queenstown Mapping.
- (d) Statement of evidence of Marion Read (Landscape) dated 24 May 2017; rebuttal evidence of Marion Read dated 7 July 2017; and reply evidence of Marion Read dated 6 October 2017 for Hearing 13 Queenstown Mapping.
- (e) Statement of evidence of Ulrich Glasner (Infrastructure) dated 24 May 2017; rebuttal evidence of Ulrich Glasner dated 7 July 2017; and reply evidence of Ulrich Glasner dated 6 October 2017 for Hearing 13 Queenstown Mapping.
- (f) Statement of evidence of Carey Vivian for Submitters #494 and #527 dated 9 June 2017 for Hearing 13 Queenstown Mapping.
- (g) Report and Recommendations of Independent Commissioners Regarding Queenstown (other than Wakatipu Basin) Planning Maps (Report 17-1) dated 7 April 2018.
- (h) Report and Recommendations of Independent Commissioners Regarding Mapping of Arthurs Point (Report 17-4).
- (i) Section 32 reports for the following topics/chapters: Strategic Direction, Urban Development, Landscape, Rural Zone and Gibbston Character Zone, Low Density Residential Zone.
- (j) The following decisions:
 - (i) *Arthurs Point Outstanding Natural Landscape Society Inc v QLDC* [2019] NZEnvC 150;
 - (ii) *Upper Clutha Environmental Society Incorporated v QLDC* [2019] NZEnvC 205;

(iii) *Arthurs Point Outstanding Natural Landscape Society Inc v QLDC* [2022] NZEnvC 13.

2.5 I am familiar with the site and surrounding environment, having visited the site with Ms Mellsop in May this year. During this site visit we drove up to the existing buildings on the ridgeline at the top of the site and traversed the cleared accessways. We viewed the site from various points within Arthurs Point, as well as from the south across the Shotover River and from a distance from Littles Road. I note that this site visit was prior to the tree removal on the site, of which I understand to be substantial. I intend to revisit the site ahead of the hearing in November 2022.

2.1 I note that on 14 October 2022, the submitters filed a 'draft master plan' with the Panel, which includes refinement to the rezoning relief that they are now intending to pursue through evidence. That includes a much smaller area of Low Density Suburban Residential Zone (**LDSR**), and a rezoning to Large Lot Residential (B) Zone (**LLR B**) for the rest of the site. While the memorandum does not specifically refer to a maximum of 30 lots being allowed through the proposed structure plan, I understand that is the submitters' intention.

2.2 Given the very late receipt of this refined relief, I have not been able to take it into account for the purpose of this s42A and understand from legal counsel that I will be able to address it through rebuttal evidence.

2.3 However, Mr Powell (infrastructure) and Mr Smith (traffic) for Council, have had an opportunity to consider the refined relief, so for that reason and because I rely on their evidence, I do at times refer to the refined proposal now being advanced by the submitters.

3. EXECUTIVE SUMMARY

3.1 The original submissions by Gertrude's Saddlery and Larchmont Developments seek rezoning of land at 111 Atley Road and 163 Atley Road from rural to low density residential. This relief has recently been refined to reduce the area of land sought to be zoned LDSR, and to

rezone part of the site LLR B, as well as nominating a maximum of 30 lots for the rezoning.

- 3.2 Based on the evidence of Mr Bond, I accept the original relief is acceptable with respect to geotechnical and natural hazards risk.
- 3.3 Based on the evidence of Mr Powell, who has evaluated the refined relief, I accept that a maximum of 30 lots can be appropriately serviced with respect to water, wastewater and stormwater.
- 3.4 Based on the evidence of Ms Mellsop on the original relief sought, I accept that a partial rezoning of the site to LDSR will protect the values of the wider Arthurs Point ONL and the Kimiākau Shotover River ONF. Ms Mellsop has recommended a requirement for a landscape buffer, which I accept is necessary to support any LDSR expansion on the site.
- 3.5 Based on the evidence of Mr Smith, who has evaluated both the original and refined relief sought by the submissions, I accept that the rezoning has not adequately demonstrated that the access road can be formed, or that the traffic effects on nearby intersections arising from the rezoning have been adequately assessed.
- 3.6 The site is mapped as Land Use Capability 3 (**LCU3**) under the Manaaki Whenua Landcare Research mapping, which I understand is to be used during the transitional period of the National Policy Statement on Highly Productive Land 2022 (**NPSHPL**), until such time as regional councils have completed highly productive land mapping. As an urban rezoning of rural land, the proposal does not give effect to the NPSHPL.
- 3.7 Based on the information currently available, I recommend that the submissions be rejected due to the original relief not protecting the values of the ONL and Kimiākau Shotover River ONF, potential adverse traffic effects, and failing to give effect to the NPSHPL.

4. THE SITE AND SURROUNDS

- 4.1** The combined submissions relate to 111 and 163 Atley Road. Together these properties total 7.3665 hectares, although approximately 1.6 hectares of 111 Atley Road, immediately adjoining the southern part of Arthurs Point, is already zoned LDSR in the PDP and not subject to the rezoning submissions.
- 4.2** There is a residential unit on the north eastern part of the site on the lower land at the end of Atley Road and another three residential units, one partially constructed residential unit, and a number of accessory buildings located on the northern, elevated part of the site. An accessway traverses the site from Atley Road, to each of the residential units. There is a farm track that extends from the access down to the eastern boundary of the site. The majority of the site is covered in vegetation, including wilding pines which are in the process of being removed.
- 4.3** The site is adjoined by Department of Conservation land along the western, southern and eastern boundaries. The northern part of the site is elevated, and slopes down to the western, southern and eastern boundaries.

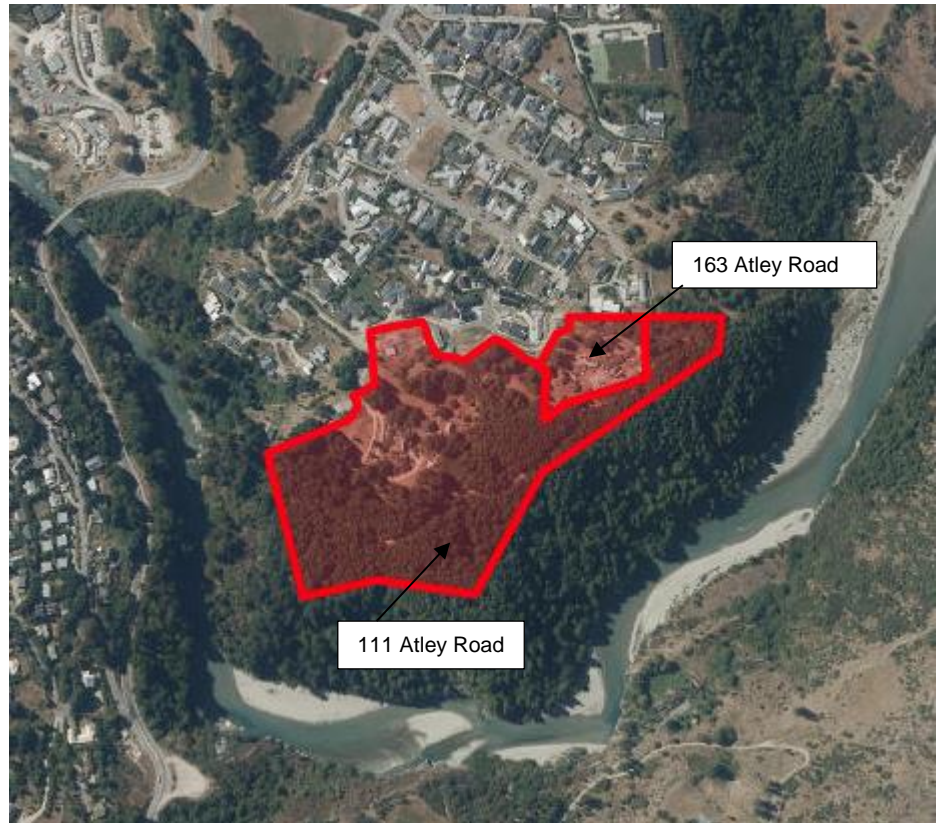


Figure 1: The submission sites – 111 Atley Road (including the part of the site already zoned LDSR) and 163 Atley Road. Note that vegetation clearance has taken place recently, and the tree cover is not as extensive.

5. THE SUBMISSIONS

- 5.1 Submission #494 and #527 (**the submissions**) seek rezoning of land at 111 and 163 Atley Road from rural to low density residential (now referred to as LDSR (Chapter 7) in the PDP).

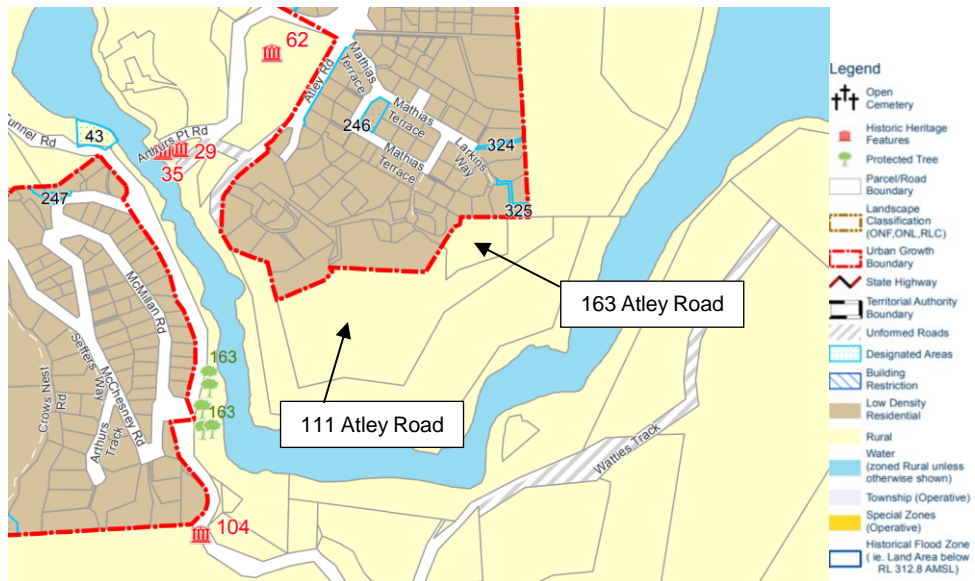


Figure 2: PDP Stage 1 Map 39a – notified version (source: QLDC PDP notified maps).

Gertrude’s Saddlery submissions

5.2 The original submission #494 seeks:

- (a) That the Low Density Residential Zone be extended to the south as shown in **Figure 3** below. Note that the extent of low density sought by this submitter does not extend over the entirety of 111 Atley Road (but submission #527 does).
- (b) That the Urban Growth Boundary (**UGB**) be extended to accommodate the land requested to be rezoned residential.
- (c) That the ONL classification will be deleted as a consequence of extending the UGB.
- (d) That the balance of the land remain zoned Rural.



Figure 3: Extent of low density residential zoning originally sought by #494 shown in red (source: Submission #494)

5.3 Gertrude's Saddlery made a further submission (FS #60) on submissions #494 and #527. This further submission included further relief sought, but for a number of points goes beyond the scope of the original submissions:

- (a) Rezoning the land to a '*form of urban density that suits the site specific constraints of the submitter land*'. I consider a change to respond to this concern to only be within scope if the form of urban density is not any more intense than the LDSR zone;
- (b) Rezoning the land to a range of potential densities, including low, medium or high density residential, large lot residential, or '*another site specific urban rezoning*'. Given the primary submission only sought a low density residential zone, I consider the alternative zones sought to go beyond the scope of the original submission;
- (c) Provision for local amenities or non-residential '*spot-zoning*', if appropriate. I consider this to go beyond the scope of the original submission;

- (d) Allowance for site specific provisions in the PDP for the submission land, including amendments to Chapter 27 to provide a controlled activity consenting pathway for subdivision (which was not sought in the primary submission, but was sought in #527), provision for a structure plan/master plan approach to future subdivision, amendments to district wide chapters to enable effective subdivision and development;
- (e) Further rezoning of the site, to include land beyond and adjacent to the submission land, to align with the boundary proposed by #527, including the land identified in submission #527 (as shown in Figure 3 below). This is within the scope of submission #527 but not #494.



Figure 4: Snip of extent of rezoning sought by Gertrude's Saddlery as per their Further Submission #60 shown by black hatch (Source: Further Submission #60)

Larchmont Development Limited submission

5.4 The original submission #527 seeks:

- (a) That the area of land shown in the map attached to the submission (and snipped in Figure 5 below) be rezoned Low Density Residential.
- (b) That the UGB be amended to include the site.



Figure 5: Snip of extent of rezoning sought by Larchmont Developments, as shown in Appendix 1 to Submission #527 shown by black hatch (Source: Submission #527)

5.5 Larchmont Enterprises Limited (previously Larchmont Developments Limited) made a further submission (FS #88) on submissions #494 and #527. This further submission included further relief as follows:

- (a) Allow for urban/residential development on the submission land. I consider the scope for 'urban/residential' development to be confined to low density residential density only;
- (b) Amendments to Chapters 7 and 27 of the PDP to enable residential development of the submitter's land in accordance with the low density residential zoning proposed;
- (c) Permitted activity status for earthworks, temporary activities, felling, poisoning or removal of wilding trees on the submitter land. None of these changes were mentioned in either primary submission and I consider the request to go beyond the scope of the original submissions.

5.6 The further submission appended the same plan as shown in **Figures 4 and 5** above.

Scope provided for in the combined relief of the Gertrude's Saddlery and Larchmont primary submissions

5.7 The land shown in **Figure 5** represents the extent of land subject to the rezoning request of both submitters.

5.8 It is understood that the extent of the rezoning sought is to the boundary of 111 Altey Road.

5.9 Overall in summary, the submissions provide the following scope for consideration by the Hearings Panel in relation to the submission land **(the site)**:

- (a) LDSR zoning (or residential zoning of a lesser density for the entire site, somewhere between LDSR and Rural);
- (b) Extension of the UGB to incorporate the site; and
- (c) Consequential removal of the ONL from the site.

5.10 The site (excluding the LDSR zoned portion of 111 Altey Road that is not subject to the rezoning) is approximately 5.8 hectares. Using the Council's standard approach of 68% of the land being available for residential sites (assuming roads and reserves account for around 32%), this means the rezoning could result in a yield of approximately 87 lots based on the minimum lot size of 450m² for the LDSR Zone.

5.11 As mentioned earlier, the submitters have filed a 'draft master plan' with the Panel, which includes a refinement to the relief that they are now intending to pursue through evidence. That includes a much smaller area of LDSR, and a rezoning of the rest of the site to Large Lot Residential (B) Zone.

6. OTHER FURTHER SUBMISSIONS

6.1 In addition to the two further submissions discussed above, 99 other further submissions were received. Including those from the primary submitters, a total of 26 further submission points were received in support of the rezoning, 140 in opposition to the rezoning, and two further submission points neither supported nor opposed the rezoning. The majority of further submissions were on both primary submissions.⁴

6.2 The positions advanced in the further submissions range from supporting the rezoning proposal in its entirety, to seeking more detail/amendments such as a structure plan to better understand the proposal, to opposing the rezoning proposal in its entirety.

6.3 Key issues raised in further submissions in support include:

- (a) The expansion is a natural extension of the existing residential area;
- (b) Contribution of additional housing supply; and
- (c) Opportunity for an additional cycle track.

6.4 Key issues raised in further submissions in opposition include:

- (a) Significant adverse effects on the ONL and Outstanding Natural Feature (**ONF**) at Arthurs Point;
- (b) Role of the site in providing breathing space between the urban part of Arthurs Point and the ONL/ONF;
- (c) Significant natural hazards;
- (d) Part of the site is identified as wāhi tūpuna;
- (e) Impacts on the amenity enjoyed by residents in the area, including more houses, traffic and parking overspill, noise, rubbish bins, impact on ability to walk along the roads, smoke, night lighting, overlooking;
- (f) Traffic, including capacity of the Edith Cavell Bridge and safety issues associated with the narrow access road;

⁴ Further submission points on submission #494: 71 oppose, 28 support, one neutral; further submission points on submission #527: 96 oppose, 28 support, one neutral.

- (g) Significant effects on the night sky, including lighting and glare;
- (h) Construction related effects, including noise and dust;
- (i) Capacity of existing infrastructure networks; and
- (j) The submissions are lacking detail to consider the land for rezoning.

6.5 Over half of further submitters are located in or close to Arthurs Point,⁵ as shown in Figure 6 below.



Figure 6: Location of further submitters with Arthurs Point or the vicinity. Red text indicates submission in opposition, green text indicates submission in support.

7. STATUTORY CONSIDERATIONS

Resource Management Act 1991

7.1 The Resource Management Act 1991 (**the RMA**) sets out the statutory framework for considering the rezoning submissions. Relevant sections address functions of territorial authorities (section 31); requirements for evaluation reports and further evaluation reports

⁵ Based on the address supplied in the further submission

(section 32 and 32AA); purpose of district plans (section 72); preparing and changing district plans (section 73); matters to be considered by a territorial authority when changing a district plan (section 74); contents of district plans (section 75); and district plan rules (section 76).

7.2 Guidance has been provided by the Environment Court as to the statutory requirements for consideration of a rezoning in *Colonial Vineyard Limited v Marlborough District Council* [2014] EnvC 55, with additional direction provided by subsequent higher order decisions, including but not limited to the decision of the majority of the Supreme Court in *Environmental Defence Society v The New Zealand King Salmon Company Limited* [2014] NZSC 38.

7.3 The PDP Stage 1, 2 and 3 Hearings Panels have utilised this guidance and I adopt that guidance for the purposes of this evidence.

7.4 Sections 74 and 75 of the RMA require:

- (a) that the district plan is prepared in accordance with Part 2 of the RMA;
- (b) a s32 evaluation;
- (c) that the district plan is prepared in accordance with any national policy statement and any regulations;
- (d) that any relevant planning document recognised by an iwi authority be taken into account;
- (e) that the district plan must give effect to any national policy statement; and
- (f) that the district plan must give effect to any regional policy statement.

NATIONAL POLICY STATEMENTS

7.5 The PDP must be prepared in accordance with, and give effect to any national policy statement.

National Policy Statement on Urban Development 2020 (updated May 2022)

7.6 Part 1.3 of the National Policy Statement on Urban Development (**NPSUD**) states the NPSUD applies to local authorities that have all or

part of an 'urban environment' within their district or region, and planning decisions by any local authority that affect an urban environment. Queenstown Lakes District Council is identified as a Tier 2 local authority and Queenstown is a Tier 2 urban environment.

7.7 Objective 1 of the NPSUD focuses on establishing 'well-functioning urban environments', with Policy 1 requiring planning decisions to contribute to 'well-functioning urban environments'.⁶ I understand the land within the UGBs in the District is treated as part of the urban environment for the purposes of the NPSUD.

7.8 The objectives, policies and implementation requirements of the NPSUD collectively include requirements for urban environments such as better housing affordability, a variety of housing, more people living in urban environments, good accessibility, integration of planning and land use decision making, and urban environments supporting reductions in greenhouse gas emissions and are resilient to climate change.

7.9 Policy 2 and clause 3.2 requires the Council to provide at least sufficient development capacity to meet demand over the short, medium and long term. I understand that the PDP currently provides for this capacity, including the additional 20% over and above expected demand that is required as part of the NPSUD's competitiveness margin (NPSUD clause 3.22). This is set out in the Housing Development Capacity Assessment Queenstown Lakes District Council dated 15 September 2021.⁷

⁶ Policy 1 defines this as urban environments that, as a minimum:
(a) have or enable a variety of homes that:
(i) meet the needs, in terms of type, price, and location, of different households; and
(ii) enable Māori to express their cultural traditions and norms; and
(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
(e) support reductions in greenhouse gas emissions; and
(f) are resilient to the likely current and future effects of climate change.

⁷ <https://www.qldc.govt.nz/media/ud5hiyug/queenstown-lakes-district-housing-development-capacity-assessment-2021-main-report.pdf>

- 7.10** Section 9 of this report sets out sufficiency of capacity to meet future demand over the short, medium and long term, including by location. Both Arthurs Point and the wider urban environment have small surpluses in capacity across all three periods.
- 7.11** The potential yield of 87 lots if the site was fully developed under LDSR would contribute additional capacity and additional low density housing choice, but not significantly. The rezoning is an extension to an existing area. Overall, the proposed rezoning does not offend against the principles of the NPSUD.

National Policy Statement for Highly Productive Land 2022

- 7.12** The NPSHPL was introduced in September 2022 and has effect from 17 October 2022. The objective of the NPSHPL is that *highly productive land is protected for use in land-based primary production, both now and for future generations.*
- 7.13** ‘Highly productive land’ (HPL) is defined by the NPSHPL as *land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land).*
- 7.14** Given that the NPSHPL has only recently been gazetted and come into effect, the Partially Operative Otago Regional Policy Statement 2019 (POORPS) has not been updated to include mapping for HPL. As per the definition of HPL, until the POORPS is updated, the Council must apply this NPS⁸ as if references to HPL were to land that is zoned general rural (or rural production), identified as LUC 1, 2 or 3 land, and not identified for future urban development or subject to a council initiated or adopted plan change to rezone it from general rural to urban.

8 NPSHPL clause 3.5(7)

- 7.15** Stepping through these tests⁹ to determine if the land subject to the rezoning submissions is HPL (in the absence of mapping in the RPS): the land is zoned rural (in both the ODP and PDP) which is equivalent to the general rural zone in the Planning Standards; there is no Future Development Strategy for Queenstown; there is the Queenstown Lakes Spatial Plan (July 2021), which is a 'strategic planning document', however there is nothing in the Queenstown Lakes Spatial Plan that identifies this part of Arthurs Point as suitable for urban development.
- 7.16** Continuing on, LUC 1, 2 and 3 land is defined by the NPSHPL 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*. I understand the New Zealand Land Resource Inventory Mapping to be the mapping published by Manaaki Whenua Landcare Research.¹⁰ This mapping shows the site as LUC3. A snip of this mapping and the key is provided in Figure 7 below and a print out of the map from the Manaaki Whenua Landcare Research mapping tool is provided at **Appendix 1**.

9 NPSHPL clause 3.5(7)

10 Available at: https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/lri_luc_main

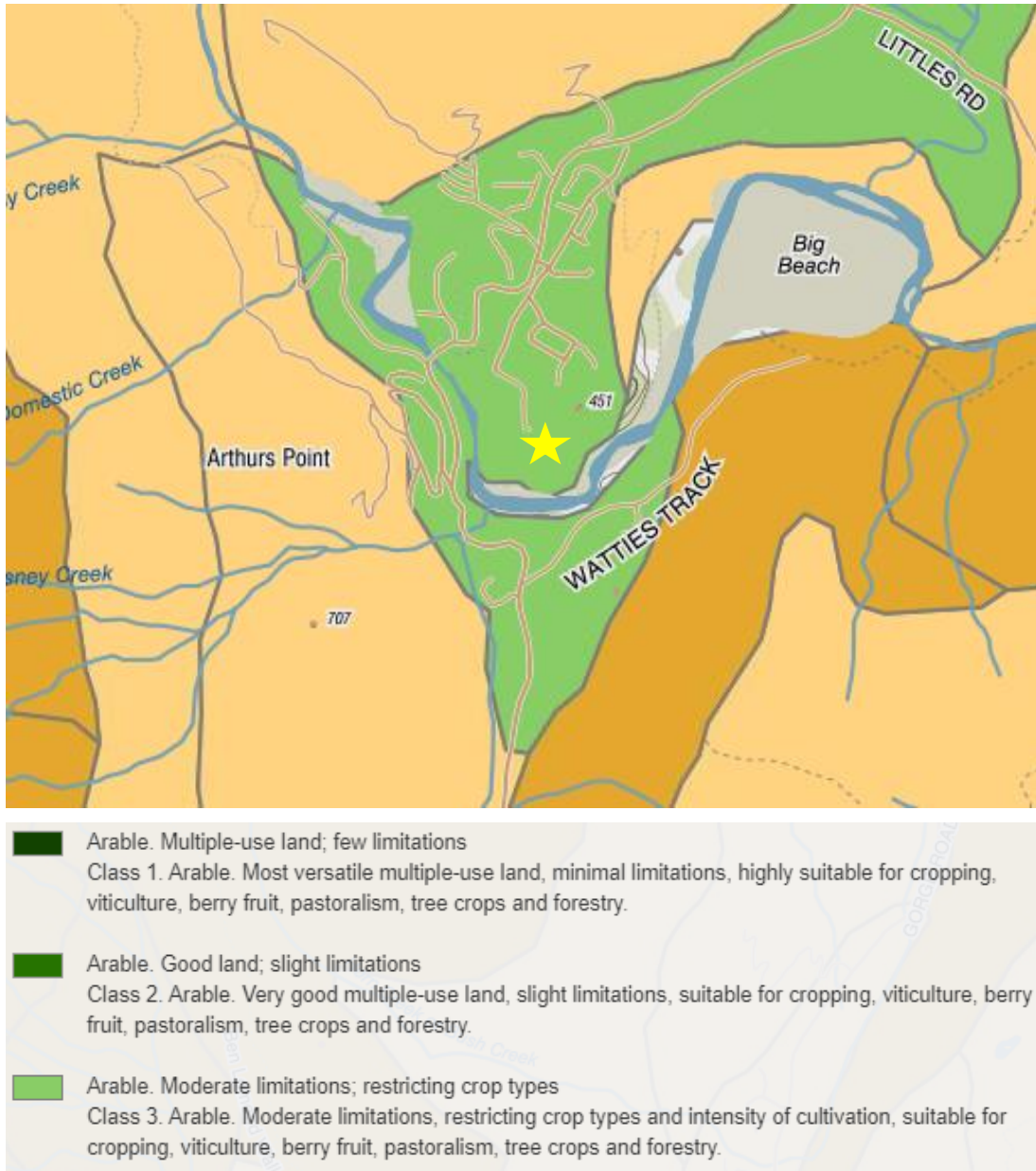


Figure 7: Snip of LUC mapping and key for LUC 1-3 (Source: Manaaki Whenua Land Use Capability Mapping)

- 7.17** Based on this mapping, the site is therefore considered HPL for the purposes of the NPSHPL and the national policy statement applies.
- 7.18** Policy 5 of the NPSHPL requires that *the urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement*. ‘Urban rezoning’ is defined as changing from a general

*rural or rural production zone to an urban zone. Low density residential is an urban zone.*¹¹

- 7.19** The rezoning is therefore considered to be an urban rezoning and Policy 5 applies.
- 7.20** Clause 3.6 sets out the implementation requirements for restricting urban rezoning of HPL (and the exceptions referred to in Policy 5). As a Tier 2 local authority, the Council may allow an urban rezoning of HPL, only if all of the following apply (summarised):
- (a) the urban rezoning is required to provided sufficient development capacity to give effect to the NPSUD; and
 - (b) there are no other reasonable options for providing the capacity in the same locality or market; and
 - (c) the costs outweigh the benefits.
- 7.21** Even if these tests can be met, the Council must also take measures to ensure that the spatial extent of any urban zone covering HPL is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.
- 7.22** As noted in paragraphs 7.9 and 7.10 above, the Council, through the PDP has provided at least sufficient development capacity as required by the NPSUD. Therefore, the rezoning does not satisfy the first exception for urban rezonings. No analysis has been undertaken with respect to clauses 3.6(1)(b) and (c) at this stage, but all three exceptions must be satisfied for an urban rezoning of HPL to proceed.
- 7.23** I acknowledge that the HPL mapping available currently is not site specific, and is relatively coarse at a scale of 1:25,000. I also understand that much of the Manaaki Whenua mapping was completed some time ago. A more detailed assessment, using the LUC classification system and methodology set out in the NPSHPL may conclude that the site and surrounding area is not LUC 1-3. However without that more detailed assessment, the assessment of

¹¹ NPSHPL definition of 'urban' is: *urban, as a description of a zone, means any of the following zones: (a) low density residential, general residential, medium density residential, large lot residential, and high density residential...*

the submissions with respect to giving effect to the NPSHPL is reliant on the mapping available.

- 7.24** In my view, despite the potential issues with the scale and age of the currently available LUC mapping, the Council cannot support the rezoning to residential (urban) as it is prevented by Policy 5 of the NPSHPL because the rezoning does not satisfy clause 3.6(1)(a), (b) and (c). The proposed rezoning does not give effect to a national policy statement as required by section 75(3)(a) of the RMA. Based on the information currently available, the evaluation of the NPSHPL above, and without evidence to the alternative as to the class of soils on the submission site or evidence that demonstrates that criteria for the exception has been achieved, I recommend that the submissions be rejected on the basis of not giving effect to the NPSHPL.
- 7.25** Notwithstanding my recommendation here, I will for completeness, and in case further information on the land use capability classification is provided, address the other matters for consideration of this rezoning.

National Policy Statement for Freshwater Management 2020

- 7.26** The National Policy Statement for Freshwater Management (**NPSFM**) applies to all freshwater, including groundwater and receiving environments. There are no freshwater bodies on the site. The site is close, but does not immediately adjoin, the Shotover River. PDP Chapter 25 Earthworks, and Chapter 27 Subdivision and Development set out the framework for development of the site, including requirements for connections to stormwater and wastewater networks. The proposed rezoning is unlikely to impact on freshwater or groundwater, given that Mr Powell has confirmed that stormwater can be appropriately disposed of on site and water and wastewater connections are available.
- 7.27** I do not consider that the rezoning proposal will compromise the outcomes sought by the NPSFM.

Other national policy statements

- 7.28** I do not consider that the New Zealand Coastal Policy Statement 2010, the National Policy Statement for Renewable Electricity Generation 2011, or the National Policy Statement on Electricity Transmission 2008 to be relevant to the assessment of these submissions.

REGULATIONS

- 7.29** The PDP must be prepared in accordance with any regulations. This includes a number of national environmental standards. Other than the National Environmental Standard for Assessing and Managing Contaminants to Soil 2011, in my view there are no regulations or national environmental standards that are of particular relevance or provide direction with respect to the rezoning submissions.
- 7.30** With respect to the National Environmental Standard for Assessing and Managing Contaminants to Soil 2011, I note that the site is not identified as a potentially contaminated site on the Council's Natural Hazards and HAIL Data web viewer.

IWI MANAGEMENT PLANS

- 7.31** The PDP must take into account any relevant planning document recognised by an iwi authority.
- 7.32** The Kāi Tahu Ki Otago Natural Resource Management Plan 2005 and The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 are the relevant iwi management plans for the District.
- 7.33** The PDP has taken into account the outcomes of the iwi management plans, including Chapter 5 Tangata Whenua and Chapter 39 Wāhi Tūpuna. The proposed zoning change does not seek to change the PDP approach.

7.34 I note that as part of Stage 3 of the PDP, wāhi tūpuna mapping and provisions have been introduced. Figure 8 below shows the wāhi tūpuna layer as it applies to the subject site along the western edge.

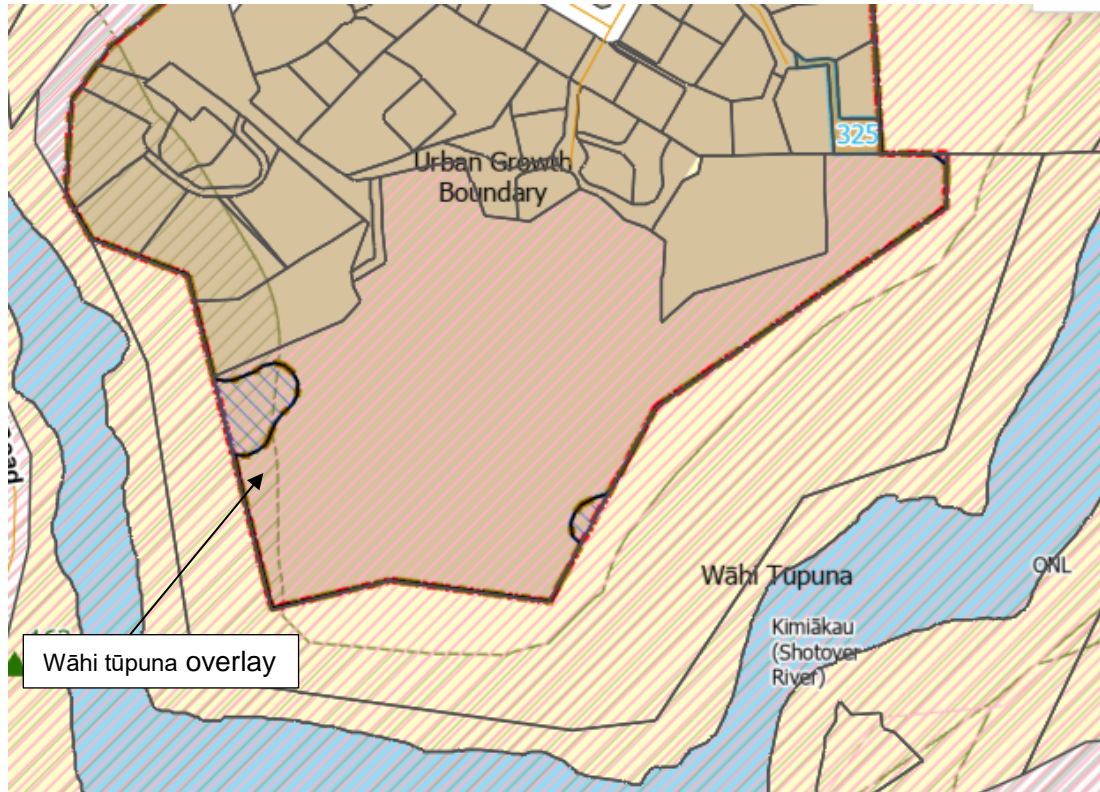


Figure 8: Snip of PDP Wāhi tūpuna overlay – green/brown hatching along the western boundary (Source: PDP webmap, accessed 12/10/2022)

7.35 The presence of this overlay on the site triggers the application of Chapter 39 of the PDP, which is the method for protecting Manawhenua values in the District. The provisions of Chapter 39 will ensure any activities associated with any residential development of the site are appropriately managed. This is in addition to the strategic direction set by Chapter 5 Tangata Whenua.

7.36 When taking into account Chapters 5 and 39 of the PDP, in my view the rezoning does not give rise to any issues of concern with respect to the outcomes sought by the two iwi management plans.

REGIONAL POLICY STATEMENTS

7.37 The PDP must have regard to any proposed regional policy statement (section 74(2)(a)(i)) and must give effect to any regional policy

statement (section 75(3)(c)). There are two regional policy statements relevant to the rezoning. The POORPS was made partially operative on 15 March 2021. A Proposed Otago Regional Policy Statement (**PORPS**) was notified in 2021.

7.38 **Appendix 2** sets out the relevant provisions of both the POORPS 2019 and the PORPS 2021 and an assessment of the submissions against key objectives and policies.

7.39 Given the stage of the PDP review, and that the majority of chapters are now largely settled, the PDP gives effect to PORPS 2019 in terms of the PDP provisions associated with the various zoning options available for the site and district wide matters such as transport. At this stage the submitters have not proposed any amendments to PDP provisions. My assessment therefore focusses on the most appropriate zoning with respect to the regional policy statements.

POORPS 2019

7.40 Relevant provisions focus on:

- (a) sustainable use of resources;
- (b) economic, social and cultural wellbeing, and the health and safety of communities;
- (c) integrated management of resources;
- (d) Kāi Tahu values and interests including protection of wāhi tūpuna;
- (e) quality natural resources and ecosystems, including safeguarding the life supporting capacity of freshwater and identifying and managing outstanding natural landscapes;
- (f) resilient safe and healthy communities, including minimising risk from natural hazards and strategic and coordinated urban growth; and
- (g) the use and enjoyment of the natural and built environment, including management and protection of land for economic production.

- 7.41** With regard to sustainable use of resources, provision for economic, social and cultural wellbeing and the health and safety of communities: rezoning the site (or part of the site) to residential, in a way that adverse effects can be managed (discussed further in section 9 below), will allow for more efficient use of the land resource as it will provide an opportunity for residential development. However, at this stage Mr Smith is of the view that the revised proposal (maximum 30 lots) has not adequately demonstrated that the traffic effects of the proposal are acceptable.
- 7.42** With regard to integrated management: the visual effects of the proposal on the landscape are a key consideration. It is Ms Mellsop's opinion that the site can accommodate some residential development in a way that visual integration can be achieved.
- 7.43** In terms of Kāi Tahu values and interests: the PDP has recognised Kāi Tahu values through Chapters 5 and 39. These chapters will apply to any future development of the part of the site that is identified as Wahi Tupuna. The wāhi tūpuna identified along the western edge will continue to be protected. The modified extent of residential area supported by Ms Mellsop does not extend to the western edge of the site. Kāi Tahu values and interests can continue to be recognised under either the notified Rural Zone or the limited extension to the LDSR as recommended by Ms Mellsop.
- 7.44** Turning to quality of natural resources and ecosystems, including, freshwater, soil values, ecosystems and indigenous biodiversity and outstanding natural landscapes:
- (a) the site can be adequately serviced by water and wastewater reticulated networks, and the provisions in Chapters 25 and 27 of the PDP require site management processes be followed to mitigate potential run off that may impact on freshwater.
 - (b) With respect to the soil value, and identifying and managing significant soil, there is currently no site specific assessment of the value of the soil. As noted above in relation to the discussion on the NPSHPL, the site is mapped by Manaaki

Whenua as LUC3. This is described as arable, with *moderate limitations; restricting crop types and intensity of cultivation, suitable for cropping, viticulture, berry fruit, pastoralism, tree crops and forestry*. A large proportion of the site is covered in wilding pines, that are in the process of being removed, which aligns with the policy to control adverse effects of pest species and reduce their spread. There are currently no primary production uses on the site as it is largely covered in trees, however value of soil is must now also be considered in the context of the directive policy of the NPSHPL (which the POORPS has not yet given effect to).

- (c) For ecosystems and indigenous biodiversity, there is no indigenous biodiversity identified on the site. The residential zoning of a portion of the site is one option in controlling the adverse effects of wilding pines as a pest species.
- (d) For landscapes, and in particular the ONL and ONF at Arthurs Point, based on Ms Mellsop's advice, a partial extension to the residential zone will enable the landscape values of the area to be maintained and the landscape values of the wider ONL and the Kimiākau Shotover ONF to be protected.¹²

7.45 With regard to resilient, safe and healthy communities: Mr Bond has assessed the site with respect to potential risk from natural hazards, and concluded that residential development of the site is acceptable from a geotechnical and natural hazards perspective. Mr Powell has confirmed that the site can be serviced however Mr Smith has raised concerns with the access arrangements for the rezoning. The proposed rezoning is an extension to an existing residential zone with the standard PDP provisions applying to contribute to a well designed community.

7.46 Finally, with respect to use and enjoyment of the natural and built environment, including economic production: the site is not used for any primary production or other rural activity, although I do not consider this to necessarily be a reason to support the rezoning. While it is in the Rural Zone, it does not contribute in any material way to supporting the region's economy.

12 Helen Mellsop evidence in chief dated 18 October 2022 paragraph 9.5.

7.47 Overall, with the exception of traffic/transport effects and productive soils, I consider the partial extension of the LDSR over the submission sites to generally give effect to the POORPS.

PORPS 2021

7.48 Relevant topics covered by the PORPS cover similar themes to the POORPS. This includes integrated management, land and freshwater, ecosystems and indigenous biodiversity, infrastructure, transport, hazards and risks, historical and cultural values, natural features and landscapes, and urban form and development. The objectives and policies for these topics seek similar outcomes as the POORPS in relation to this proposal.

8. THE PDP

8.1 Chapter 3 Strategic Direction, Chapter 4 Urban Development and Chapter 6 Landscapes set out the strategic objectives and policies for the PDP, and the direction for the remaining PDP chapters.

Chapter 3 Strategic Direction

8.2 Objective 3.2.1 is the development of a prosperous, resilient and equitable economy. Associated objectives and their related policies focus socioeconomic benefits of well designed and appropriately located visitor industry places, facilities and services (Objective 3.2.1.1), town centres and commercial areas (Objectives 3.2.1.2, 3.2.1.3, 3.2.1.4, 3.2.1.5), diversification of economy and creation of employment (Objective 3.2.1.6), enablement of agricultural uses (Objective 3.2.1.7), diversification of land use in rural areas (Objective 3.2.1.8) and efficient and effective use of infrastructure (Objective 3.2.1.9). The majority of these objectives provide limited guidance for this particular rezoning.

8.3 In terms of infrastructure, based on the advice of Mr Powell, the rezoning can be adequately serviced, and therefore the proposal is considered to align with Objective 3.2.1.9. Policy 3.3.14 is the

application of the UGB, while Policy 3.3.15 is to apply provisions to enable urban development within the UGB and avoid it outside the UGB. As requested in the submission, the UGB is proposed to be adjusted to follow the new LDSR boundary. The zoning provisions in Chapter 7 are set up to facilitate appropriate urban development in the LDSR.

- 8.4** Objective 3.2.2 is that urban growth is managed in a strategic and integrated manner. Objective 3.2.2.1 sets out the outcomes of urban growth occurring in a logical manner. The extension of the existing residential zone supports integrated urban form, and the PDP provisions with respect to the relevant zone and district wide chapters will assist in meeting the outcomes for built environments and mix of housing, including the low density housing enabled in the LDSR.
- 8.5** Mr Bond has advised that there are no issues with respect to natural hazards.
- 8.6** Ms Mellsop supports a small extension of the LDSR, but not the residential zoning of the entire site. Accepting the advice of Ms Mellsop, an extension to the residential zone can be achieved that is appropriate in terms of protecting the landscape from sprawling development.
- 8.7** As discussed, the site can be adequately serviced by Council's reticulated services with respect to wastewater and water, and stormwater can be appropriately disposed of on site.
- 8.8** The proposal accords with the majority of outcomes set out in Objective 3.2.2.1 with the exception of transport. Based on the information available, Mr Smith does not support the rezoning due to effects on the transport network.
- 8.9** Objective 3.2.3 is a quality built environment, taking into account the character of individual communities. Objective 3.2.3.2 is that built form integrates well with its surrounding urban environment. Based on the advice of Ms Mellsop, an extension to the LDSR can be accommodated from a landscape perspective (but not over the entire site). This

extension adjoins the existing residential zone and provides for integration with the existing Arthurs Point urban area.

- 8.10** Objective 3.2.4 is that the distinctive natural environments and ecosystems of the District are protected. Relevant Objective 3.2.4.2 focuses on avoiding the spread of wilding vegetation. The rezoning can contribute to reducing spread of wilding vegetation as there is less opportunity for wildings to establish in a residential area. This would be an indirect effect of the rezoning.
- 8.11** Objective 3.2.5 is the retention of the District's distinctive landscapes. Related Objective 3.2.5.1, Policy 3.3.28 and Policy 3.3.28 focus on identifying Outstanding Natural Features and Landscapes and their landscape values and capacity. Development on Outstanding Natural Landscapes is identified as inappropriate unless values are protected (Objectives 3.2.5.2 and 3.2.3.5). Policy 3.3.30 is to protect the landscape values of Outstanding Natural Landscapes and Features, and Policy 3.3.31 is to avoid adverse effects on the landscapes of Outstanding Natural Landscapes from residential subdivision, use and development where there is little capacity to avoid change. Based on Ms Mellsop's advice, an extension to the residential zone can be accommodated while protecting the landscape values of both the ONL and ONF at Arthurs Point.
- 8.12** Objective 3.2.6 is that residents and communities are able to provide for their social, cultural and economic wellbeing, and their health and safety. At a high level, the expansion of the residential zone at Arthurs Point provides for additional residential development in a manner that can be accommodated within the landscape, and can be adequately serviced, with the exception of transport. The construction of development arising from any rezoning and from future residents, will contribute, albeit in a relatively minor way to the local economy. On balance, the modified extension of rezoning supported by Ms Mellsop generally achieves this objective.
- 8.13** Policies 3.3.49, 3.3.50 and 3.3.51 focus on effects on wāhi tūpuna. As discussed earlier, there is wāhi tūpuna identified along the western boundary of the site. The partial extension to the residential zone does

not intersect with the wāhi tūpuna overlay, and I note that the provisions of Chapter 29 will apply to any future development in that area. For these reasons I consider that the rezoning proposal does not present any issues with respect to policies 3.3.49, 3.3.50 and 3.3.51.

Chapter 4 Urban Development

8.14 Objective 4.2.1 and associated Policy 4.2.1.1 direct that UGBs are used as a tool to manage the growth of urban areas with distinct and defensible urban edges. Policy 4.2.1.2 is to focus urban development primarily within and adjacent to existing larger urban areas, and smaller urban towns and rural settlements to a lesser extent. Policy 4.2.1.3 is to ensure that urban development is contained in the UGB, and development is avoided outside the UGBs. In relation to the outcomes this objective and policies seek, I accept the advice of Ms Mellsop, that the partial extension to the LDSR achieves a defensible edge which can be accommodated within the landscape.

8.15 Under Policy 4.2.1.4 UGBs must encompass at least sufficient feasible development capacity¹³ and urban opportunities, consistent with: demand, ensuring competitive land supply, constraints of the land, efficient operation of infrastructure, a compact and efficient urban form, avoiding sporadic urban development in rural areas, minimising the loss of productive potential and soil resource of the land, and any future development strategy. As mentioned earlier, the current PDP zoning provides at least sufficient development capacity. Based on the advice from Council's experts, the partial extension to the residential zone can be accommodated within the constraints of the land from a geotechnical and landscape perspective. Water, wastewater and stormwater infrastructure can be provided for. There is not yet a future development strategy for this area.

13 the NPSUD defines these terms:
'development capacity': means the capacity of land to be developed for housing or for business use, based on: (a) the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and (b) the provision of adequate development infrastructure to support the development of land for housing or business use
'feasible': means (a) for the short term or medium term, commercially viable to a developer based on the current relationship between costs and revenue; (b) for the long term, commercially viable to a developer based on the current relationship between costs and revenue, or on any reasonable adjustment to that relationship

- 8.16** However, Mr Smith is concerned that the rezoning proposal has not sufficiently demonstrated that a suitable road access can be provided for. This transport matter, along with the classification of the site as LUC, and the elevation of protection of soils set by the NPSHPL, present some tensions with components of Policy 4.2.1.4.
- 8.17** Policy 4.2.1.5 requires UGBs or extending towns through plan changes to protect Outstanding Natural Features and Landscapes; Policy 4.2.1.6 provides for UGBs to be reviewed and amended in certain circumstances. Given the advice of Ms Mellsop, that a partial extension of the LDSR is appropriate, my view is that with respect to protecting landscape values, the UGB can be extended to accommodate LDSR zone expansion supported by Ms Mellsop. However, there are other reasons (NPSHPL and traffic) which mean that overall, at this stage I do not support the rezoning and consequentially I do not support the UGB extension.
- 8.18** Objective 4.2.2A seeks a compact, integrated, and well-designed urban form within UGBs. Objective 4.2.2B is that urban development within UGBs maintains and enhances the environment and rural amenity, and protects Outstanding Natural Landscapes and Features. Policy 4.2.2.1 requires that urban development is integrated with existing or proposed infrastructure. Policy 4.2.2.2 is to allocate land within UGBs into zones that are reflective of the appropriate land use, having regard to a number of listed matters.
- 8.19** As mentioned above, the partial LDSR extension supported by Ms Mellsop would be coupled with an extension to the UGB. Notwithstanding my earlier conclusions with regard to the overall appropriateness of the zone and the NPSHPL, other than Mr Smith in respect of transport issues, the Council experts are satisfied that the extension is supportable from a landscape, geotechnical and infrastructure perspective. The proposed rezoning would utilise the provisions of Chapter 7 which have been accepted as satisfactory under the PDP with respect to delivering an appropriate land use for low density residential areas and achieve the other outcomes sought by Policies 4.2.2.4-4.2.2.11.

Chapter 6 Landscapes and Rural Character

- 8.20** Chapter 6 sets out the more detailed policies for achieving the landscapes and rural character outcomes sought by Chapter 3.
- 8.21** Policy 6.3.1.1 requires that the Rural Zone be categorised as Outstanding Natural Features, Outstanding Natural Landscapes or Rural Character Landscapes. Ms Mellsop has provided advice on the ONL location in relation to the submission sites and I accept her expert advice on this matter.
- 8.22** Policy 6.3.2 and associated policies focus on managing activities in the Rural Zone (and others). This proposal is for rezoning from rural to urban, and does not involve changing the approach to activities in the Rural Zone.
- 8.23** Policy 6.3.3.1 is to recognise that subdivision and development is inappropriate on/in an Outstanding Natural Feature or Landscape. Ms Mellsop has provided advice with respect to the location of the ONL, which is outside her recommended partial LDSR extension. Accepting Ms Mellsop's advice, the partial rezoning will not enable subdivision and development within the ONL. Policy 6.3.3.5 is to maintain the open landscape character of ONFs and ONLs where it is open at present. Ms Mellsop's view is that while openness is not a valued attribute of the knoll, extension of the LDSR zone would remove the open character created by the recent wilding removal.

Overall conclusion on strategic chapters

- 8.24** Overall, and informed by the advice of Ms Mellsop, Mr Powell and Mr Bond, the partial LDSR rezoning is generally aligned with the outcomes sought in the strategic chapters for protection of landscape values, natural hazard risk, infrastructure (up to a maximum 30 lots) and wāhi tūpuna. At this stage, based on the information available, the traffic effects mean that the proposal does not fully achieve the outcomes sought with respect to efficient use of transport infrastructure.

9. KEY RESOURCE MANAGEMENT ISSUES FOR THE REZONING

9.1 I consider there to be five key resource management issues to consider as part of assessing this proposal. All of these issues have been raised in further submissions. These issues are:

- (a) Landscape;
- (b) Infrastructure and servicing;
- (c) Transport;
- (d) Geotechnical and natural hazards; and
- (e) Wāhi tūpuna/cultural effects.

Landscape

9.2 I note that landscape and visual effects are the most common issue raised by further submissions in opposition to the two rezoning submissions. Many have noted that the proposal will result in significant adverse effects on the ONL and ONF and that the site is highly visible and visually prominent.

9.3 Ms Mellsop has assessed the merits of the rezoning from a landscape perspective, including the landscape and visual effects raised in further submissions. Ms Mellsop has concluded that a small part of the submission site is part of the Kimiākau Shotover River ONF, and the submission site as a whole is part of the wider ONL that surrounds Arthurs Point. The ONF 'nests' within the wider ONL.

9.4 Ms Mellsop concludes that the rezoning as sought by the submissions (i.e. the full extension of the LDSR zone over the entirety of the submitters' land), would not protect the values of the ONL and ONF in the receiving landscape.¹⁴ This does not align with the outcomes for ONLs and ONFs expressed in Chapters 3 and 6. Accepting and relying on Ms Mellsop's assessment, retention of the notified Rural Zone provides for protection of the landscape.

9.5 Ms Mellsop considers there is potential for an extension of the LDSR zoning on the knoll, to align it better with existing topography and

14 Helen Mellsop evidence in chief dated 18 October 2022 paragraph 8.12

landscape elements. This area is shown in Appendix D to her evidence, and snipped below for reference. Ms Mellso¹⁵ states that while this extended rezoning would still adversely affect the character and amenity of some views, the effect would be low and acceptable from a landscape perspective, and the values of the ONF and ONL would be protected.

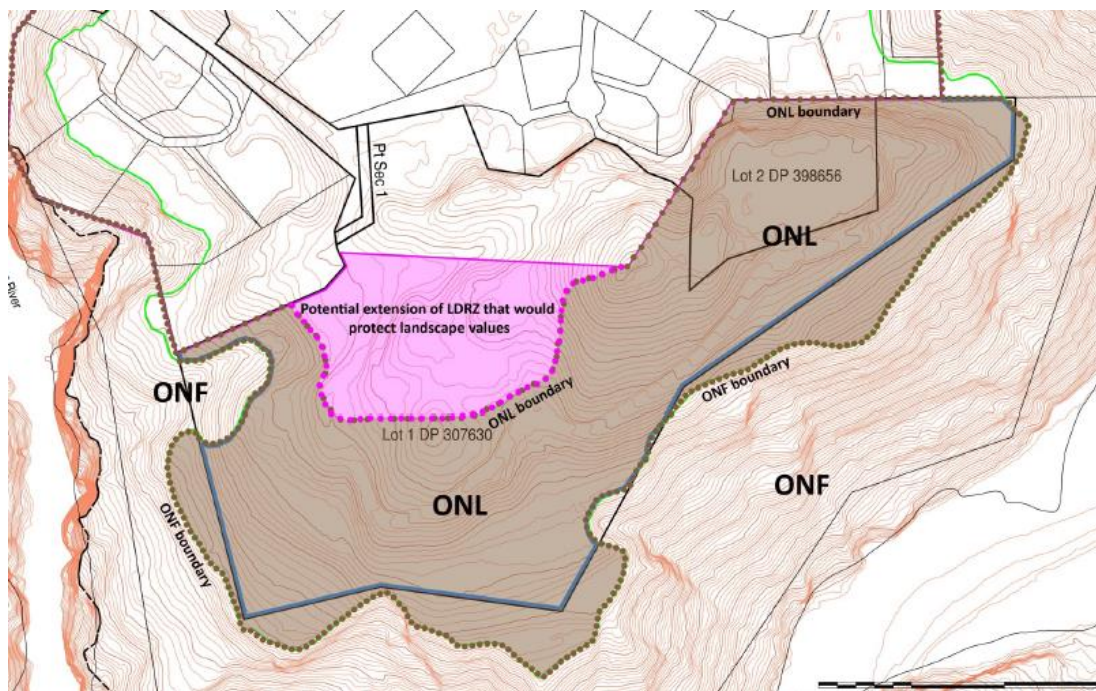


Figure 9: Potential extension of LDRZ supported by Ms Mellso¹⁵ shown in purple and change to ONL boundary (Source: Ms Mellso¹⁵ evidence in chief Appendix D). The ONL would extend out into the ONF.

9.6 Ms Mellso considers that if this extension to the LDRZ is accepted,¹⁶ that a minimum five metre landscape buffer should be provided on the western and southern edges of the zone, as well as a requirement to establish specified planting within the buffer that is maintained in perpetuity. I note that the buffer requirement and the planting specification is not a mechanism currently included in Chapter 7 or Chapter 27 for the LDRZ. A site specific rule and planning map notation would therefore be required to implement this requirement.

9.7 I am aware that the submitters' are preparing a master plan or structure plan for the site. There is potential to address the buffer and planting

¹⁵ Helen Mellso¹⁵ evidence in chief dated 18 October 2022 paragraph 9.5
¹⁶ Helen Mellso¹⁶ evidence in chief dated 18 October 2022 paragraph 9.4

area through provisions requiring implementation of a structure plan, if this option was advanced by the submitters.

- 9.8** Finally I note that Ms Mellsop's conclusions on the appropriate boundary of the Kimiākau Shotover River ONF, as summarised in paragraph 9.5 above, are a change to the boundary that was notified as part of the Council's Priority Area Landscape Values Schedules. I understand from legal counsel that any change to the boundary of the Kimiākau Shotover River ONF priority area, will need to be made in a decision on that variation, rather than in this hearing.

Infrastructure and servicing

- 9.9** Mr Powell has assessed the infrastructure requirements for the rezoning. His advice is based on the modified relief filed by the submitters on 14 October 2022, that is understood to restrict development to a maximum of 30 lots. Mr Powell concludes that the proposal can be serviced by connecting to reticulated wastewater and water supply networks, and that stormwater can be appropriately disposed of on site.
- 9.10** For wastewater, there is an existing capacity constraint in the pipe that runs adjacent to Robins Road. The solution to address the constraint is identified in the Long Term Plan for completion in 2025 and subject to this solution being completed, he does not oppose the rezoning (maximum 30 lots) with respect to wastewater.
- 9.11** For water supply, Mr Powell concludes that there is capacity in the existing network for an additional 30 lots with only a negligible effect on the level of service for other users. Mr Powell does not oppose the rezoning (maximum 30 lots) with respect to water supply.
- 9.12** In terms of stormwater, Mr Powell does not oppose the rezoning. Mr Powell notes that due to the site topography it is unlikely that the existing infrastructure could service the site by gravity. Mr Powell considers it acceptable to treat and dispose of stormwater within the site.

- 9.13** The servicing arrangements confirmed as acceptable by Mr Powell align with the provisions of Chapter 27 Subdivision and Development. Future residential development of the site will be able to achieve Objective 24.2.5 (that infrastructure and services are provided to new subdivisions and developments) and be consistent with Policy 27.2.5.7 with respect to sufficient water supply, Policy 27.2.5.11 for appropriate stormwater design and management, and Policy 27.2.5.14 for appropriate sewage treatment and disposal.
- 9.14** I accept and rely on Mr Powell's advice with respect to infrastructure, noting that his advice is specific to the provision of a maximum of 30 lots.

Transport

- 9.15** Mr Smith has assessed the transport requirements and effects of the rezoning. His advice is based on the modified relief filed by the submitters on 14 October 2022, that restricts development to a maximum of 30 lots.
- 9.16** A number of further submitters have raised concerns with transport effects of the rezoning, including congestion, the narrowness of Atley Road, impacts on walking and cycling, and capacity of the Edith Cavell Bridge.
- 9.17** Mr Smith has considered the capacity of the Edith Cavell Bridge, traffic effects of the proposal on the local transport network including local intersections, and access requirements for the rezoning, i.e. upgrades to Atley Road.
- 9.18** With regard to the Edith Cavell Bridge, Mr Smith notes that capacity of the bridge is subject to a continued increase in traffic effects associated with ongoing development at Arthurs Point. The Council is progressing plans to replace this bridge, and when taking this into account, Mr Smith does not oppose the rezoning based on capacity and traffic effects at the Edith Cavell bridge.

- 9.19** In terms of effects on local intersections, Mr Smith is not satisfied that the information currently available, and presented by the submitters at the 2017 hearing has demonstrated traffic effects can be adequately addressed.
- 9.20** Regarding the access road, and upgrades to Atley Road, Mr Smith has identified that there is no clear diagrammatic evidence that shows how the road widening will be completed, including effects on properties adjoining the section/s of Atley Road that require widening.
- 9.21** Without this information, Mr Smith opposes the rezonings.
- 9.22** I accept that in lieu of this information Mr Smith is unable to support the rezonings.
- 9.23** Relying on Mr Smith's advice, I consider the proposal will not be able to fully achieve Objective 24.2.5 (that infrastructure and services are provided to new subdivisions and developments), and that the current information has not demonstrated that future residential development of the site will be able to meet Policy 27.2.5.2 which is to ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments. Similarly there are issues with achieving Objective 29.2.1 for an integrated, safe and efficient transport network, Objective 29.2.3 for roads that facilitate growth and are safe and efficient for all users, and Policy 29.2.3.3 for location, design and construction of new roads.
- 9.24** I consider the potential for adverse transport effects associated with the LDSR extension to be a reason not to support the rezoning from a planning perspective.

Geotechnical and natural hazards

- 9.25** Mr Bond has assessed the potential geotechnical and natural hazards effects of the rezoning. His advice is based on the original relief sought in the submissions, i.e. full extension of the LDSRZ to the boundary of the submissions land.

- 9.26** A number of further submissions have stated geotechnical and natural hazard risks as reasons for opposing the rezoning submissions.
- 9.27** Mr Bond has assessed the stability of the site, as well as the right of way along Atley Road. Mr Bond has concluded that slope instability hazards are the only natural hazard present either within or close to the site that presents a geotechnical risk. Mr Bond notes that slope instability hazard is confined to limited areas on or close to the southern boundary and that these areas of instability would not preclude residential development. I note that if the Panel prefers Ms Mellsop's modified LDSR extension this does not extend to the southern boundary of the site.
- 9.28** Mr Bond notes that the PDP provisions including Chapter 25 Earthworks, 27 Subdivision and Development and 28 Natural Hazards, will apply as required when the site is developed. I also note that Chapter 7 contains provisions for natural hazards to be considered as a matter of discretion if the density of future development was to exceed one residential unit per 450m².¹⁷
- 9.29** I accept and rely on Mr Bond's advice, and consider the rezoning is suitable with respect to geotechnical and natural hazards effects.

Wāhi tūpuna and cultural effects

- 9.30** A number of further submissions raised concerns with respect to wāhi tūpuna and cultural effects.
- 9.31** I have discussed this matter in sections 7.33-7.36 above. Wāhi tūpuna mapping has been completed for the PDP, and the district wide provisions of Chapter 39 apply. I note the modified rezoning supported by Ms Mellsop does not extend to the part of the site identified as wāhi tūpuna. I support the modified extension on landscape grounds, and note this also reduces the risk of future residential development of the site adversely affecting wāhi tūpuna. Nonetheless, the provisions of Chapter 39 will ensure any activities associated with any residential development of the site beyond the area considered suitable for

¹⁷ PDP Chapter 7 Lower Density Suburban Residential Rule 7.4.8

residential development by Ms Mellsop can be appropriately managed with respect to wāhi tūpuna and cultural effects.

Other matters raised in further submissions

- 9.32** Further submitters have also raised a number of other concerns with the proposed rezoning. This includes noise, dust, effects on the night sky including lighting and glare, overlooking, and impacts on amenity associated with additional residential development in the area such as parking overspill and rubbish bins. Ms Mellsop has also assessed a number of landscape and visual amenity effects raised by submitters.
- 9.33** With respect to noise, the PDP Chapter 36 manages the effects of noise in the district, including noise received and generated from residential zones. Chapter 36 will apply as necessary to noise associated with any residential expansion.
- 9.34** With respect to dust, I understand this concern to be largely related to dust from construction. Again the PDP provisions, along with the Council's Land Development and Subdivision Code of Practice will require standard measures to be in place to manage effects from dust arising from construction.
- 9.35** Ms Mellsop has considered potential effects of lighting and glare at night. Ms Mellsop considers that some additional urban development (i.e. the partial extension) could be absorbed on the northern side of the knoll, as this area is already affected by these effects from existing development, as well as potential development on the LDSR zoned part of 111 Atley Road.
- 9.36** In terms of potential overlooking, this is most likely to occur from development of the LDSR zoned land that already exists on the northern part of the site. Given the topography, there is limited opportunity for overlooking from residential development on the partial extension area supported by Ms Mellsop.
- 9.37** Other amenity effects, such as parking overspill and rubbish collection are not considered to be significant. LDSR development will typically

involve on site parking, reducing the need for parking on streets, and rubbish disposal will be required to adhere to Council's standard practices.

10. CONCLUSION AND RECOMMENDATIONS

- 10.1** Setting aside potential adverse traffic effects associated with the road access and on local intersections, and the application of the NPSHPL to this proposal, a partial rezoning of the site to LDSR can generally give effect to the relevant provisions of the POORPS, and the strategic chapters of the PDP.
- 10.2** The site is currently mapped as LUC3 and therefore the NPSHPL applies. The NPSHPL requires that urban rezoning be avoided, unless the three tests in clause 3.6(1) are met. The proposed rezoning does not meet the first exception as the rezoning as it is not required in order to provide sufficient development capacity. The proposed rezoning does not give effect to the NPSHPL. In lieu of any alternative evidence as to the LUC classification of the site, I consider this a reason to reject the rezoning.
- 10.3** The rezoning has not demonstrated that traffic effects associated with the access road and local intersections are acceptable. I consider this a reason to reject the rezoning.
- 10.4** The proposed rezoning is considered acceptable with respect to natural hazards.
- 10.5** Other effects, including effects on landscape values and visual amenity, wāhi tūpuna, and the amenity of nearby residents, are considered acceptable for a partial rezoning of the site to LDSR, but only to the extent supported by Ms Mellsoop (shown in Figure 9) and with the inclusion of a landscape buffer.
- 10.6** A maximum of 30 lots are considered acceptable with respect to water, wastewater and stormwater infrastructure.

- 10.7** Overall, I recommend that submissions #494 and #527 be rejected due to failing to protect the values of the ONL and ONF, traffic effects and failing to give effect to the NPSHPL. For the same reasons, further submissions in support of the primary submission are recommended to be rejected, and further submissions in opposition to the primary submission are recommended to be accepted.
- 10.8** If the Panel were of a view to approve the rezoning, I consider this should be limited to the LDSR extension as supporting by Ms Mellsop, to the extent shown in Figure 9, and the landscape buffer and planting requirements recommended by Ms Mellsop be included in the PDP.

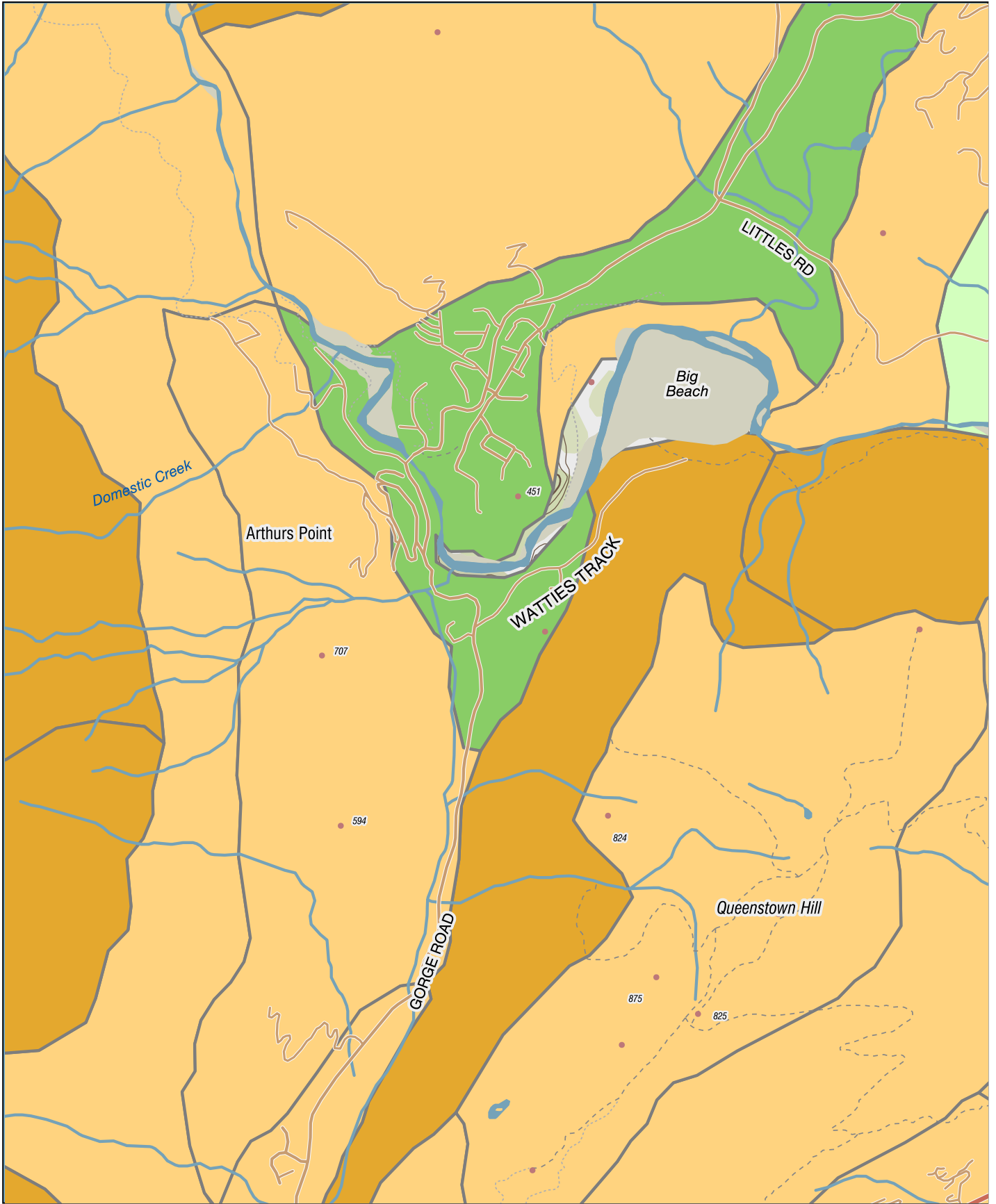


Ruth Evans

18 October 2022

Appendix 1: Manaaki Whenua Landcare Research mapping extract

Arthurs Point



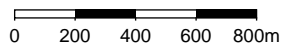
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Scale: 1:25,000











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Printed: 17:11:22 PM Wed, 12 Oct 2022

Legend

Land Use Capability

-  Arable. Multiple-use land; few limitations
-  Arable. Good land; slight limitations
-  Arable. Moderate limitations; restricting crop types
-  Arable. Severe limitations for arable or cultivation
-  Non-arable. Unsuitable for cropping
-  Non-arable. Productive pastoral hill country
-  Non-arable. Moderate to very severe limitations
-  Non-arable. Very severe to extreme limitations

OUENVIRONMENT



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APPENDIX 2 – RELEVANT SECTIONS OF THE POORPS 2019 AND THE PORPS 2021

Note: in this table:

- **Proposed relief** refers to the relief sought in the submissions.
- **Refined relief** refers to the refined proposal filed by the submitters on 14 October. Only Mr Powell and Mr Smith have had the opportunity consider the refined relief in their evidence, so the reference to it in this appendix is limited.
- **Partial rezoning** refers to the LDSR that can be supported on landscape, infrastructure and hazards grounds (but not traffic or NPS-HPL).

PARTIALLY OPERATIVE OTAGO REGIONAL POLICY STATEMENT 2019		
Provision		Assessment
Part B Chapter 1 – Resource management in Otago is integrated		
Objective 1.1	Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities.	<p>At this stage the submitter has not adequately demonstrated that the traffic effects of the proposed relief, or refined relief are acceptable, nor that the proposed or refined relief will give effect to the NPSHPL.</p> <p>A partial rezoning of the site to residential, in a way that adverse effects can be managed, will allow for more efficient use of the land resource as it will provide an opportunity for residential development and contribute to housing supply. However, a partial rezoning also cannot be supported for traffic and NPSHPL reasons.</p>
Policy 1.1.1 Economic Wellbeing	Provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources.	As above.
Policy 1.1.2 Social and cultural wellbeing and health and safety	<p>Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:</p> <p>a) Recognising and providing for Kāi Tahu values; b) Taking into account the values of other cultures; c) Taking into account the diverse needs of Otago's people and communities; d) Avoiding significant adverse effects of activities on human health; e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing; f) Promoting good quality and accessible infrastructure and public services.</p>	<p>As above, and in addition:</p> <ul style="list-style-type: none"> - With respect to Kāi Tahu values, the PDP recognises Kāi Tahu values through the use of the wāhi tūpuna overlay as well as Chapter 5. The partial rezoning does not extend to the area of the site identified as wāhi tūpuna, but the proposed and refined relief does. - The proposed relief, the refined relief and the partial rezoning are considered suitable with respect to potential natural hazards. - The site is not identified as contaminated.

Objective 1.2	Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago.	The landscape and visual effects associated with a partial rezoning will ensure visual integration. The integrated management of freshwater can be achieved as the site can be serviced. The LDSR zone and other PDP chapters will apply to the development of part of the site and promote integration with the adjoining Arthurs Point urban area.
Policy 1.2.1 Integrated resource management	Achieve integrated management of Otago's natural and physical resources, by all of the following: a) Coordinating the management of interconnected natural and physical resources; b) Taking into account the impacts of management of one natural or physical resource on the values of another, or on the environment; c) Recognising that the value and function of a natural or physical resource may extend beyond the immediate, or directly adjacent, area of interest; d) Ensuring that resource management approaches across administrative boundaries are consistent and complementary; e) Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits. f) Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement. g) Promoting healthy ecosystems and ecosystem services; h) Promoting methods that reduce or negate the risk of exceeding sustainable resource limits.	As above.
Part B Chapter 2 – Kāi Tahu values and interests are recognised and kaitiakitaka is expressed		
...		
Objective 2.2	Kāi Tahu values, interests and customary resources are recognised and provided for	The PDP recognises Kāi Tahu values through the use of the wāhi tūpuna overlay as well as Chapter 5. The partial rezoning does not extend to the area of the site identified as wāhi tūpuna, but the proposed and refined relief does.

Policy 2.2.1 Kai Tahu Wellbeing	Manage the natural environment to support Kāi Tahu wellbeing by all of the following: a) Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and, b) Safeguarding the life-supporting capacity of natural resources.	As above in relation to Kāi Tahu values and interests, and also integrated management.
Policy 2.2.2 Recognising sites of cultural significance	Recognise and provide for the protection of wāhi tūpuna, by all of the following: a) Avoiding significant adverse effects on those values that contribute to the identified wāhi tūpuna being significant; b) Avoiding, remedying, or mitigating other adverse effects on the identified wāhi tūpuna; c) Managing the identified wāhi tūpuna sites in a culturally appropriate manner.	As above.
Policy 2.2.3 Wāhi tūpuna and associated sites	Enable Kāi Tahu relationships with wāhi tūpuna by all of the following: a) Recognising that relationships between sites of cultural significance are an important element of wāhi tūpuna; b) Recognising and using traditional place names.	As above.
...		
Part B Chapter 3 Otago has high quality natural resources and ecosystems		
Objective 3.1	The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded.	The proposed relief, refined relief and partial rezoning are all unlikely to impact on the values of ecosystems and natural resources.
Policy 3.1.1 Fresh water	Safeguard the life-supporting capacity of fresh water and manage fresh water to: a) Maintain good quality water and enhance water quality where it is degraded, including for:	The refined relief and the partial rezoning can be serviced to an acceptable level. It is not anticipated the proposal will impact on freshwater, including water quality. The proposed relief, refined relief and partial rezoning are all assessed as suitable with respect to natural hazards.

	<ul style="list-style-type: none"> i. Important recreation values, including contact recreation; and, ii. Existing drinking and stock water supplies; b) Maintain or enhance aquatic: <ul style="list-style-type: none"> i. Ecosystem health; ii. Indigenous habitats; and, iii. Indigenous species and their migratory patterns. c) Avoid aquifer compaction and seawater intrusion; d) Maintain or enhance, as far as practicable: <ul style="list-style-type: none"> i. Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; ii. Coastal values supported by fresh water; iii. The habitat of trout and salmon unless detrimental to indigenous biological diversity; and iv. Amenity and landscape values of rivers, lakes, and wetlands; e) Control the adverse effects of pest species, prevent their introduction and reduce their spread; f) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion; and, g) Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water. 	
<p>Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins</p>	<p>Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to:</p> <ul style="list-style-type: none"> a) Safeguard the life supporting capacity of fresh water; b) Maintain good quality water, or enhance it where it has been degraded; c) Maintain or enhance bank stability; d) Maintain or enhance ecosystem health and indigenous biological diversity; e) Maintain or enhance, as far as practicable: <ul style="list-style-type: none"> i. Their natural functioning and character; and ii. Amenity values; 	<p>No impacts on the beds of rivers, lakes, wetlands and their margins are anticipated from the proposed relief, refined relief and partial rezoning .</p> <p>There is no indigenous biodiversity identified on the site. The proposed relief, refined relief and partial rezoning of the site would all contribute to reducing wilding spread as there is less opportunity for wildings to establish in a residential area.</p>

	<ul style="list-style-type: none"> f) Control the adverse effects of pest species, prevent their introduction and reduce their spread; and, g) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion. 	
...		
Policy 3.1.7 Soil values	<p>Safeguard the life-supporting capacity of soil and manage soil to:</p> <ul style="list-style-type: none"> a) Maintain or enhance as far as practicable <ul style="list-style-type: none"> i. Soil biological diversity; ii. Biological activity in soils; iii. Soil function in the storage and cycling of water, nutrients, and other elements through the biosphere; iv. Soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination; v. Soil fertility where soil is used for primary production; b) Where a) is not practicable, minimise adverse effects; c) Recognise that urban and infrastructure development may result in loss of soil values. d) Control the adverse effects of pest species, prevent their introduction and reduce their spread; e) Retain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained. 	<p>The site is mapped as land use capability (LUC) 3 on the Manaaki Whenua mapping. This is described as arable, with moderate limitations; restricting crop types and intensity of cultivation, suitable for cropping, viticulture, berry fruit, pastoralism, tree crops and forestry. With respect to the soil value, and identifying and managing significant soil, there is currently no site specific assessment of the value of the soil. The site is largely covered in vegetation which is in the process of being removed. There are no primary production uses on the site. Urban use of the site will result in loss of soil value.</p>
...		
Policy 3.1.9 Ecosystems and indigenous biological diversity.	<p>Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to:</p> <ul style="list-style-type: none"> a) Maintain or enhance: <ul style="list-style-type: none"> i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna; ii. Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity; 	<p>There is no indigenous biodiversity identified on the site. The proposed relief, refined relief and partial rezoning of the site would all contribute to reducing wilding spread as there is less opportunity for wildings to establish in a residential area.</p>

	<ul style="list-style-type: none"> b) Maintain or enhance as far as practicable: <ul style="list-style-type: none"> i. Areas of predominantly indigenous vegetation; ii. Habitats of trout and salmon unless detrimental to indigenous biological diversity; iii. Areas buffering or linking ecosystems; c) Recognise and provide for: <ul style="list-style-type: none"> i. Hydrological services, including the services provided by tall tussock grassland; ii. Natural resources and processes that support indigenous biological diversity; d) Control the adverse effects of pest species, prevent their introduction and reduce their spread. 	
...		
Policy 3.1.11 Natural features, landscapes, and seascapes	Recognise the values of natural features, landscapes and seascapes are derived from the biophysical, sensory and associative attributes in Schedule 3.	The landscape values of the site have been identified and are able to be protected under the partial rezoning option for the site only.
...		
Policy 3.1.13 Environmental Enhancement	Encourage, facilitate and support activities that contribute to the resilience and enhancement of the natural environment, by where applicable: <ul style="list-style-type: none"> a) Improving water quality and quantity; b) Protecting or restoring habitat for indigenous species; c) Regenerating indigenous species; 	There is nothing specific about the proposed relief, refined relief or partial rezoning, or the notified Rural Zone that will contribute to resilience and environmental enhancement.
Objective 3.2	Otago's significant and highly-valued natural resources are identified and protected, or enhanced where degraded.	The landscape values of the site have been identified and are able to be protected under the partial rezoning option for the site only.
...		
Policy 3.2.3 Identifying	Identify areas and values of outstanding natural features, landscapes and seascapes, using the attributes in Schedule 3.	As above.

outstanding natural features, landscapes and seascapes		
Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes	Protect, enhance or restore outstanding natural features, landscapes and seascapes, by all of the following: a) In the coastal environment, ... b) Beyond the coastal environment, maintaining the values (even if those values are not themselves outstanding) that contribute to the natural feature, landscape or seascape being outstanding; c) Avoiding, remedying or mitigating other adverse effects; d) Encouraging enhancement of those areas and values that contribute to the significance of the natural feature, landscape or seascape.	As above.
...		
Policy 3.2.17 Identifying significant soil	Identify areas of soil that are significant using the following criteria: a) Land classified as land use capability I, II and IIIe in accordance with the New Zealand Land Resource Inventory; b) Degree of significance for primary production; c) Significance for providing contaminant buffering or filtering services; d) Significance for providing water storage or flow retention services; e) Degree of rarity.	The site is mapped as LUC3 on the Manaaki Whenua mapping. No site specific assessment has been undertaken using the New Zealand Land Resource Inventory methodology. The site does not currently contribute to primary production.
Policy 3.2.18 Managing significant soil	Manage areas of significant soil, by all of the following: a) Maintaining those values that make the soil significant; b) Recognising that loss of significant soil to urban development may occur in accordance with any future development strategy; c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.	As above with respect to the identification of the soil as LUC3. No site specific assessment of the value of the soil has been completed. As above with respect to wilding trees.

PART B Chapter 4 – Communities in Otago are resilient, safe and healthy		
Objective 4.1	Risk that natural hazards pose to Otago's communities are minimised.	Residential development of the site is considered acceptable from a geotechnical and natural hazards perspective.
...		
Objective 4.5	Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments.	The proposed relief and refined relief is an extension to an existing residential zone with the standard PDP provisions applying to contribute to a well designed community, with the exception of potential traffic effects associated with the proposed and refined relief.
Policy 4.5.1 Providing for urban growth and development	Provide for urban growth and development in a strategic and coordinated way, including by: a) Ensuring future urban growth areas are in accordance with any future development strategy for that district. b) Monitoring supply and demand of residential, commercial and industrial zoned land; c) Ensuring that there is sufficient housing and business land development capacity available in Otago; d) Setting minimum targets for sufficient, feasible capacity for housing in high growth urban areas in Schedule 6 e) Coordinating the development and the extension of urban areas with infrastructure development programmes, to provide infrastructure in an efficient and effective way. f) Having particular regard to: i. Providing for rural production activities by minimising adverse effects on significant soils and activities which sustain food production; ii. Minimising competing demands for natural resources; iii. Maintaining high and outstanding natural character in the coastal environment; outstanding natural features, landscapes, and seascapes; and areas of significant indigenous vegetation and significant habitats of indigenous fauna;	As per above comments and in addition: <ul style="list-style-type: none"> - There is no future development strategy for the District yet. - None of the proposed relief, refined relief and partial rezoning is required to meet demand for housing supply, however each option will contribute a small amount to supply. - Other than transport, a maximum of 30 lots on the site can be efficiently and effectively serviced with infrastructure. - The site does not currently provide for rural production activities. - The partial rezoning protects the ONL and ONF. - The partial rezoning will maintain important cultural values as the area of wāhi tūpuna on the site would not be rezoned. For the proposed relief and refined relief, the area of wāhi tūpuna is proposed to be rezoned, however Chapter 39 will apply to any development within the overlay to manage potential effects on wāhi tūpuna.

	<ul style="list-style-type: none"> iv. Maintaining important cultural or historic heritage values; v. Avoiding land with significant risk from natural hazards; g) Ensuring efficient use of land; h) Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed; i) Requiring the use of low or no emission heating systems where ambient air quality is: <ul style="list-style-type: none"> i. Below standards for human health; or ii. Vulnerable to degradation given the local climatic and geographical context; j) Consolidating existing coastal settlements and coastal urban areas where this will contribute to avoiding or mitigating sprawling or sporadic patterns of settlement and urban growth. 	<ul style="list-style-type: none"> - Except for transport effects, and notwithstanding the implications for LUC3 soils under the NPSHPL, the partial rezoning is considered an efficient use of land as it will contribute to residential housing supply.
...		
Part B Chapter 5 – People are able to use and enjoy Otago’s natural and built environment		
Objective 5.1	Public access to areas of value to the community is maintained or enhanced	The proposed relief, refined relief and partial rezoning do not specifically provide for public access.
...		
Objective 5.3	Sufficient land is managed and protected for economic production.	The site does not contribute in any significant way to economic production.
Policy 5.3.1 Rural activities	<p>Manage activities in rural areas, to support the region’s economy and communities, by:</p> <ul style="list-style-type: none"> a) Enabling primary production and other rural activities that support that production; b) Providing for mineral exploration, extraction and processing; c) Minimising the loss of significant soils; d) Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects; 	<p>The site is not used for primary production or any other rural activities that support primary production.</p> <p>The rezoning will result in the partial loss of LUC3 soils as identified by the Manaaki Whenua mapping.</p>

	<p>e) Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency;</p> <p>f) Providing for other activities that have a functional need to locate in rural areas.</p>	
...		

PROPOSED REGIONAL POLICY STATEMENT 2021		
Provision		Assessment
...		
IM – Integrated management		
IM–O1 – Long term vision	The management of natural and physical resources in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision making, achieves healthy, resilient, and safeguarded natural systems, and the ecosystem services they offer, and supports the well-being of present and future generations, mō tātou, ā, mō kā uri ā muri ake nei.	As above for the POORPS, the landscape and visual effects associated with a partial rezoning (only) will ensure visual integration. The integrated management of freshwater can be achieved as the site can be serviced (maximum 30 lots). Traffic effects and productive soils aside, the LDSR zone and other PDP district-wide chapters will apply to the development of the site and promote integration with the adjoining Arthurs Point urban area, providing for the well-being of present and future generations.
IM–O2 – Ki uta ki tai	Natural and physical resource management and decision making in Otago embraces ki uta ki tai, recognising that the environment is an interconnected system, which depends on its connections to flourish, and must be considered as an interdependent whole.	As above.
IM–O3 – Environmentally sustainable impact	Otago’s communities carry out their activities in a way that preserves environmental integrity, form, function, and resilience, so that the life-supporting capacities of air, water, soil, ecosystems, and indigenous biodiversity endure for future generations.	As above.
...		
IM–P1 – Integrated approach	The objectives and policies in this RPS form an integrated package, in which: (1) all activities are carried out within the environmental constraints of this RPS, (2) all provisions relevant to an issue or decision must be considered,	As a proposed RPS, the PDP has not yet given effect to this RPS. The PDP provisions that will apply to the development of the site if it is rezoned are considered to form an integrated package that can generally respond to the integrated approach of the RPS.

	<p>(3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed, and</p> <p>(4) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM-O1 to IM-O4.</p>	
IM-P2 Decision priorities	<p>– Unless expressly stated otherwise, all decision making under this RPS shall: (1) firstly, secure the long-term life-supporting capacity and mauri of the natural environment,</p> <p>(2) secondly, promote the health needs of people, and</p> <p>(3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</p>	In terms of the landscape component of the natural environment, and the health of water bodies, the partial rezoning of the site is considered to generally support the long term life supporting capacity and mauri of the natural environment, as well as the health needs of people and ability to provide for wellbeing now and in the future.
IM-P3 Providing for mana whenua cultural values in achieving integrated management	<p>– Recognise and provide for Kāi Tahu's relationship with natural resources by:</p> <p>(1) enabling mana whenua to exercise rakatirataka and kaitiakitaka,</p> <p>(2) facilitating active participation of mana whenua in resource management decision making,</p> <p>(3) incorporating mātauraka Māori in decision making, and</p> <p>(4) ensuring resource management provides for the connections of Kāi Tahu to wāhi tūpuna, water and water bodies, the coastal environment, mahika kai and habitats of taoka species.</p>	Kāi Tahu's relationship with natural resources is recognised and provided for by the PDP, including the wāhi tūpuna overlay over part of the subject site.
...		
LF – Land and Freshwater		
LF-WAI – Te Mana o te Wai		
Objectives LF-WAI-O1 – Te Mana o te Wai	<p>The mauri of Otago's water bodies and their health and well-being is protected, and restored where it is degraded, and the management of land and water recognises and reflects that:</p> <p>(1) water is the foundation and source of all life – na te wai ko te hauora o ngā mea katoa,</p>	None of the proposed relief, refined relief or partial rezoning is not considered to impact on the mauri or health and well-being of any waterbodies.

	<p>(2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,</p> <p>(3) each water body has a unique whakapapa and characteristics,</p> <p>(4) water and land have a connectedness that supports and perpetuates life, and</p> <p>(5) Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports.</p>	
...		
LF – Land and Freshwater LF-LS – Land and soil		
LF-LS-O11 – Land and soil	The life-supporting capacity of Otago’s soil resources is safeguarded and the availability and productive capacity of highly productive land for primary production is maintained now and for future generations.	As above, the site is identified as LUC3. It is not used productively currently. The residential development of any of the site will remove it from any potential future productive use.
...		
LF-LS-P19 – Highly productive land	<p>Maintain the availability and productive capacity of highly productive land by:</p> <p>(1) identifying highly productive land based on the following criteria:</p> <p>(a) the capability and versatility of the land to support primary production based on the Land Use Capability classification system,</p> <p>(b) the suitability of the climate for primary production, particularly crop production, and</p> <p>(c) the size and cohesiveness of the area of land for use for primary production, and</p> <p>(2) prioritising the use of highly productive land for primary production ahead of other land uses, and</p>	As above regarding the identification of the site as LUC3 in the Manaaki Whenua mapping. The site is not used for primary production. Residential development will remove it from any potential future productive use.

	(3) managing urban development in rural areas, including rural lifestyle and rural residential areas, in accordance with UFD–P4, UFD–P7 and UFD–P8.	
ECO – Ecosystems and indigenous biodiversity		
...		
ECO–P9 – Wilding conifers	Reduce the impact of wilding conifers on indigenous biodiversity by: (1) avoiding afforestation and replanting of plantation forests with wilding conifer species listed in APP5 within: (a) areas identified as significant natural areas, and (b) buffer zones adjacent to significant natural areas where it is necessary to protect the significant natural area, and (2) supporting initiatives to control existing wilding conifers and limit their further spread.	The proposed relief does not involve reforestation of or replanting of plantation forests or wilding species. There are no significant natural areas on the site. The proposed relief, refined relief and partial rezoning of the site would all contribute to reducing wilding spread as there is less opportunity for wildings to establish in a residential area.
...		
INF – Infrastructure		
EIT–INF–O4 – Provision of infrastructure	Effective, efficient and resilient infrastructure enables the people and communities of Otago to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and growth within the region within environmental limits.	The site, based on the refined relief, can be appropriately serviced with respect to water, wastewater and stormwater.
...		
EIT–INF–P17 – Urban growth and infrastructure	Provide for development infrastructure and additional infrastructure required to service existing, planned and expected urban growth demands in the short, medium and long term, taking in account UFD–P1 to UFD–P10.	The site, based on the refined relief, can be appropriately serviced with respect to water, wastewater and stormwater.
TRAN – Transport		

EIT-TRAN-O7 – Effective, efficient, and safe transport	Otago has an integrated air, land and sea transport network that: (1) is effective, efficient and safe, (2) connects communities and their activities within Otago, with other regions, and internationally, and (3) is resilient to natural hazards.	Residential zoning based on the refined relief will require updating Atley Road and result in additional traffic generation to the road network. Based on the information available there is potential for adverse traffic effects associated with access and local intersections.
...		
HAZ – Hazards and risks		
HAZ-NH-O1 – Natural hazards	Levels of risk to people, communities and property from natural hazards within Otago do not exceed a tolerable level.	Residential development of the site is acceptable from a geotechnical and natural hazards perspective (based on the proposed relief).
...		
HCV – Historical and cultural values		
HCV-WT-O1 – Kāi Tahu cultural landscapes	Wāhi tūpuna and their associated cultural values are identified and protected.	The PDP recognises Kāi Tahu values through the use of the wāhi tūpuna overlay as well as Chapter 5. The partial rezoning does not extend to the area of the site identified as wāhi tūpuna. For the proposed relief and refined relief, the area of wāhi tūpuna is proposed to be rezoned, however Chapter 39 will apply to any development within the overlay to manage potential effects on wāhi tūpuna.
HCV-WT-O2 – Rakatirataka	The rakatirataka of mana whenua over wāhi tūpuna is recognised, and mana whenua are able to exercise kaitiakitaka within these areas.	As above.
HCV-WT-P1 – Recognise and identify wāhi tūpuna	Kāi Tahu relationships with wāhi tūpuna are sustained, including by: (1) identifying as wāhi tūpuna any sites and areas of significance to mana whenua, along with the cultural values that contribute to each wāhi tūpuna being significant,	As above.

	(2) recognising the rakatirataka of mana whenua over wāhi tūpuna and providing for their ability to exercise kaitiakitaka within these areas, (3) recognising and providing for connections and associations between different wāhi tūpuna, and (4) recognising and using traditional place names.	
HCV-WT-P2 – Management of wāhi tūpuna	Wāhi tūpuna are protected by: (1) avoiding significant adverse effects on the cultural values associated with identified wāhi tūpuna, (2) where adverse effects demonstrably cannot be completely avoided, remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna, (3) managing identified wāhi tūpuna in accordance with tikaka Māori, (4) avoiding any activities that may be considered inappropriate in wāhi tūpuna as identified by Kāi Tahu, and (5) encouraging the enhancement of access to wāhi tūpuna to the extent compatible with the particular wāhi tūpuna.	As above.
...		
NFL - Natural Features and Landscapes		
Objectives NFL-O1 – Outstanding and highly valued natural features and landscapes	The areas and values of Otago's outstanding and highly valued natural features and landscapes are identified, and the use and development of Otago's natural and physical resources results in: (1) the protection of outstanding natural features and landscapes, and (2) the maintenance or enhancement of highly valued natural features and landscapes.	The landscape values of the site have been identified and are able to be protected under the partial rezoning option for the site.
NFL-P1 – Identification	In order to manage outstanding and highly valued natural features and landscapes, identify: (1) the areas and values of outstanding and highly valued natural features and landscapes in accordance with APP9, and	The landscape values of the site have been identified and are able to be protected under the partial rezoning option for the site. The capacity of the site to absorb development associated with the partial rezoning of the site has been confirmed.

	(2) the capacity of those natural features and landscapes to accommodate use or development while protecting the values that contribute to the natural feature and landscape being considered outstanding or highly valued.	
NFL-P2 – Protection of outstanding natural features and landscapes	Protect outstanding natural features and landscapes by: (1) avoiding adverse effects on the values that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding, and (2) avoiding, remedying or mitigating other adverse effects.	The partial rezoning of the site will avoid adverse effects on the values that contribute to the ONL and ONF.
...		
NFL-P5 – Wilding conifers	Reduce the impact of wilding conifers on outstanding and highly valued natural features and landscapes by: (1) avoiding afforestation and replanting of plantation forests with wilding conifer species listed in APP5 within: (a) areas identified as outstanding natural features or landscapes, and (b) buffer zones adjacent to outstanding natural features and landscapes where it is necessary to protect the outstanding natural feature or landscape, and (2) supporting initiatives to control existing wilding conifers and limit their further spread.	As above in relation to wilding species.
...		
UFD – Urban form and development		
UFD-O1 – Form and function of urban areas	The form and functioning of Otago’s urban areas: (1) reflects the diverse and changing needs and preferences of Otago’s people and communities, now and in the future, and (2) maintains or enhances the significant values and features identified in this RPS, and the character and resources of each urban area	The urban area is considered to be the UGB under the PDP. This proposal seeks to extend the UGB. The partial extension of the residential zone will provide for urban development while maintaining the landscape and character values of the area.
UFD-O2 – Development of	The development and change of Otago’s urban areas: (1) improves housing choice, quality, and affordability,	The partial residential extension will contribute, albeit in a small way, to housing supply, which in turn assists with choice and

urban areas	<p>(2) allows business and other non-residential activities to meet the needs of communities in appropriate locations,</p> <p>(3) respects and wherever possible enhances the area’s history, setting, and natural and built environment,</p> <p>(4) delivers good urban design outcomes, and improves liveability,</p> <p>(5) improves connectivity within urban areas, particularly by active transport and public transport,</p> <p>(6) minimises conflict between incompatible activities,</p> <p>(7) manages the exposure of risk from natural hazards in accordance with the HAZ–NH – Natural hazards section of this RPS,</p> <p>(8) results in sustainable and efficient use of water, energy, land, and infrastructure,</p> <p>(9) achieves integration of land use with existing and planned development infrastructure and additional infrastructure and facilitates the safe and efficient ongoing use of regionally significant infrastructure,</p> <p>(10) achieves consolidated, well designed and located, and sustainable development in and around existing urban areas as the primary focus for accommodating the region’s urban growth and change, and</p> <p>(11) is guided by the input and involvement of mana whenua</p>	<p>affordability.</p> <p>The partial extension can integrate with the existing natural and built environment at Arthurs Point, and achieve consolidated development adjoining an existing urban area.</p> <p>The PDP provisions will apply to future development with respect to urban design outcomes.</p> <p>The proposal at this stage has not demonstrated it will contribute to improved transport connectivity, or the sustainable use of transport infrastructure. Other resources can generally be used sustainably and efficiently.</p> <p>Residential development of the site is acceptable from a geotechnical and natural hazards perspective.</p> <p>It is not known that mana whenua have been directly involved in the development of this proposal.</p>
...		
UFD–O4 – Development in rural areas	<p>Development in Otago’s rural areas occurs in a way that:</p> <p>(1) avoids impacts on significant values and features identified in this RPS,</p> <p>(2) avoids as the first priority, land and soils identified as highly productive by LF–LS–P19 unless there is an operational need for the development to be located in rural areas,</p> <p>(3) only provides for urban expansion, rural lifestyle and rural residential development and the establishment of sensitive activities, in locations identified through strategic planning or zoned within district plans as suitable for such development; and</p>	<p>The partial extension of the residential zone and remainder of the site retaining its rural zoning will provide for urban development while maintaining the landscape and character values of the area.</p> <p>As above regarding the LUC3 classification of the land, noting this is based on the Manaaki Whenua mapping and the RPS has not been update to reflect the latest NPSHPL. The proposal will not completely avoid development being located on LUC3 soil. The urban expansion in this area has not been identified in</p>

	(4) outside of areas identified in (3), maintains and enhances the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities.	strategic planning as suitable for development, the proposal involves changing part of the site from rural to urban. The land is not currently used for productive use and nor does it contribute to the viability of the rural sector and communities.
...		
UFD-P4 Urban expansion	– Expansion of existing urban areas is facilitated where the expansion: (1) contributes to establishing or maintaining the qualities of a well-functioning urban environment, (2) will not result in inefficient or sporadic patterns of settlement and residential growth, (3) is integrated efficiently and effectively with development infrastructure and additional infrastructure in a strategic, timely and co-ordinated way, (4) addresses issues of concern to iwi and hapū, including those identified in any relevant iwi planning documents, (5) manages adverse effects on other values or resources identified by this RPS that require specific management or protection, (6) avoids, as the first priority, highly productive land identified in accordance with LF-LS-P19, (7) locates the new urban/rural zone boundary interface by considering: (a) adverse effects, particularly reverse sensitivity, on rural areas and existing or potential productive rural activities beyond the new boundary, and (b) key natural or built barriers or physical features, significant values or features identified in this RPS, or cadastral boundaries that will result in a permanent, logical and defensible long-term limit beyond which further urban expansion is demonstrably inappropriate and unlikely, such that provision for future development infrastructure expansion and connectivity beyond the new boundary does not need to be provided for, or (c) reflects a short or medium term, intermediate or temporary	As above.

	zoning or infrastructure servicing boundary where provision for future development infrastructure expansion and connectivity should not be foreclosed, even if further expansion is not currently anticipated.	
...		
UFD-P7 –Rural Areas	<p>The management of rural areas:</p> <p>(1) provides for the maintenance and, wherever possible, enhancement of important features and values identified by this RPS,</p> <p>(2) outside areas identified in (1), maintains the productive capacity, amenity and character of rural areas,</p> <p>(3) enables primary production particularly on land or soils identified as highly productive in accordance with LF-LS-P19,</p> <p>(4) facilitates rural industry and supporting activities,</p> <p>(5) directs rural residential and rural lifestyle development to areas zoned for that purpose in accordance with UFD-P8,</p> <p>(6) restricts the establishment of residential activities, sensitive activities, and non-rural businesses which could adversely affect, including by way of reverse sensitivity, the productive capacity of highly productive land, primary production and rural industry activities, and</p> <p>(7) otherwise limits the establishment of residential activities, sensitive activities, and non-rural businesses to those that can demonstrate an operational need to be located in rural areas.</p>	As above.