

**QUEENSTOWN-LAKES DISTRICT COUNCIL
PROPOSED DISTRICT PLAN HEARING – STREAM 13**

IN THE MATTER

of a hearing on submissions to the Proposed District Plan (Queenstown Mapping) pursuant to clause 8B of the First Schedule to the Resource Management Act 1991

Nicki Patel

Submitter (#103)

Hamish Munro

Submitter (#104)

PR Queenstown Limited

Submitter (#102)

EVIDENCE OF CAREY VIVIAN

(PLANNER)

9 June 2017

1. Introduction

1.1 My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000. I am a director of Vivian and Espie Limited, a resource management, urban design and landscape planning consultancy based in Queenstown. I have been practicing as a resource management planner for twenty-two years, having held previous positions with Davie Lovell-Smith in Christchurch; and the Queenstown Lakes District Council (QLDC or the Council), Civic Corporation Limited, Clark Fortune McDonald and Associates and Woodlot Properties Limited in Queenstown.

1.2 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

1.3 I have read the evidence of Ms. Devlin, Mr. Glasner, Ms. Banks and Mr. Davis for the Council. I comment on this material through my evidence.

1.4 I use the following abbreviations in my evidence:

PDP – The Queenstown-Lakes Proposed District Plan.

ODP – The Queenstown-Lakes Operative District Plan.

HDRZ – The High Density Residential Zone under the PDP.

BMUZ - The Business Mixed Use Zone under the PDP.

QLDC – Queenstown-Lakes District Council.

SHA – Special Housing Area under the Housing Accord and Special Housing Areas Act 2013.

RMA – Resource Management Act

NPS – National Policy Statement.

OORPS - Operative Otago Regional Policy Statement dated 1 October 1998.

PORPS - Proposed Otago Regional Policy Statement as amended by Council decisions.

LTP – Long Term Plan

1.5 I use the following terminology in my evidence:

Proposed HDRZ - The proposed HDRZ under the Proposed District Plan.

Requested BMUZ – All of the land within 30 – 46 Gorge Road as shown in the map attached to the submissions copied to paragraph 2.3 below.

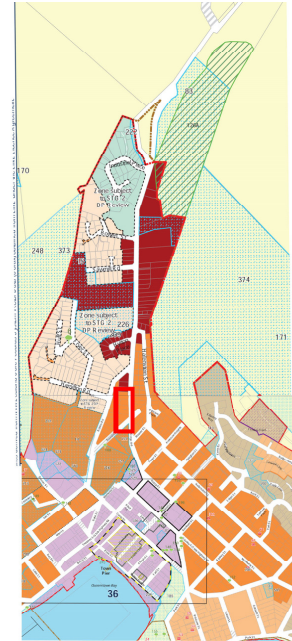
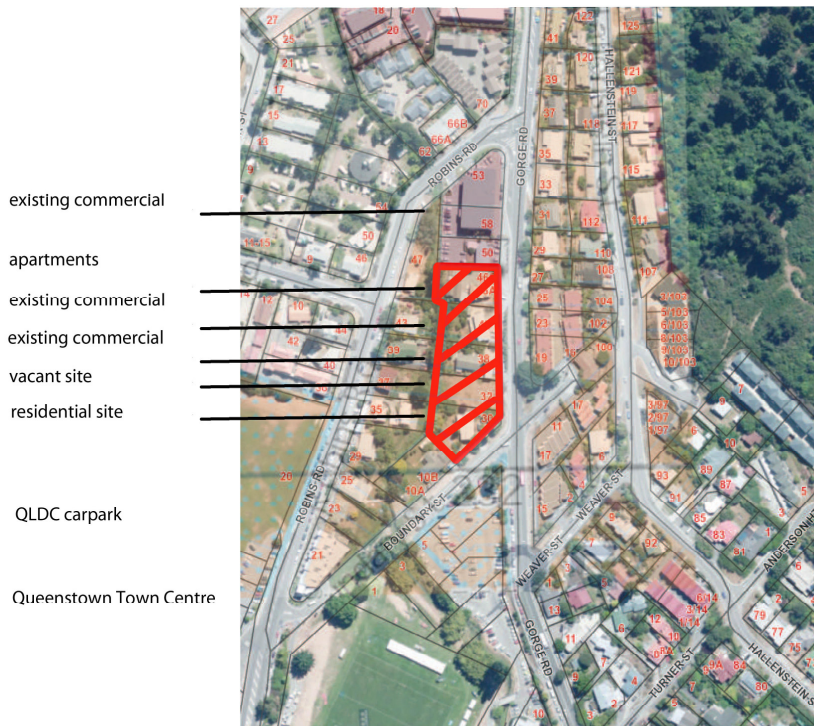
Subject Site – All of the land within 30 – 46 Gorge Road.

1.6 The remainder of my evidence is structured as follows:

2. Submissions
3. Specific Changes to the PDP
4. Assessment
5. Mandatory Assessment Criteria
6. Section 32AA evaluation
7. Part II of the RMA.
8. Conclusion

2. Submissions

- 2.1 This evidence is a joint brief on behalf of Mr. Patel (#103), Mr. Munro (#104) and PR Queenstown Limited (PRQ) (#102) to zone the subject site as BMUZ.
- 2.2 I note Mr. Sargison (#107) and Mr. MacIntyre (#108) made identical submissions to the above submitters, however I have not received instructions to prepare evidence on their behalf.
- 2.3 The submitters own five adjoining properties (including Mr. Sargison and Mr. MacIntyre) at 30 – 46 Gorge Road as shown on the below map:



2.4 The sites subject to the submissions are described as follows:

Interest	Address	Valuation	Legal description	Area
Sargison (#107)	30 Gorge Road	2910612300	Lot 1 DP 11011	1108m ²
Gorge Road Limited	32 Gorge Road	2910612200	Lot 6 DP 8355	819m ²
Patel (#103) and PR Queenstown Limited (#102)	38 Gorge Road	2910612100	Lot 4 DP 8355	820m ²
Munro (#104)	42 Gorge Road	2910612000	Lot 2 DP 8355	850m ²
MacIntyre (#108)	46 Gorge Road	2911061900	Lot 2 DP 7237	924m ²

1.7 All five sites are proposed to be zoned HDRZ under the PDP. This zoning reflects the subject sites zoning under the ODP. The subject sites are currently used for a mix of residential and business activities. #46 Gorge Road adjoin the proposed BMUZ on its northern boundary.

3. The specific changes to the PDP

3.1 The only change to the PDP sought by the submission is to the District Plan Maps. The changes sought include the zoning of the subject land from proposed HDRZ to the requested BMUZ.

3.2 Amend proposed Rule 16.6.2 as follows:

“16.6.2 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited notified:

16.6.2.1 Buildings (excluding the BMUZ at 30-36 Gorge Road).

16.6.2.2 Building Heights between 12m and 20m in the Business Mixed Use Zone in Queenstown (excluding the BMUZ at 30-36 Gorge Road).

4. Assessment

4.1 At the time of writing this evidence I have had the benefit of reading Ms. Devlin’s section 42A report and accompanying reports. As a result, my evidence has been condensed to the issues of concern raised in those reports. Ms. Devlin’s recommendation is to reject the submissions for the following reasons:

“Rezoning this land BMU may result in a loss of housing supply and could undermine the role of the Queenstown Town Centre as the primary focus for this part of the District’s economic activity.”

4.2 In arriving at this conclusion Ms. Devlin relies on the reports of Mr. Davis, Mr. Glasner and Ms. Banks. There assessments are summarised in the table below:

Summary of Council Assessments and recommendations	
Ecology	Not Opposed
Infrastructure	Not Opposed
Traffic	Not Opposed

4.3 With respect to Infrastructure issues Ms. Devlin comments at paragraph 44.3 of her section 42A report that Mr. Glasner does not oppose the requested BMUZ because it is expected this area is able to be serviced with minimal upgrades.

4.4 With respect to Traffic issues Ms. Devlin comments at paragraph 44.4 of her section 42A report that Ms. Banks does not oppose the requested BMUZ as it is reflective of current land use activities.

4.5 And with respect to ecological issues Ms. Devlin comments at paragraph 44.3 of her section 42A report that Mr. Davis does not oppose the requested BMUZ because the established nature of the area means indigenous ecological values will be limited.

4.6 At paragraph 44.6 of her section 42A report Ms. Devlin states that she supports and relies on the evidence of Mr. Glasner and Ms. Banks that the requested BMUZ could be accommodated by infrastructure and transport networks. I agree with Ms. Devlin in respect to these matters.

- 4.7** I note Ms. Devlin section 42A report does not contain a similar statement with respect to Mr. Davis’s evidence. I assume this is an oversight as Ms. Devlin does not raise ecological issues as being of issue.
- 4.8** At paragraph 44.7 Ms. Devlin states that the BMUZ boundary matches the ODP BMUZ boundary along Gorge Road, with the exception of one site in this block which she understands has been rezoned BMUZ to reflect the long established commercial use. I note that similar long established commercial uses have occurred on the subject sites as well.
- 4.9** At paragraph 44.8 Ms. Devlin states that the Requested BMUZ requires analysis in regard to existing residential amenities from substantially greater building height and potential loss of housing supply.
- 4.10** With respect to building height Ms. Devlin notes that the building heights enabled by the BMUZ (12m permitted, 20m restricted discretionary) may result in dominance and be out of character with the surrounding HDR area along Gorge Road.
- 4.11** I agree with Ms. Devlin that the most significant difference between the proposed HDRZ and the requested BMUZ (as its affects residential amenity) is building height. I have detailed such differences in the table below:

	Proposed HDRZ	Proposed BMUZ
Flat Sites	3 Storeys with a maximum height of 12m OR 4 stories with a maximum height of 15m where 6 star Homestar level is attained.	Up to 12m permitted. 12m to 20m Restricted Discretionary. Above 20m Non-complying.
Sloping site	Permitted up to 7m. Between 7m and 10m Restricted Discretionary. Above 10m non-complying.	Up to 12m permitted. 12m to 20m Restricted Discretionary. Above 20m Non-complying.

- 4.12** Under the proposed HDRZ the subject site would most likely be classified as a sloping site as it slopes down from Gorge Road to Home Creek. The primary issue is, therefore, the effect of increased building height between 7m and 12m as a permitted activity (noting anything above 7m and 12m requires consent under the HDRZ and BMUZ respectively).
- 4.13** I note that building height “permitted activity” up to 12m is a misnomer as Rule 16.4.2 states that all Buildings within the BMUZ are restricted discretionary activities with discretion restricted to:

“Discretion is restricted to consideration of all of the following: external appearance, materials, signage platform, lighting, impact on the street, and natural hazards to ensure that:

- The design of the building blends well with and contributes to an integrated built form;
- The external appearance of the building is sympathetic to the surrounding natural and built environment;
- The detail of the facade is sympathetic to other buildings in the vicinity, having regard to; building materials, glazing treatment, symmetry, external appearance, vertical and horizontal emphasis and storage;
- Where residential units are proposed as part of a development, the extent to which open space is provided on site either through private open space or communal open space, or a combination thereof; and
- Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.”

4.14 “External appearance” under the PDP definitions in relation to buildings “means the bulk and shape of the building including roof pitches, the materials of construction and the colour of exterior walls, joinery, roofs and any external fixtures.” The “bulk and shape of the building”, in my opinion, by definition includes the buildings height.

4.15 In my opinion Rule 16.4.2 cancels any potential “permitted baseline” argument in terms of building height when considering whether the design of the building blends well with and contributes to an integrated built form, whether the external appearance of the building is sympathetic to the surrounding natural and built environment, and whether the detail of the facade is sympathetic to other buildings in the vicinity, having regard to; building materials, glazing treatment, symmetry, external appearance, vertical and horizontal emphasis and storage.

4.16 I also note that the land on which the sites are located are on the southwestern slopes of Queenstown Hill, to which many sites have been developed to accommodate the falling slope of the topography. These slopes fall to Horne Stream which is located in close proximity to the western edge of the sites’ boundaries. The additional potential 5m in height proposed for buildings within these sites will be measured from original ground level which is not at the same as the Gorge Road, due to the sloping topography which continues to Horne Stream.

4.17 The pictures below indicate that all of the sites are located at a lower topographical level from Gorge Road;



- 4.18** The proposed increase in potential height of buildings to 12m will be further reviewed in terms of the design treatment respective of bulk and form, and how this will relate to adjoining site uses through the resource consent process. The likelihood of visual or physical dominance against the streetscape of Gorge Road is low due to the lower ground level of the sites in relation to the street. The location of the stream near the western vicinity of the sites also ensures that physical and visual dominance can be managed with respect to the properties immediately west of the site, particularly with respect to solar access. The additional height proposed will not visually dominate the sites or surrounding areas so that the wider landscape vista of the surrounding mountain slopes will remain prominent in the background of the setting.
- 4.19** The proposed addition in height will also be consistent with the additional height provisions allocated to the proposed adjoining zones which will also contribute to defining the urban edge interface along the western side of Gorge Road. The additional height will not be out of character in relation to the context of the proposed provisions of the adjoining zones and will improve the potential for landuse efficiency in the proposed urban setting with the potential to control adverse effects on a case by case basis.
- 4.20** I acknowledge that Rule 16.6.2 states that Buildings up to 20m in height in the BMUZ do not require the written consent of other persons and shall not be notified or limited notified. I acknowledge the inclusion of

this rule is not ideal and I have recommended an amendment to it in paragraph 3.3 of my evidence above to exclude the subject site from the Rule.

4.21 At paragraph 44.9 of her section 42A report Ms. Devlin further states that as the site is relatively close (and walkable) to the Queenstown Town Centre (but not adjoining), she considers that the requested BMUZ may undermine the role of the town centre as the primary focus for this part of the District's economic activity. I assume the principle concern here is the potential for *strip* of bars and clubs along Gorge Road. In respect of this I note that that consumption of alcohol is restricted to the hours of 8am and 11pm within the BMUZ effectively controlling the potential for any late-night bars and clubs from opening in the BMUZ (which I submit is the principle focus of the Queenstown Town Centre). Should somebody apply for such an activity after 11pm within the BMUZ a restricted discretionary activity consent is required with wide discretion including: the scale of the activity; car parking and traffic generation; effects on amenity (including that of adjoining residential zones and public reserves); the configuration of activities within the building and site (e.g. outdoor seating, entrances); noise issues; hours of operation; and any relevant Council alcohol policy or bylaw. I further note that BMUZ has been proposed on the corner of Robins Road and Gorge Road, adjoining the requested BMUZ without any fear of undermining the town Centre.

4.22 At paragraph 44.10 Ms. Devlin states that she supports and relies on Mr. Heath's evidence in regard to an estimated 50% of commercial zoned land within the Wakatipu Ward being vacant or not utilised for commercial activities, including an estimated 13.6 ha within the PC50 extension to the Queenstown Town Centre. I do not dispute those findings. However, as discussed below, I do note the purpose of the BMUZ is to complement the services within the town centres, not compete with them.

4.23 At paragraph 44.11 Ms. Devlin states:

“Given that there appears to be ample commercial zoned land in the general vicinity (PC50), I have insufficient evidence to show that commercial zoning on this site is appropriate or needed, or evidence to show that commercial development in this location would be complementary to, and not competitive with, the town centre. In my view, the rezoning request would therefore not meet the relevant objectives and policies of Chapter 3 (Strategic Direction) in regard to a prosperous, resilient and equitable economy.”

4.24 Ms. Devlin therefore concludes at paragraph 44.12 that given the statement above, she considers that the zone boundaries as notified are appropriate. Ms. Devlin considers the land subject to this submission is most appropriately zoned HDR to enable more intensive use of land for diverse housing supply within close proximity to the Queenstown Town Centre.

4.25 With respect to this issue, I consider it is important to understand the BMUZ intent and purpose which is

“complementary” commercial, business, retail and residential uses that supplement the activities and services provided by town centres. This is reflected in the Purpose statement for the BMUZ as follows:

“The intention of this zone is to provide for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres. Higher density living opportunities close to employment and recreational activities are also enabled. Significantly greater building heights are enabled in the Business Mixed Use Zone in Queenstown, provided that high quality urban design outcomes are achieved.”

4.26 The inclusion of residential activities in the zone purpose enables the requested BMUZ to be used for high density and diverse residential activities subject to complying with Rule 16.5.3 as follows:

“Residential activities and visitor accommodation located on sites fronting Gorge Road in Queenstown

All residential activities and visitor accommodation shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.

*Discretion is restricted to consideration of all of the following:

- the effects on surrounding buildings and activities;
- location relative to the public realm; and
- the maintenance of active and articulated street frontages.”

4.27 In my opinion, when comparing the standards of the BMUZ and the HDRZ, the BMUZ enables more intensive residential activity (despite being restricted to the first-floor level and above) due to the increased building coverage standard (i.e. 75% in the BMUZ and 65% in the HDRZ on a sloping site) and potential to build up to 20m. In coming to this conclusion, I acknowledge the BMUZ also enables a greater level of commercial activity with “value wise” could compete with enabling residential activities.

4.28 I note for the Hearings Panel information that much of the BMUZ along Gorge Road has been, and is proposed again, to be a Special Housing Area (SHA). I attach information on this to my evidence as **Attachment CV1**. The result of this is some business activities enabled by the BMUZ could be displaced in favour of SHAs.

4.29 Overall, it is my opinion that the requested BMUZ is appropriate for the subject site, with the BMUZ being designed to be complementary to (as opposed to competing with) the Queenstown town centre. In my opinion, the increased height afforded to the BMUZ is a misnomer due to the fact that every building requires a restricted discretionary activity consent with restrictions including external appearance (which by definition include bulk and shape of the building).

5. Mandatory Assessment Criteria

5.1 In preparing this evidence I am mindful of the amended mandatory legal criteria the Hearings Panel must consider as set out in *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55. This includes:

- (a) Accords with section 75(1) and assists the Council to carry out its functions (s 31) so as to achieve the purpose of the Act (s 72).
- (b) Gives effect to National Policy Statements that are relevant (section 73(3)(a));
- (c) Gives effect to the Otago Regional Policy Statement (section 75(3)(c));
- (d) Has had regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register (section 74(2)(b));
- (e) Takes into account any relevant planning document recognised by an iwi authority;
- (f) Does not have regard to trade competition (section 74(3)).

5.2 I discuss each of these criteria below.

(a) Whether the proposal accords with section 75(1) and assists the Council to carry out its functions to achieve the purpose of the RMA.

5.3 Section 75(1) of the RMA states a District Plan must state the objectives for the district; state the policies to implement the objectives; and state the rules (if any) to implement the policies. The submission requests a new BMUZ over their property. The requested BMUZ contains objectives, policies and rules which assist Council's to carry out its functions (Section 31) in achieving the purpose of the RMA. This criterion, in my opinion, is therefore satisfied in the consideration of the submissions.

(b) Whether the proposal gives effect to any relevant National Policy Statements (NPSs).

5.4 At the time of writing this evidence the following NPSs were in place:

- Urban Development Capacity
- Freshwater Management
- Renewable Electricity Generation
- Electricity Transmission
- New Zealand Coastal Policy Statement

5.5 I understand that work has been undertaken on a proposed NPS for Indigenous Biodiversity but this is not yet complete.

5.6 The NPS on Urban Development Capacity is relevant to the extent that the submission seeks BMUZ. The purpose of the NPS is recognising the national significance of (a) urban environments and the need to enable

such environments to develop and change; and (b) providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments. In high-growth urban areas, such as QLDC, all the NPS objectives and policies apply. Of particular relevance to subject submissions is the Group A objectives which state:

- OA1: *Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.*
- OA2: *Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.*
- OA3: *Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.*

5.7 While it is acknowledged that development capacity needs to be calculated over the entire district, the requested BMUZ, in my opinion, contribute to the District's development capacity in a positive way. In particular, it is located within the Queenstown urban area and can be fully serviced, providing an opportunity for housing and/or related activities that meet the needs of people and future generations. The proposed BMUZ provisions provides for a range of dwelling and other building types. In my opinion, the requested BMUZ positively contributes to the District's development capacity consistent with the NPS.

(c) Whether the proposal gives effect to any relevant Regional Policy Statements and Plans.

5.8 The relevant Regional Policy Statements are the OORPS and the PORPS. I note the PORPS is subject to appeals and is due to be heard by the Environment Court this year.

(i) Operative Otago Regional Policy Statement (OORPS)

5.9 The OORPS provides an overview of the resource management issues of the Otago Region and the ways of achieving integrated management of its natural and physical resources. The relevant chapters of the OORPS to the consideration of the submissions are:

- Chapter 4 Mana whenua Perspective
- Chapter 5 Land
- Chapter 6 Water
- Chapter 7 Air
- Chapter 11 Natural hazards

5.10 I discuss each of the relevant objectives and policies from these chapters in relation to the specific changes detail above. I have attached a list of the relevant objectives and policies to my evidence as **Attachment CV1** to assist the panel.

- 5.11 The relevant Chapter 4 Mana whenua objectives and policies are Objective 4, and policies 4.4.3 Wai and 4.5.5 Kaitiakitanga. The specific changes are unlikely to adversely affect any waterbodies. The requested BMUZ does not affect the concept of guardianship of the land.
- 5.12 The relevant Chapter 5 Land objectives include Objective 5.4.3. The subject site does not form part of an ONL.
- 5.13 The relevant Chapter 5 Land policies include policies 5.5.4, 5.5.5 and 5.5.6.
- 5.15 With respect to policy 5.5.5 the requested BMUZ minimises adverse effects on the quality and quantity of Otago's water resource by ensuring control is retained in terms of servicing the development in the future (through subdivision and/or land use consents).
- 5.17 The relevant Chapter 6 Water objectives and policies include Objective 6.4.2 and Policy 6.5.1. As noted in Mr. Glasner's report there is no issue with servicing development on the subject site. This ensures little, if any, impact on Otago's water resources consistent with this objective and policy.
- 5.18 The relevant Chapter 10 Biota objectives and policies include Objective 10.4.3 and Policy 10.5.2. The requested BMUZ contains no areas of vegetation identified as being a significant habitat of indigenous vegetation.
- 5.19 The relevant Chapter 11 Natural Hazards objectives and policies are Objectives 11.4.1 and 11.4.2 and Policies 11.5.2 and 11.5.3. As noted in Ms. Devlin's Section 42A report the property is recorded on the ORC's Hazard Register as being an alluvial fan (as all of Queenstown town centre is).
- 5.20 In summary, the requested BMUZ is, in my opinion, consistent with and gives effect to the relevant provisions of the OORPS.

(ii) Proposed Otago Regional Policy Statement (PORPS)

- 5.21 The PORPS has advanced to the stage of the issue of a decision (which is now subject to appeals to the Environment Court). I have attached a list of the most relevant objectives and policies from PORPS (decisions version) to my evidence as Attachment CV2. The relevant section of the PORPS to the consideration to the subject submissions are:
- Chapter 2 Kai Tahu Values and Interests
 - Chapter 4 Communities in Otago are resilient, safe and healthy
 - Chapter 5 People are able to use and enjoy Otago's natural and built environment

- 5.22** The relevant Chapter 2 objectives and policies are 2.1 to 2.2 (Kai Tahu values and interests). The RPS requires that Kai Tahu values and interests are recognised and kaitiakitaka is expressed. The requested RVZ, in my opinion, does not affect this from occurring.
- 5.23** The relevant Chapter 4 objectives and policies include Objective 4.1 and Policies 4.1.1 to 4.1.6 in respect of natural hazards; Objective 4.3 and Policy 4.3.1 in respect of infrastructure; and Objective 4.4 in respect of energy supply. These issues have been addressed in Ms. Devlin's and Mr. Glasner's reports.
- 5.24** The requested BMUZ is, in my opinion, consistent with, and gives effect to, the relevant objectives and policies of the PORPS.

(iii) Regional Plan: Air and Water

- 5.25** The Regional Plans: Air and Water will be of relevance if the BMUZ is approved. No resource consents are likely required under these plans if services are reticulated into Council's existing infrastructure.

(iv) Proposed District Plan - Strategic Directions

- 6.26** I have undertaken a thorough assessment of the proposed provisions in accordance with Section 32AA of the Act, and attach this assessment at **Appendix CV3** to my evidence.
- 6.27** Goal 3.2.1 is to develop a prosperous, resilient and equitable economy. In my opinion enabling the requested BMUZ achieves this goal by diversifying development from solely residential to other complementary activities.
- 6.28** Goal 3.2.2 is to have strategic and integrated management of urban growth. In my opinion, the requested BMUZ ensures urban growth occurs in a logical manner, promote a compact, well designed and integrated urban form; and will not affect Council infrastructure. The requested BMUZ is well within the UGB and is strategically located so as to create integration and connectivity with the exiting urban environment. The requested BMUZ encourages higher density residential development close to the town center and provides for growth and a diversity of housing choice. The subject site is not affected by natural hazards.
- 6.29** Goal 3.2.3 is to have a quality built environment taking account of the character of individual communities. The requested BMUZ will ensure a desirable and safe place to live, work and play. The proposed BMUZ provisions will ensure development responds to the character of the site and surrounding areas. It also acknowledges the necessity for increased densities and some change in character for certain areas. The

size of the requested BMUZ ensures development can be comprehensively designed and integrated. It also provides opportunity for a sustainable approach to infrastructure, buildings, street, trail and open space design.

6.30 Goal 3.2.4 is “*The protection of our natural environment and ecosystems*”. The requested BMUZ can be developed to ensure low impact stormwater disposal techniques given its proximity to Horne Creek.

6.31 Goal 3.2.6 is to enable a safe and healthy community that is strong, diverse and inclusive for all people. The BMUZ provides an opportunity for people to access housing that is likely to be affordable given its location. The requested BMUZ will also provide the opportunity for enable a range and mix of accommodation. The requested BMUZ will also enable high density housing adjacent to or close to larger commercial centres and provide the opportunity for innovative design to provide access to affordable housing.

6.32 I address each of the relevant objectives and policies of the Strategic Directions Section of the PDP in the attachment CV3 to my evidence. In my opinion, the rezoning better achieves the strategic objectives and policies than the RZ provisions. The Strategic Directions Section recognizes the important contribution that large stations such as Loch Linnhe make to the rural character of the District. Enabling some development within discrete areas that contributes to the continuation of the pastoral management of the wider station, and which contributes to maintaining the rural character of the District is consistent with the Strategic Directions objectives and policies.

(d) Whether the proposal has had regard to any relevant management plans or strategies under other acts.

5.33 In my opinion there are no other management plans or strategies prepared under other acts relevant to the consideration of the submission.

(e) Takes into account any relevant planning document recognised by an iwi authority.

(i) Kai Tahu ki Otago Iwi Management Plan

5.34 The Kai Tahu ki Otago Resource Management Plan (the Plan) was prepared in 2005 and is the principal planning document for Kāi Tahu ki Otago. It was developed over a 2-year period through extensive consultation with the four Papatipu Rūnaka of Otago as well as consultation with, and input from, the Otago whānau and rōpū groups and Southland and South Canterbury Rūnaka.

5.35 At Section 2.5.6 the Plan states that ‘*Kāi Tahu ki Otago values have been incorporated, to varying extents, in the following Regional and District Plans and Policy Statements*’. Key issues identified in the Plan relate to wai

maori, wahi tapu, mahika kai and biodiversity, cultural landscapes, air and atmosphere, and the coastal environment.

5.36 Queenstown is located within the Clutha-Mata-au Catchment, and this is described at Section 10.1 as:

“The Clutha/Mata-au Catchment centres on the Clutha/Mata-au River and includes all sub-catchments within this main Catchment.

10.2.2 Wai Maori Issues in the Clutha/Mata-au Catchment:

...

Land Use:

- Lack of reticulated community sewerage schemes.
- Existing sewage schemes are not effectively treating the waste and do not have the capacity to cope with the expanding population.
- Land use intensification, for example dairying in the Poumahaka Catchment.
- Increase in the lifestyle farm units is increasing the demand for water.
- Sedimentation of waterways from urban development.

...

10.2.3 Wai Maori Policies in the Clutha/Mata-au Catchment:

...

Land use:

9. To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.

10. To promote sustainable land use in the Clutha/Mata-au Catchment.

11. To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.

12. To require reticulated community sewerage schemes that have the capacity to accommodate future population growth

...

10.3 WÄHI TAPU

10.3.1 Wähi Tapu in the Clutha/Mata-au Catchments

There are a range of wähi tapu of particular significance within the Clutha/Mata-au Catchments. Urupä are the best modern day example of wähi tapu, but physical resources such as mountaintops, springs and vegetation remnants are other examples. Urupä and some significant sites of conflict are located all along the Clutha/Mata-au River.

...

10.3.3 Wähi Tapu Policies in the Clutha/Mata-au Catchment

1. To require that wähi tapu sites are protected from further loss or destruction.
2. To require accidental discovery protocols for any earth disturbance activities.”

5.37 With respect to 10.2 development under the BMUZ provisions is likely to be in accordance with sound environmental management and promote sustainable land use practices. It is proposed to connect to reticulated service schemes. 0001

5.38 With respect to 10.3.3 there is no known wahi tapu associated with the site. The Accidental Discovery Protocol can be imposed by consent conditions on any future resource consents if deemed necessary.

(f) Does not have regard to trade competition.

5.39 There are no trade competition issues relevant to the consideration of this submission.

6. Section 32AA evaluation.

6.1 Section 32AA aims to ensure that any changes to plan provisions during the hearing process are subject to a similarly high level of analytical rigour and transparency as the original evaluation. A further evaluation under section 32AA must include all the matters in section 32, but only in relation to the changes that have been made to the proposal since the evaluation report for which it was completed.

6.2 A further evaluation is for the changes sought are attached to my evidence as **Attachment CV3**. This further evaluation examines the extent to which the proposed objectives and policies of the plan are, or are not, the most appropriate way to achieve the purpose of the Act.

6.3 I conclude from this evaluation that requested BMUZ is the most appropriate zoning for the subject sites.

7. Part II of the RMA.

Section 7

7.1 The following other matters to which particular regard must be given are relevant to the consideration of the subject submissions:

- (b) the efficient use and development of natural and physical resources;
- (c) The maintenance and enhancement of amenity values;
- (f) the maintenance and enhancement of the quality of the environment.

7.2 The approval of requested BMUZ would lead to efficient use and development of natural and physical resources given their location in relation to the Queenstown town centre. The proposed BMUZ provisions would also ensure the amenity values of the site are maintained and enhanced. The approval of the requested BMUZ would also assist in maintaining and enhancing the quality of this environment by requiring any development to obtain a restricted discretionary resource consent.

Section 6

7.3 There are no matters of national importance relevant to the consideration of the subject submissions.

Section 5

- 7.5** I consider the requested BMUZ is a logical location, being on a min arterial close to the town centre adjoining an existing BMUZ. All potential adverse effects that have been identified in the section 42A report have been taken into account in the formulation of the maps and proposed zone provisions.
- 7.6** I therefore consider the requested BMUZ achieves the purpose and principles of the RMA.

8. Conclusion.

- 8.1** Ms. Devlin concludes that the requested BMUZ may result in a loss of housing supply and could undermine the role of the Queenstown town centre as the primary focus for this part of the district's economic activity. My evidence has found that BMUZ could in fact accommodate more residential development than HDRZ, plus enable a mix of ancillary commercial activities. My evidence also finds that the proposed BMUZ has been designed to be complementary to the Queenstown town centre, not be in competition to it. In my opinion there is little, if any, chance that the requested BMUZ would undermine the role of the Queenstown town centre as the primary focus of the district's economic activity.
- 8.2** With respect to section 32AA of the RMA I conclude that the requested BMUZ is the most appropriate zoning for the subject site.
- 8.3** Overall, I consider the requested BMUZ achieves the purpose and principles of the RMA.

Attachment CV1 – Relevant RPS Objectives and Policies

4. Mana Whenua

4.4.3 *Wai (Water)* To recognise the principle of wairua and mauri in the management of Otago's water bodies.

4.4.5 *Kaitiakitanga (Guardianship)* To incorporate the concept and spirit of kaitiakitanga in the management of Otago's natural and physical resources in a way consistent with the values of Kai Tahu.

5.4 Land – Objectives

5.4.1 To promote the sustainable management of Otago's land resources in order: (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.

5.4.2 To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.

5.4.3 To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.

5.5 Land - Policies

5.5.4 To promote the diversification and use of Otago's land resource to achieve sustainable landuse and management systems for future generations.

5.5.6 To recognise and provide for the protection of Otago's outstanding natural features and landscapes which:

(a) Are unique to or characteristic of the region; or

(b) Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or

(c) Represent areas of cultural or historic significance in Otago; or

(d) Contain visually or scientifically significant geological features; or

(e) Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.

6.4 Water - Objectives

6.4.2 To maintain and enhance the quality of Otago's water resources in order to meet the present and reasonably foreseeable needs of Otago's communities.

6.5 Water - Policies

6.5.1 To recognise and provide for the relationship Kai Tahu have with the water resource in Otago through:

(a) Working toward eliminating human waste and other pollutants from entering all water bodies; and

(b) Consulting with Kai Tahu over any application that would result in the mixing of waters from different water bodies and the setting of water flows and levels.

9. 4 Built Environment – Objectives

9.4.1 To promote the sustainable management of Otago's built environment in order to:

(a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and

(b) Provide for amenity values, and

(c) Conserve and enhance environmental and landscape quality; and

(d) Recognise and protect heritage values.

9.4.2 To promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.

9.4.3 To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.

9.5 Built Environment - Policies

9.5.2 To promote and encourage efficiency in the development and use of Otago's infrastructure through:

(a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and

(b) Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and

(c) Encouraging a reduction in the use of nonrenewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and

(d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.

9.5.4 To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:

- (a) Discharges of contaminants to Otago's air, water or land; and
- (b) The creation of noise, vibration and dust; and
- (c) Visual intrusion and a reduction in landscape qualities; and
- (d) Significant irreversible effects on:
 - (i) Otago community values; or
 - (ii) Kai Tahu cultural and spiritual values; or
 - (iii) The natural character of water bodies and the coastal environment; or
 - (iv) Habitats of indigenous fauna; or
 - (v) Heritage values; or
 - (vi) Amenity values; or
 - (vii) Intrinsic values of ecosystems;

9.5.5 To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:

- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and
- (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and
- (c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.

10.4 Biota – Objectives

10.4.1 To maintain and enhance the life-supporting capacity and diversity of Otago's biota.

10.4.2 To protect Otago's natural ecosystems and primary production from significant biological and natural threats.

10.4.3 To maintain and enhance the natural character of areas with significant indigenous vegetation and significant habitats of indigenous fauna.

10.5 Biota - Policies

10.5.3 To reduce and where practicable eliminate the adverse effects of plant and animal pests on Otago's communities and natural and physical resources through:

- (a) Developing strategies to effectively manage Otago's plant and animal pests; and
- (b) Educating about the responsibilities of all parties in the management of Otago's plant and animal pests; and
- (c) Adopting the most practicable method of pest control while safeguarding the environment.

11.4 Natural Hazards – Objectives

11.4.1 To recognise and understand the significant natural hazards that threaten Otago's communities and features.

11.4.2 To avoid or mitigate the adverse effects of natural hazards within Otago to acceptable levels.

11.5 – Natural Hazards – Policies

11.5.2 To take action necessary to avoid or mitigate the unacceptable adverse effect of natural hazards and the responses to natural hazards on:

- (a) Human life; and
- (b) Infrastructure and property; and
- (c) Otago's natural environment; and (d) Otago's heritage sites.

11.5.3 To restrict development on sites or areas recognised as being prone to significant hazards, unless adequate mitigation can be provided.

13.4 Wastes & Hazardous Substances – Objectives

13.4.1 To protect Otago's communities, environment and natural resources from the adverse effects of the waste stream.

13.4.2 To encourage a reduction in the amount, range and type of waste generated in Otago.

13.4.4 To minimise the risks to people and the wider environment arising from existing contaminated sites, and the storage, use, transportation and disposal of hazardous substances.

13.5.1 To recognise and provide for the relationship Kai Tahu have with natural and physical resources when managing Otago's waste stream through: (a) Providing for the management and disposal of Otago's waste stream in a manner that takes into account Kai Tahu cultural values; and (b) Working towards eliminating human wastes and other pollutants from entering Otago's waterways

13.5.7 To address the adverse effects of past waste disposal practices through:

- (a) Identifying sites of old landfills, hazardous substance dumps or contamination within Otago; and
- (b) Determining any adverse effects arising from those sites and requiring the remedying or mitigation of any adverse effects.

Attachment CV2 – Relevant RPSDV Objectives and Policies

Objective 2.1 *The principles of Te Tiriti o Waitangi are taken into account in resource management processes and*

Policy 2.1.2 *Treaty principles Ensure that local authorities exercise their functions and powers, by:*

- a) *Recognising Kāi Tahu's status as a Treaty partner; and*
- b) *Involving Kāi Tahu in resource management processes implementation;*
- c) *Taking into account Kāi Tahu values in resource management decision-making processes and implementation;*
- d) *Recognising and providing for the relationship of Kāi Tahu's culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka;*
- e) *Ensuring Kāi Tahu have the ability to: i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka; ii. Determine how best to express that relationship;*
- f) *Having particular regard to the exercise of kaitiakitaka; g) Ensuring that district and regional plans:*
 - i. *Give effect to the Ngāi Tahu Claims Settlement Act 1998;*
 - ii. *Recognise and provide for statutory acknowledgement areas in Schedule 2;*
 - iii. *Provide for other areas in Otago that are recognised as significant to Kāi Tahu;*
- h) *Taking into account iwi management plans.*

Objective 2.2 *Kāi Tahu values, interests and customary resources are recognised and provided for*

Policy 2.2.1 *Kāi Tahu wellbeing Manage the natural environment to support Kāi Tahu wellbeing by all of the following:*

- a) *Ensuring the sustainable management of resources supports their customary uses and cultural values in Schedules 1A and B;*
- b) *Safeguarding the life-supporting capacity of natural resources.*

Objective 3.1 *The values of Otago's natural resources are recognised, maintained and enhanced decisions*

Policy 3.1.1 *Fresh water Manage fresh water to achieve all of the following:*

- a) *Maintain or enhance ecosystem health in all Otago aquifers, and rivers, lakes, wetlands, and their margins;*
- b) *Maintain or enhance the range and extent of habitats provided by fresh water, including the habitat of trout and salmon;*
- c) *Recognise and provide for the migratory patterns of freshwater species, unless detrimental to indigenous biological diversity;*
- d) *Avoid aquifer compaction and seawater intrusion in aquifers;*
- e) *Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded;*
- f) *Maintain or enhance coastal values;*
- g) *Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;*
- h) *Maintain or enhance the quality and reliability of existing drinking and stock water supplies;*
- i) *Recognise and provide for important recreation values;*
- j) *Maintain or enhance the amenity and landscape values of rivers, lakes, and wetlands;*
- k) *Control the adverse effects of pest species, prevent their introduction and reduce their spread;*
- l) *Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;*
- m) *Avoid, remedy, or mitigate adverse effects on existing infrastructure that is reliant on fresh water.*

Policy 3.1.3 *Water allocation and use Ensure the efficient allocation and use of water by undertaking all of the following:*

- a) *Requiring that the volume of water allocated does not exceed what is necessary for its efficient use;*
- b) *Encouraging the development or upgrade of infrastructure that increases use efficiency.*

Policy 3.1.10 *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.*

Objective 3.2 *Otago's significant and highly-valued natural resources are identified, and protected or enhanced*

Policy 3.2.5 *Identifying highly valued natural features, landscapes and seascapes Identify natural features, landscapes and seascapes, which are highly valued for their contribution to the amenity or quality of the environment but which are not outstanding, using the attributes in Schedule 3.*

Policy 3.2.6 *Managing highly valued natural features, landscapes and seascapes Protect or enhance highly valued natural features, landscapes and seascapes by all of the following:*

- a) Avoiding significant adverse effects on those values which contribute to the high value of the natural feature, landscape or seascape;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Recognising and providing for positive contributions of existing introduced species to those values;
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- e) Encouraging enhancement of those values which contribute to the high value of the natural feature, landscape or seascape.

Objective 4.1 Risk that natural hazards pose to Otago's communities are minimized

Policy 4.1.1 Identifying natural hazards Identify natural hazards that may adversely affect Otago's communities, including hazards of low likelihood and high consequence by considering all of the following:

- a) Hazard type and characteristics;
- b) Multiple and cascading hazards;
- c) Cumulative effects, including from multiple hazards with different risks;
- d) Effects of climate change;
- e) Using the best available information for calculating likelihood;
- f) Exacerbating factors.

Policy 4.1.2 Natural hazard likelihood Using the best available information, assess the likelihood of natural hazard events occurring, over no less than 100 years.:

Policy 4.1.3 Natural hazard consequence Assess the consequences of natural hazard events, by considering all of the following:

- a) The nature of activities in the area;
- b) Individual and community vulnerability;
- c) Impacts on individual and community health and safety;
- d) Impacts on social, cultural and economic wellbeing;
- e) Impacts on infrastructure and property, including access and services;
- f) Risk reduction and hazard mitigation measures;
- g) Lifeline utilities, essential and emergency services, and their co-dependence;
- h) Implications for civil defence agencies and emergency services;
- i) Cumulative effects;
- j) Factors that may exacerbate a hazard event.

Policy 4.1.4 Assessing activities for natural hazard risk Assess activities for natural hazard risk to people and communities, by considering all of the following:

- a) The natural hazard risk identified, including residual risk;
- b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;
- c) The long term viability and affordability of those measures;
- d) Flow on effects of the risk to other activities, individuals and communities;
- e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.

Policy 4.1.5 Natural hazard risk Manage natural hazard risk to people and communities, with particular regard to all of the following:

- a) The risk posed, considering the likelihood and consequences of natural hazard events;
- b) The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;
- c) The community's tolerance of that risk, now and in the future, including the community's ability and willingness to prepare for and adapt to that risk, and respond to an event;
- d) The changing nature of tolerance to risk;
- e) Sensitivity of activities to risk.

Policy 4.1.6 Avoiding increased natural hazard risk Manage natural hazard risk to people and communities by both:

- a) Avoiding activities that significantly increase risk including displacement of risk off-site; and
- b) Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years.

Objective 4.3 Infrastructure is managed and developed in a sustainable way

Policy 4.3.1 Managing infrastructure activities Manage infrastructure activities, to achieve all of the following:

- a) Maintaining or enhancing the health and safety of the community;
- b) Avoiding, remedying or mitigating adverse effects of those activities on existing land uses, including cumulative adverse effects on natural and physical resources;
- c) Supporting economic, social and community activities;
- d) Improving efficiency of use of natural resources;
- e) Protecting infrastructure corridors for infrastructure needs, now and for the future;
- f) Increasing the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events;

g) Protecting the functional and operational requirements of lifeline utilities and essential or emergency services.

Objective 4.4 *Energy supplies to Otago's communities are secure and sustainable*

Objective 5.3 *Sufficient land is managed and protected for economic production*

Policy 5.3.1 *Rural activities Manage activities in rural areas, to support the region's economy and communities, by all of the following:*

- a) Enabling primary production and other rural activities that support the rural economy;*
- b) Minimising the loss of significant soils;*
- c) Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects;*
- d) Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities;*
- e) Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities.*

Attachment CV3 – S32AA Evaluation

Chapter 3 – Strategic Direction

The purpose of the strategic directions chapter of the PDP is to set out the over-arching strategic direction for the management of growth, land-use and development in a manner that ensures sustainable management of the District's special qualities:

- Dramatic alpine landscapes free of inappropriate development
- Clean air and pristine water
- Vibrant and compact town centres
- Compact and connected settlements that encourage public transport, biking and walking
- Diverse, resilient, inclusive and connected communities
- A district providing a variety of lifestyle choices
- An innovative and diversifying economy based around a strong visitor industry
- A unique and distinctive heritage
- Distinctive Ngai Tahu values, rights and interests

This direction is provided through a set of Strategic Goals, Objectives and Policies which provide the direction for the more detailed provisions related to zones and specific topics contained elsewhere in the PDP. The following Objectives and Policies are relevant to the submissions and are addressed in the following table:

These tables provide an analysis of the requested BMUZ against the relevant provisions of the PDP.

3.2.1 Goal - Develop a prosperous, resilient and equitable economy.			
Objective 3.2.1.1 Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand's premier alpine resorts and the District's economy			
Objective 3.2.1.2 Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District.			
Objective 3.2.1.3 Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.			
3.2.1.1.2 Avoid commercial rezoning that could fundamentally undermine the role of the Queenstown and Wanaka central business areas as the primary focus for the District's economic activity.			
3.2.1.2.1 Avoid commercial rezoning that would fundamentally undermine the key local service and employment function role that the larger urban centres outside of the Queenstown and Wanaka central business areas fulfil.			
3.2.1.2.2 Reinforce and support the role that township commercial precincts and local shopping centres fulfil in serving local needs.			
3.2.1.3.1 Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The proposed BMUZ provisions ensure that development is complementary to the town centres.	The BMUZ enable a variety of development in a location that is close to the town centre. The BMUZ could potentially enable more residential development opportunity than HDRZ.	BMUZ may attract activities more commercial in nature than residential.	There is no uncertainty or insufficient information regarding this objective and policies.

<p>3.2.2 Goal - The strategic and integrated management of urban growth Objective 3.2.2.1 Ensure urban development occurs in a logical manner:</p> <ul style="list-style-type: none"> • to promote a compact, well designed and integrated urban form; • to manage the cost of Council infrastructure; and • to protect the District's rural landscapes from sporadic and sprawling development. <p>Objective 3.2.2.1 Ensure urban development occurs in a logical manner:</p> <ul style="list-style-type: none"> • to promote a compact, well designed and integrated urban form; • to manage the cost of Council infrastructure; and • to protect the District's rural landscapes from sporadic and sprawling development. 			
<p>3.2.2.1.3 Manage the form of urban development within the UGBs ensuring:</p> <ul style="list-style-type: none"> • Connectivity and integration with existing urban development; • Sustainable provision of Council infrastructure; and • Facilitation of an efficient transport network, with particular regard to integration with public and active transport systems <p>2.2.1.4 Encourage a higher density of residential development in locations close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails.</p> <p>3.2.2.1.5 Ensure UGBs contain sufficient suitably zoned land to provide for future growth and a diversity of housing choice.</p>			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
<p>The subject site is within an existing urban area.</p> <p>BMUZ would be effective in ensuring a compact, well designed and integrated urban form.</p>	<p>The requested BMUZ is close to the town centre and public transportation.</p>	<p>Nil.</p>	<p>There is no uncertainty or insufficient information regarding this objective and policies.</p>

<p>3.2.3 Goal - A quality built environment taking into account the character of individual communities Objective 3.2.3.1 Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.</p>			
<p>Policies 3.2.3.1.1 Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.</p> <p>3.2.3.1.2 That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.</p> <p>3.2.3.1.3 Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.</p>			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
<p>The BMUZ provisions ensures any development responds to the character of the subject site and surrounding area.</p>	<p>The subject site has a mixed-use character at present.</p>	<p>Nil.</p>	<p>There is no uncertainty or insufficient information regarding this objective and policies.</p>

<p>3.2.4 Goal - The protection of our natural environment and ecosystems Objective 3.2.4.1 Promote development and activities that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems.</p>			
<p>Policies 3.2.4.2.2 Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.</p>			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)

The BMUZ provisions ensures any development responds to the natural values of Horne Creek.	Development can be designed to be low impact on the values of the adjacent Horne Creek.	Nil.	There is no uncertainty or insufficient information regarding this objective and policy.
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3.2.6 Goal - Enable a safe and healthy community that is strong, diverse and inclusive for all people.
 Objective 3.2.6.1 Provide access to housing that is more affordable
 Objective 3.2.6.2 Ensure a mix of housing opportunities.
 Objective 3.2.6.3 Provide a high quality network of open spaces and community facilities

Policies
 3.2.6.1.2 In applying plan provisions, have regard to the extent to which minimum site size, density, height, building coverage and other controls influence Residential Activity affordability
 3.2.6.2.1 Promote mixed densities of housing in new and existing urban communities.
 3.2.6.2.2 Enable high density housing adjacent or close to the larger commercial centres in the District.
 3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people.

<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The requested BMUZ efficiently provides the opportunity to achieve residential affordability in close proximity to the town centre.	The requested BMUZ enables a mix of housing types and densities in close proximity to the town centre, as well as other activities.	Nil.	There is no uncertainty or insufficient information regarding this objective and policy.

Chapter 4 – Urban Development

4.2.1 Objective - Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.

Policies
 4.2.1.1 Land within and adjacent to the major urban settlements will provide the focus for urban development, with a lesser extent accommodated within smaller rural townships.
 4.2.1.2 Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks.
 4.2.1.3 Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycleways or are in close proximity to community and education facilities.
 4.2.1.4 Development enhances connections to public recreation facilities, reserves, open space and active transport networks.
 4.2.1.5 Urban development is contained within or immediately adjacent to existing settlements
 4.2.1.6 Avoid sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values; or compromise the viability of a nearby township.
 4.2.1.7 Urban development maintains the productive potential and soil resource of rural land.

<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The requested BMUZ is a logical extension to the proposed BMUZ on the corner of Robins Road and Gorge Road. The requested BMUZ can efficiently be connected to existing Council infrastructure.	The requested BMUZ does not affect any significant landscapes. The requested BMUZ is in close proximity to the town centre, is accessible to recreational facilities, reserves, open spaces and active transport networks.	Nil.	There is no uncertainty or insufficient information regarding this objective and policy.

4.2.2 Objective - Urban Growth Boundaries are established as a tool to manage the growth of major centres within distinct and defensible urban edges.			
Policies 4.2.2.1 Urban Growth Boundaries define the limits of urban growth, ensuring that urban development is contained within those identified boundaries, and urban development is avoided outside of those identified boundaries.			
4.2.2.2 Urban Growth Boundaries are of a scale and form which is consistent with the anticipated demand for urban development over the planning period, and the appropriateness of the land to accommodate growth.			
4.2.2.3 Within Urban Growth Boundaries, land is allocated into various zones which are reflective of the appropriate land use.			
4.2.2.4 Not all land within Urban Growth Boundaries will be suitable for urban development, such as (but not limited to) land with ecological, heritage or landscape significance; or land subject to natural hazards. The form and location of urban development shall take account of site specific features or constraints to protect public health and safety.			
4.2.2.5 Urban Growth Boundaries may need to be reviewed and amended over time to address changing community needs.			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The requested BMUZ is efficient in that it is located within the UGB and does not threaten any boundaries.	The requested BMUZ is an appropriate use of the subject site (given its proximity to the town centre and existing uses).	Nil.	There is no uncertainty or insufficient information regarding this objective and policy.

Chapter 5 – Tangata Whenua

The purpose of Chapter 6 Tangata Whenua is to recognise and provide for Ngāi Tahu as a partner in the management of the District's natural and physical resources through the implementation of this District Plan. The Council will actively foster this partnership through meaningful collaboration, seeking formal and informal advice, providing for Ngāi Tahu's role as kaitiaki, and protecting its values, rights and interests.

The following Objectives and Policies are relevant to the Loch Linnhe submission:

5.4.1 Objective - Promote consultation with tangata whenua through the implementation of the Queenstown Lakes District Plan.			
5.4.1.1 Ensure that Ngāi Tahu Papatipu Rūnanga are engaged in resource management decision-making and implementation on matters that affect Ngāi Tahu values, rights and interests, in accordance with the principles of the Treaty of Waitangi.			
5.4.1.2 Actively foster effective partnerships and relationships between the Queenstown Lakes District Council and Ngāi Tahu Papatipu Rūnanga.			
5.4.1.3 When making resource management decisions, ensure that functions and powers are exercised in a manner that takes into account iwi management plans.			
5.4.1.4 Recognise that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water sites, wāhi tapu, tōpuni and other taonga.			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
No specific consultation has been undertaken as part of this submission.	Consultation can occur as part of the subdivision process if that is considered necessary.	Nil.	There is no uncertainty or insufficient information regarding this objective and policy.

5.4.3 Objective - Protect Ngāi Tahu taonga species and related habitats.			
5.4.3.1 Where adverse effects on taonga species and habitats of significance to Ngāi Tahu cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
As far as I am aware, and based on my review of the KTKP and Te Ao Marama Natural	If such values exist then they can be considered in accordance with the BMUZ	Nil.	There is no uncertainty or insufficient information regarding this objective and policy.

Resource Management Plans, there is no taonga species and habitats of significance to Ngāi Tahu within the area sought for BMUZ.	provisions, if necessary an accidental discovery protocol can be adopted at the time of resource consent.		
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5.4.5 Objective - Wāhi tūpuna and all their components are appropriately managed and protected.			
5.4.5.1 Identify wāhi tūpuna and all their components on the District Plan maps and protect them from the adverse effects of subdivision, use and development.			
5.4.5.2 Identify threats to wāhi tūpuna and their components in this District Plan.			
5.4.5.3 Enable Ngai Tahu to provide for its contemporary uses and associations with wāhi tūpuna.			
5.4.5.4 Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tūpuna.			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
As far as I am aware, and based on my review of the KTKP and Te Ao Marama Natural Resource Management Plans, there is no wahi tūpuna within the requested BMUZ area.	Development under requested BMUZ is designed to identify such areas if they exist.	Nil.	There is no uncertainty or insufficient information regarding this objective and policy.

Chapter 6 – BMUZ

The relevant Objectives and Policies are as follows:

16.2.1 Objective – An area comprising a high intensity mix of compatible residential and non-residential activities is enabled.			
16.2.1.1 Accommodate a variety of activities while managing the adverse effects that may occur and potential reverse sensitivity.			
16.2.1.2 To enable a range and mix of compatible business, residential and other complementary activities to achieve an urban environment that is desirable to work and live in.			
16.2.1.3 Avoid activities that have noxious, offensive, or undesirable qualities from locating within the Business Mixed Use Zone to ensure that appropriate levels of amenity are maintained.			
16.2.1.4 Residential and visitor accommodation activities are enabled, while acknowledging that there will be a lower level of amenity than residential zones due to the mix of activities provided for.			
16.2.1.5 For sites fronting Gorge Road in Queenstown, discourage the establishment of high density residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.			
16.2.1.6 Provide appropriate noise limits to minimise adverse noise effects received within the Business Mixed Use Zone and by nearby properties.			
16.2.1.7 Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the Building Code to avoid reverse sensitivity.			
16.2.1.8 Ensure that the location and direction of lights does not cause significant glare to other properties, roads and public places and promote lighting design that mitigates adverse effects on the night sky.			
16.2.1.9 Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with the appropriate levels of amenity.			
<i>Efficiency & Effectiveness</i> ^(a)	<i>Benefits</i> ^(b)	<i>Costs</i> ^(b)	<i>Risk Acting/Not Acting</i> ^(c)
The proposed BMUZ provisions efficiently ensures a high intensity mix of compatible residential and non-residential activities. The proposed BMUZ rules and standards efficiently ensure compatible land uses.	The requested BMUZ is in close proximity to the town centre, is accessible to recreational facilities, reserves, open spaces and active transport networks.	Higher density mixed use development will be enabled, which may change the character of the area.	There is no uncertainty or insufficient information regarding this objective and policy.

	BMUZ provides a variety of development options, including high density residential.		
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16.2.2 Objective – New development achieves high quality design outcomes that minimises adverse effects on adjoining residential areas.			
<p>16.2.2.1 Require the design of buildings to contribute positively to the visual quality, vitality, safety and interest of streets and public spaces by providing active and articulated building frontages, and avoid large expanses of blank walls fronting public spaces.</p> <p>16.2.2.2 Require development close to residential zones to provide suitable screening to mitigate adverse visual effects, loss of privacy, and minimise overlooking and shading effects to residential neighbors.</p> <p>16.2.2.3 Require a high standard of amenity, and manage compatibility issues of activities within and between developments through site layout and design measures.</p> <p>16.2.2.4 Utilise and, where appropriate, link with public open space nearby where it would mitigate any lack of open space provision on the development site.</p> <p>16.2.2.5 Incorporate design treatments to the form, colour or texture of buildings to add variety, moderate their scale and provide visual interest from a range of distances.</p> <p>16.2.2.6 Where large format retail is proposed, it should be developed in association with a variety of integrated, outward facing uses to provide reasonable activation of building facades.</p> <p>16.2.2.7 Provide for significantly taller development above the permitted height limit in the Business Mixed Use Zone in Queenstown, subject to high design quality.</p>			
<i>Efficiency & Effectiveness ^(a)</i>	<i>Benefits ^(b)</i>	<i>Costs ^(b)</i>	<i>Risk Acting/Not Acting ^(c)</i>
<p>The proposed BMUZ provisions efficiently ensures a high intensity mix of compatible residential and non-residential activities.</p> <p>The proposed BMUZ rules and standards efficiently ensure compatible land uses and high-quality design outcomes.</p>	<p>The design of buildings will have to contribute positively to the visual quality, vitality, safety and interest.</p> <p>Opportunity for development to link to Horne Creek and the Recreation grounds.</p>	<p>Nil.</p>	<p>There is no uncertainty or insufficient information regarding this objective and policy.</p>