

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-

Under the Resource Management Act 1991 (**RMA**)

In the matter of An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan

Between Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited

Appellant

And **Queenstown Lakes District Council**

Respondent

Notice of Appeal

19 June 2018

Appellant's solicitors:

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To The Registrar
Environment Court
Christchurch

- 1 Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited (**Jacks Point**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Jacks Point made submissions (#762) (#856) and further submission (#1275) on the PDP.
- 3 Jacks Point is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Jacks Point received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Chapter 3 Strategic Direction;
 - (b) Chapter 4 Urban Growth;
 - (c) Chapter 6 Landscapes;
 - (d) Chapter 27 Subdivision;
 - (e) Chapter 41 Jacks Point;
 - (f) Map 13 and chapter 44 (rezoning requests).

Reasons for appeal and relief sought

Background

- 7 Jacks Point are owners, developers and proponents of the masterplanned community in the area known as the Jacks Point Resort Zone under the operative District Plan. That zone forms three distinct components: Jacks Point, Henley Downs and Homestead Bay, which are part of the wider Coneburn Area.
- 8 Since its creation, development within the zone has been mostly restricted to the land located within the Jacks Point part of the Zone. This has included

establishing several residential neighbourhoods, the Golf Course, Club House and investing significantly in the formation of vehicle access, water supply, wastewater treatment and stormwater infrastructure. In addition the emerging settlement includes large areas of open space that have been established to provide areas of private amenity, native vegetation enhancement, public trails and landscape protection.

- 9 Jacks Point has worked together with the Council on the formulation of a new Jacks Point Zone, including the design of a single structure plan for the wider Jacks Point area, drafting new and updated provisions, section 32 reports, specialist landscape reports, consultation and other background investigations.
- 10 Jacks Point opposes those parts of the PDP relevant to the Jacks Point Zone (**JPZ**) which are contrary to the JPZ purpose and philosophy and will not achieve Part 2 of the RMA, particularly in facilitating efficient use, development and protection of resources.
- 11 An overview of those parts of the PDP are summarised below with reasons for appeal given and description of scope of relief sought. The specific provisions of the PDP and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal.
- 12 Specific relief sought in respect of Chapter 41, and the JPZ Structure Plan are included in **Appendix B** to this Appeal.

Chapter 3 Strategic Direction

- 13 Chapter 3 provides for the overarching strategic direction for resource management in the Queenstown Lakes District. The nature of Chapter 3 applying as higher order provisions to all other provisions of the PDP means that Jacks Point interests are affected by Chapter 3.
- 14 The reasons for appealing, and description of the scope of the relief sought are:
 - (a) Jacks Point has strategic significance as a mixed use resource zone for the wider District. Accordingly, the JPZ should be specifically recognised at the strategic level Chapter 3 in similar as other specific resort and commercial / community zones are (including Frankton and Three Parks).
 - (b) The primacy given to farming over other land uses, and associated protection of the character of the landscape is misplaced and inappropriate.
 - (c) The direction in respect of new urban development's integration with existing and planned future infrastructure is unclear. Development of private infrastructure should not be discouraged.

- (d) The emphasis for quality built environment is too narrow in only focusing on the character of individual communities' historic heritage values. Integration with the surrounding environment should be referenced at the Strategic Objective level also.
 - (e) Rather than simple reference to protection of Outstanding Natural Landscapes and Outstanding Natural Features, the focus should be on protecting the specific values and features of ONLs and ONFs from inappropriate development.
 - (f) The blunt classification of anything that is "more than minor and/or not temporary in duration" as an inappropriate activity on an ONL/ONF is unnecessarily restrictive, as depending on the specific character of the ONL/ONF, and the wider context, there are other uses that are not inappropriate.
- 15 The specific provisions of Chapter 3 and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal.

Chapter 4 Urban Growth

- 16 The reasons for appealing, and description of the scope of the relief sought are:
- (a) The provisions of the PDP seek to play a much greater role in the management of urban growth. The relevant new objectives and policies seek to introduce controls on Urban Development in particular through the creation of Urban Growth Boundaries. The focus of the policies is on the concentration of urban development within existing urban areas and related settlements together with the introduction of stronger policies to avoid urban development within rural areas.
 - (b) If urban growth boundaries are to be retained, Jacks Point seeks a clearer and more efficient regime for their future amendments to account for the Queenstown Lakes District as a High Growth Area under the National Policy Statement Urban Development 2016.
 - (c) The provisions of Chapter 4 should also be amended to ensure that urban growth within those urban growth boundaries are not unnecessarily restricted, and are not used as buffers for adjacent urban development occurring in areas not within an urban growth boundary.
 - (d) Specific recognition needs to be made for the relationship between UGBs and ONF / ONLs where those are overlapping, such as is the case for parts of the JPZ. Development within the UGB and ONL in such

circumstances should not be unnecessarily restricted where this will otherwise achieve the protection of ONFIs from inappropriate development.

- 17 The specific provisions of Chapter 4 and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal.

Chapter 6 Landscapes

- 18 The reasons for appealing, and description of the scope of the relief sought are:
- (a) Jacks Point opposes those landscape provisions which establish a more than minor threshold or transience of effects into the determination of what is appropriate development in a landscape. This is a higher standard than that which is provided for in section 6(b) of the Act and is unjustified where the legislature has provided that such landscapes are only required to be protected from 'inappropriate' development. What is appropriate or inappropriate in a particular landscape, and based on a particular proposal may be a broader question than simply a more than minor effects assessment.
 - (b) Jacks Point considers that the PDP is fundamentally flawed in recognising that over 97% of the District is classified as a section 6(b) landscape and requests that landscape mapping be undertaken from a first principles landscape basis, applying the criterion that such landscapes to qualify must be 'outstanding or preeminent within the District'.
 - (c) It is inappropriate that the classifications ONL and ONF and associated provisions as now decided, should apply to a Special Zone within the UGB.
 - (d) There is insufficient recognition of the need to assess any development against the specific values, characteristics and features of the landscape, and the potential benefits of subdivision and development where the landscape is such that it has capacity to absorb.

- 19 The specific provisions of Chapter 6 and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal.

Chapter 27 Subdivision and Development

- 20 Rule 27.6.1 is opposed to the extent that the relationship between the subdivision rule and the density standards in chapter 41 is unclear. The specific relief sought by Jacks Point is set out in **Appendix A** to this Appeal.

Chapter 41 Jacks Point Zone and Structure Plan

Policies opposed

- 21 The reasons for appealing, and description of the scope of the relief sought are:
- (a) Changes are sought to the policies of Chapter 41 to provide for the purpose of the Zone, which is to provide for residential, rural living, commercial, community and visitor accommodation in a high quality sustainable environment comprising residential areas, two mixed use villages and a variety of recreation opportunities and community benefits including access to public open space and amenities.
 - (b) The overall framework of the JPZ better should more specifically provide for the character, values and features of the JPZ landscape rather than leaving matters not specified.
 - (c) The structure plan approach to planning the development of JPS is central to the integrated development philosophy of JPZ. Amendments to 'require activities to be located in accordance with a structure plan' rather than the policy directing 'use of a structure plan' unnecessarily restrictive. (See amendments to policy 41.2.1.1).
 - (d) The Comprehensive Development Plan approach relevant to future subdivision and development of the village activity areas has been fundamentally misunderstood and the resulting policy 41.2.1.19 is potentially ultra vires and unworkable.
 - (e) Policies in respect of the Village require amendment in order to support and enable commercial, community, visitor accommodation and residential activities within the Village as permitted activities, in accordance with a comprehensive development plan framework.
 - (f) Policies restricting the anticipated use of the Education Activity area, to just education and day care facilities, represent an unnecessary restriction on the use of land adjacent to the village. The optimum outcome is a Village activity area integrated with the Education Activity Area, incorporating a range of activities and services vital to a vibrant, sustainable, diverse community including health care.
 - (g) Amendments to open space provisions seeking to avoid buildings and recognise the contribution of open space to amenity and residential outlook are opposed. These amendments duplicate specific landscape provisions already included within the JPZ and do not match the associated

discretionary activity status for development in OSG and OSA activity areas. (See amendments to policy 41.2.1.21 and 41.2.1.22).

- (h) Amendments to the policy in respect of mining have the effect of constraining the enablement of mining activities solely within the OSG Activity Area which is an efficient use of a site specific/site constrained resource.(Policy 41.2.1.24)
- (i) Amendments to the policy in respect of native revegetation are required to provide clearer direction as to location and extent of anticipated revegetation (Policy 41.2.1.28).

22 The specific provisions of Chapter 41 and the relief sought by Jacks Point are set out in **Appendix A** to this Appeal, and alternative relief as referenced in **Appendix C**.

Structure plan and activity areas opposed

23 The reasons for appealing, and description of the scope of the relief sought are:

- (a) The Structure Plan Legend is incorrect. The polygon shading that has been used on the Jacks Point Structure Plan to depict the extents of the various Landscape Protection Areas does not align with the correct notation of these areas in the Structure Plan Legend.
- (b) The Outstanding Natural Landscape Line and boundary of the Peninsula Hill Landscape Protection Area (**PHLPA**) is incorrect and not in accordance with the boundary agreed by all the experts at the hearing. In addition, Jacks Point seeks a change to policy 6.6.3 seeking a separate regulatory regime for the Jacks Point Zone and excluding the Zone from the ONL category and associated objectives and policies. The line should either be deleted from the Structure Plan and Map 41, or corrected as per the attached **Appendix B**.
- (c) The classification of the entire Peninsula Hill Open Space Landscape Activity Area as the PHLPA is incorrect and inconsistent with the expert evidence and updated Coneburn Resources Study for the purpose of the Structure Plan, namely identifying areas capable of absorbing appropriate development.
- (d) The refusal to show a portion of the Public Access Route through the OSL area on Peninsula Hill results in a reduction of certainty for provision of public access and improved trail network. The route for Public Access through R(HD)E is also incorrect.

- (e) The refusal to include Preserve Homesites HS57 and 58 is contrary to expert evidence that those sites have the ability to absorb development and the corresponding planning framework that will ensure sufficient control is in place to protect the particular values and characteristics of those sites. These are sought to be included as shown on Appendix B, or in the alternative provisions amended to enable dwellings on Peninsula Hill in areas capable of absorbing development.
- (f) The deletion of any activity area on the site notified as EIC, and through the hearing amended to R(HD-SH)3 is opposed and represents an inefficient classification of land the Decision itself stated was suitable for residential development. This is sought to be reinstated in a form and with associated provisions either as notified (as Education Innovation Campus Activity Area) or as R(HD-SH)3 or similar.
- (g) The deletion of an area of OSA Activity Area along both sides of Woolshed Road and inclusion with Activity Area R(HD) – A is unjustified and should be reinstated.
- (h) Inclusion of a new Rural Living Activity Area (and associated provisions) in place of the old R(HD) – F and G Activity Areas is opposed as the expert evidence supported the Activity Areas and associated provisions as enabled an appropriate nature and scale of development. It is sought that the F and G Activity Areas and associated provisions be reinstated, or other changes made to ensure development is enabled to a similar degree as that notified.
- (i) The rezoning the area of OSL alongside the State Highway and wastewater disposal area as OSG is opposed as that classification would enable inappropriate activities for those sites.
- (j) The rezoning of a part of the OSL between the State Highway Landscape Protection Area and the Residential Jacks Point State Highway Activity Area 1 – 4 as OSA is opposed as that classification would enable inappropriate activities for this area.
- (k) The Jacks Point entities sought that the Education Activity Area shown on the Structure Plan as notified be removed and replaced with an extension of the Jacks Point Village (V(JP)-B). The Council decision retained the extent of the Village and Education Activity Areas as notified. The Appellant seeks to delete the E activity area and replace it with the extended V(JP)-B as shown in **Appendix B**.
- (l) Amending the boundary of the OSG west of the Village to follow the bottom of the Tablelands overlay results in a large area of former OSG located

between the new OSG and the Village that is not labelled as being within any activity area and therefore technically subject to no provisions. This obvious error requires amendment by reinserting OSG as shown in **Appendix B**.

- (m) Amending the boundary of the Tablelands Overlay to follow the northern side of the Jacks Point landform and not over the area of OSL (incorrectly shown as OSG).
- (n) The northern end of the Willow Pond land where the boundary of the OSG has been lifted uphill to follow the tablelands overlay and left an area west of Activity Area R(HD) – E not labelled as being within any activity area. This area should be reinstated as OSG as shown in **Appendix C**.
- (o) Deletion of existing (operative and notified) Homesite 36 is opposed and obviously an error, as no submitter sought its deletion. Para 286 of the Decision indicates support for retention of HS 36 in its operative site, therefore its complete deletion appears to be in a mapping error. The proposed HS 36 site is located in an area capable of absorbing the change and provide for ecological and landscape enhancement benefits and should be reinserted onto the Structure Plan as shown on **Appendix C**
- (p) The deletion of proposed new Homesites, 37, 39, 40 is opposed. These proposed homesites are located in areas of the landscape capable of absorbing such change and provide for ecological and landscape enhancement benefits and should be inserted as shown on **Appendix C**. In the alternative the Activity Area FP-1 and associated provisions as notified should be put in place for the Tablelands and directly adjacent to Willow Pond (outside of the Tablelands).
- (q) New L(3) activity area is beyond scope as it was only sought for parking. It should be reclassified and the Structure Plan and provisions amended accordingly.
- (r) The R(HD)B area has been incorrectly extended into the OSA Areas that separate R(JP)3 and R(HD)B.

Activity tables and status opposed

24 The reasons for appealing the activity rules and standards are related to the following matters generally, set out in detail in: **Appendix A**, along with detailed relief sought:

- (a) Classification of residential activities in Rural Living Areas (41.4.1.3);

- (b) Treatment of medium density residential in R(JP)1-3 and R(JP-SH)4 (41.4.1.6);
- (c) Treatment of visitor accommodation in R(HD)E (41.4.1.8);
- (d) Amended controlled activity rule 41.4.2.1 requires that development of the Village activity areas must be in accordance with a Comprehensive Development Plan 'incorporated into the District Plan'. The intention of a CPD approach in a controlled activity framework was to ensure this was an information requirement to support a resource consent application made under this rule, the recommendations version now requires that CDP to be incorporated into the District Plan (presume via way of private plan change) which is uncertain, onerous, and potentially ultra vires.
- (e) The activities anticipated within the Lodge Activity Area (3) is inconsistent with that as sought at the hearing (41.4.3.1);
- (f) Provision for ancillary buildings, mining, utilities, infrastructure and vehicle access in OSG (41.4.4.1, 41.4.4.3, 41.4.4.4);
- (g) Provision for activities in the OSL (41.4.4.5 , 41.4.4.6 41.4.4.7);
- (h) Treatment of activities in OSA (41.4.4.8, 41.4.4.10);
- (i) Classification of residential activity in Homesite activity areas (41.4.4.7);
- (j) Informal airports (41.4.5.3);
- (k) Treatment of density requirements throughout the residential activity areas (41.5.1.1);
- (l) Inconsistent application of recession plane requirements (41.5.1.4);
- (m) Restrictions on medium density residential activity generally, and building coverage for medium density housing in the Henley Downs Activity Areas (41.4.1.5 and 41.5.15.2);
- (n) The error in applying the cap on commercial areas which as notified applied to R(HD) A – E, but as decided applied to just R(HD)A with no cap on the remaining areas (41.5.9.3);
- (o) Scale of commercial activities (41.5.2.1);
- (p) Lack of clarity as to application of the building coverage standard for the Village (41.5.2.3);

- (q) Imposition of a restriction to 3 storeys for buildings in the Jacks Point Village (41.5.2.4);
- (r) Boundaries of Open Space Areas (41.5.4.1);
- (s) Farm buildings in the Open Space Landscape Protection Area (41.5.4.9);
- (t) Planting and cultivation in the Landscape Protection and Tablelands Areas (41.5.4.10);
- (u) Open Space Wetlands (41.4.4.16 and 41.5.4.15);
- (v) Servicing for Homesite Activity Areas (41.5.5.10);

Provisions supported

- 25 Jacks Point specifically supports the following amendments to the PDP, and none of the relief sought is intended to impact the below:
- (a) Consolidation of the open space activity areas
 - (b) Expansion to R(JP)-1 Activity Area boundary to include recently consented, additional, residential development within Lot 400
 - (c) Amendments to the boundaries of the R(JP) – 2a Activity Area
 - (d) Amendments to the boundaries of the R(JP-SH) – 4 Activity Area
 - (e) Amendments to the Jacks Point Village Activity Area (expanded from 15.07ha – 18.7ha in area)
 - (f) Creation of the new R(HD-SH) – 1 and 2 Activity Areas
- 26 Any opposition to these amendments through further appeals are opposed by Jacks Point.

Planning Map 13 and rezoning proposals

- 27 Jacks Point further submitted on submissions to the PDP seeking alternative zoning outcomes to that which was notified in the PDP and would potentially undermine or be inconsistent with the JPZ.
- 28 Those rezoning proposals which Jacks Point appeals are set out in **Appendix A** to this appeal, with specific reasons for the opposition to rezoning.

Further and consequential relief sought

29 Jacks Point opposes any alternative provisions contrary to the outcomes sought in this Appeal, and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and Jacks Point's PDP submissions.

Attachments

30 The following documents are **attached** to this notice:

- (a) **Appendix A** – Primary relief sought to PDP chapters 3, 6, 27 and 41;
- (b) **Appendix B** – Relief sought to Planning Map and Structure Plan;
- (c) **Appendix C** – Versions of Chapters 41 as sought at the close of Commissioner hearing, relevant to alternative relief.
- (d) **Appendix D** – A copy of the Appellant's submission and further submissions;
- (e) **Appendix E** - A copy of the relevant parts of the decision; and
- (f) **Appendix F** - A list of names and addresses of persons to be served with this notice.

Dated this 19th day of June 2019



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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Christchurch.

Appendix A - Relief sought

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 3 Strategic Direction		
<p>Strategic objective 3.2.1.5</p> <p>Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres, Frankton and Three Parks, are sustained.</p>	<p>The objective is inconsistent with the specific purpose of the Jacks Point Village and other non-residential activity areas for this objective to refer only to "sustaining" the local service and employment functions of area outside of Queenstown and Wanaka town centres, Frankton and Three Parks, when the Jacks Point Village and other non-residential activity areas are yet to be developed.</p> <p>The objective should ensure the recognition and development of the provision of such services outside of the identified areas, and their extension where this is not currently completed rather than sustaining existing levels of service. If the objective is not to be amended in this way, then the Appellant seeks specific inclusion of Jacks Point in the list of inclusionary commercial centres.</p>	<p>Amend objective 3.2.1.5 as follows:</p> <p>Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres, Frankton and Three Parks, are sustained <u>and enhanced</u>.</p>
<p>New objective 3.2.1.x</p>	<p>The Appellant seeks recognition of the Jacks Point Village specifically as a key contributor to SO 3.2.1 (development of a prosperous, resilient and equitable economy in the District). The JPZ commercial and mixed-use areas are also comparable in terms of size and contribution of employment to Three Parks in</p>	<p>Add new strategic objective 3.2.1.x as follows:</p> <p><u>3.2.x The key functions of the Jacks Point Village and Education Innovation Campus provides for a mixed-use hub</u></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Strategic objective 3.2.2.1.(e)</p> <p>Protect the District's rural landscapes from sporadic and sprawling development.</p>	<p>Wanaka.</p> <p>The sub para (e) reference to "sporadic and sprawling development" is uncertain.</p>	<p>Amend 3.2.2.1.(e) as follows:</p> <p>Protect the District's rural landscapes from <u>urban sprawl</u> sporadic and sprawling development.</p>
<p>Strategic objective 3.2.2.1(h)</p> <p>h. be integrated with existing, and planned future, infrastructure</p>	<p>Sub para (h) currently ensures urban development occurs so as to 'be integrated with existing and planned future infrastructure'. This could pose a risk to infrastructure which is private and what the interpretation of 'planned future' infrastructure will be.</p>	<p>Amend objective 3.2.2.1(h) as follows:</p> <p><u>be coordinated with the design and development of infrastructure growth and redevelopment planning</u></p>
<p>New Strategic objective 3.2.3</p>	<p>This is a sound objective however is only supported by recognition of historic heritage values. This should also recognise the importance of quality urban design and development which provides for an integrated built form reflecting the surrounding environment.</p>	<p>Include new SO 3.2.3.2 as follows:</p> <p><u>Built form expresses the individual character and values of those communities and integrates well with its surrounding environment by quality urban design planning</u></p>
<p>New strategic policy 3.3.x</p>	<p>Seek recognition of Jacks Point Village specifically as a key contributor to SO 3.2.1 (development of a prosperous, resilient and equitable economy in the District), also comparable in terms of</p>	<p>Include new strategic policy 3.3.x as follows:</p> <p><u>3.3.x Provide a planning framework for the mixed use community Jacks Point Village which contributes to the vibrant mixed use</u></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Strategic policy 3.3.10</p> <p>Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton, and Three Parks fulfil. (relevant to S.O. 3.2.1.5)</p>	<p>contribution of employment to commercial three parks</p> <p>This policy should be amended to include recognition of the mixed-use hub of the JPZ Village. There is no justification for distinction between the protection of the Village at the higher order, as compared to Three Parks.</p>	<p><u>hub of the Jacks Point Zone. (relates to SO 3.2.1.x)</u></p> <p>Amend strategic policy 3.3.10 as follows</p> <p>Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton, <u>Jacks Point Village</u> and Three Parks fulfil. (relevant to S.O. 3.2.1.5)</p>
<p>Chapter 6 Landscapes</p>		
<p>Policy 6.3.3</p> <p>Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply unless otherwise stated. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).</p>	<p>The Appellants seek clarification that landscape categories do not apply to RR, RLZ, and special zones as those are areas which have been identified as suitable for further development. Clarify whether 'special zones' is useful terminology (i.e. it is currently unclear whether this covers Jacks Point).</p>	<p>Amend policy 6.3.3 as follows:</p> <p>Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and the Special Zones, <u>and Jacks Point Zone</u> within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply unless otherwise stated. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).</p>
<p>Chapter 41 Jacks Point</p>		

Provision (PDP decision version)	Reason for appeal	Relief sought
41.2 Objective and Policies		
<p>Policy 41.2.1.1</p> <p>41.2.1.1 Require activities to be located in accordance with the a Structure Plan (41.7) to establish the spatial layout of development within the zone and diversity of living and complementary activities, taking into account:</p> <ul style="list-style-type: none"> a. integration of activities; b. landscape and amenity values; c. road, open space and trail networks; d. visibility from State Highway 6 and from Lake Wakatipu. 	<p>The function of the Structure Plan has been strengthened by ‘requiring’ activities to be located in accordance with the Structure Plan (Policy 41.2.1.1). The status of a breach of the structure plan rules is now a discretionary activity (was non-complying under the Operative District Plan (ODP)), and the strength of this change to the policy does not align with the status of activities under the Structure Plan rule.</p>	<p>Amend the wording of Policy 41.2.1.1 such that it does not “require” activities to be located in accordance with the structure plan and appropriately aligns with the discretionary activity status for any breach of the Structure Plan (Rule 41.5.5.1).</p> <p>In the alternative, seek the following amendment to Policy 41.2.1.1:</p> <p><i>“Require activities to be located in accordance with the <u>Establish a</u> Structure Plan (41.7) to establish <u>manage</u> the spatial layout of development within the zone ...”</i></p>
<p>Policy 41.2.1.18</p> <p>Enable commercial and community activities and visitor accommodation in the Jacks Point Village (V(JP) and Homestead Bay Village (V(HB)) Activity Areas, provided residential amenity, health, and safety are protected or enhanced through:</p>	<p>Chapter 41 as notified included Policy 41.2.1.19, which enabled commercial, community and visitor activities provided that residential amenity and health and safety was protected or enhanced.</p> <p>The council’s decision has constrained this policy such that it only applies to the Village Activity Areas (rather than the Jacks Point</p>	<p>Amend Policy 41.2.1.18 (and/or the provisions of Chapter 41) to enable commercial, community and visitor accommodation activities in the residential activity areas provided that residential amenity and health and safety is protected or enhanced.</p> <p>In the alternative reinstate Policy 41.2.1.21 as sought at the</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>a. compatible hours of operation and noise;</p> <p>b. a high standard of building design;</p> <p>c. the location and provision of open space, buffers and setbacks;</p> <p>d. appropriate landscape mitigation;</p> <p>e. efficient design of vehicle access and car parking; and</p> <p>f. an appropriate scale of activity, and form of building development.</p>	<p>Zone generally.) This results in two issues:</p> <ol style="list-style-type: none"> 1. There is no longer policy support for the provision of commercial, community and visitor accommodation activities within the Residential Hanley Downs Activity Areas; and 2. The resultant policy does not align with the intent to provide for commercial and community activities as permitted activities in the Jacks Point Village (subject to compliance with the CDP mechanism). Transposing this policy with all the qualifications relevant for the residential areas of Hanley Downs is not necessary, nor supported by the rules for the Village Activity Areas. 	<p>Commissioner hearing, as set out in Appendix C.</p>
<p>Policy 41.2.1.19</p> <p><i>Encourage high quality urban design throughout the Jacks Point Village (V(JP) and Homestead Bay Village (V(HB)) Activity Areas by:</i></p> <p>a. <i>requiring all subdivision and development to be in accordance with a Comprehensive Development Plan incorporated in the District Plan, which shall establish an integrated and coordinated layout of open space;</i></p>	<p>Policy 41.2.1.19 is one of a series of provisions in Chapter 41 that relate to the Comprehensive Development Plan mechanism. The provisions collectively require any such Comprehensive Development Plan to be incorporated into the District Plan, noting no such Plan has been incorporated in the Council's decision on the District Plan. A plan change would be required to incorporate any such Plan into the District Plan.</p> <p>The Comprehensive Development Plan mechanism was proposed by the Jacks Point entities in order to provide a tool for managing</p>	<p>Along with any other consequential amendments to related provisions in Chapter 41, amend Policy 41.2.1.19 to:</p> <ul style="list-style-type: none"> - Remove the expectation that any Comprehensive Development Plan prepared for the Villages shall be incorporated into the District Plan, and are instead provided for via the resource consent process; - Remove the expectation that any Comprehensive Development Plan prepared for the Villages shall consider land uses within buildings; and design

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>built form; roading patterns; pedestrian, cycle access, and carparking; the landuses enabled within the buildings; streetscape design; design controls in relation to buildings and open space; and an appropriate legal mechanism to ensure their implementation;</i></p> <p><i>b. requiring the street and block layouts and the bulk, location, and design of buildings to minimise the shading of public spaces and to avoid the creation of wind tunnels;</i></p> <p><i>c. encouraging generous ground floor ceiling heights for commercial buildings that are relatively consistent with others in the village; and</i></p> <p><i>d. encouraging the incorporation of parapets, corner features for landmark sites, and other design elements in order to achieve a positive design outcome and providing for a 3 storey building height in the Jacks Point Village Activity Area and 2 storey commercial building height in the Homestead Bay Village Activity Area</i></p>	<p>the spatial planning outcomes or the Jacks Point Village, including integration with the surrounding activity areas and open space.</p> <p>The provisions collectively:</p> <ul style="list-style-type: none"> - Required a CDP to be provided as an information requirement to support the establishment of any commercial, community, residential, or visitor accommodation activity in the Jacks Point Village; - Provided for the use or development of land in accordance with the CDP issued as part of a consent granted under the rule above as a permitted activity; and - Restricted development that was not in accordance with that CDP (or proposed to occur prior to the approval of the CDP). 	<p>controls in relation to open space.</p> <p>In the alternative reinstate all relevant provisions in Appendix C that relate to the Comprehensive Development Plan mechanism.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Policy 41.2.1.20</p> <p><i>Enable the development of education and associated activities and day care facilities within the Education Activity (E) Area, subject to achieving a high standard of urban design</i></p>	<p>The outcomes sought for the Structure Plan as part of this appeal are to expand the Village Activity Area over the golf driving and the area identified within the Councils decision as Education Activity Area. Accordingly, as there is no other areas of Education Activity area, this policy would be made redundant.</p>	<p>Delete Policy 41.2.1.20</p>
<p>Policy 41.2.1.22</p> <p><i>Avoid all buildings in the Open Space Golf (OSG) and Open Space Residential Amenity (OSA) Activity Areas other than ancillary small scale recreational buildings on the same site as the activity it is ancillary to, and that are of a design that is sympathetic to the landscape.</i></p>	<p>“Avoid” is a strong policy directive for such a landscape and is potentially counterproductive for the intended recreational use of the area. It is noted that the related rules that manage the establishment of buildings in the OSG and OSA Activity Areas state that buildings are a discretionary activity (except those that are either administrative offices (in the case of the OSG Activity Area) or buildings ancillary to outdoor recreation activity. This does not align well with the use of ‘avoid’ in Policy 41.2.1.22 and the policy should be amended to align with the discretionary activity status.</p>	<p>Amend Policy 41.2.1.22 to delete the word ‘avoid’ at the commencement of the policy and replace it with a word that more appropriately aligns with the attendant discretionary activity status in related rules in Chapter 41.</p>
<p>Policy 41.2.1.24</p> <p><i>Enable mining activities within the Open Space Golf (OSG) Activity Area for the development of the Jacks Point Zone provided the adverse environmental effects of the activity are</i></p>	<p>The Jacks Point entities sought that the mining of rock and aggregate and/or gravel for use in the JPZ was provided for as a restricted discretionary activity within any Open Space Activity Area; and that mining in the rest of the Jacks Point Zone was a non-complying activity.</p>	<p>Amend Policy 41.2.1.24 such that it enables mining activities which contribute to the development of the Jacks Point Zone throughout the Jacks Point Zone, subject to managing adverse environmental effects.</p> <p>In the alternative reinstate Policy 41.2.1.11 as set out in</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<i>managed</i>	<p>However the Council’s decision on Chapter 41 (also addressed later in this table in relation to rules) is that mining has been ‘constrained’ just to the Open Space Golf Activity Area.</p> <p>‘Mining’ is currently undertaken within the Open Space Golf activity area, mainly through the extraction of rock material used by Jacks Point in landscaping and building. This location may need to change depending on the continued availability of resource from that location, and this should be anticipated and provided for in Chapter 41.</p>	Appendix C.
<p>Policy 41.2.1.28</p> <p><i>Ensure substantial native revegetation of the gully within the lake foreshore and Homesite (HS) Activity Areas which lie within the Tablelands Landscape Protection Area and encourage native planting of the Open Space Activity Areas (OSF, OSL and OSG) within Homestead Bay.</i></p>	<p>The wording of this policy is focussed on ensuring ‘substantial native revegetation’ of the <i>gully</i> within the lake foreshore, as opposed to the lake foreshore generally.</p> <p>The policy supported by Jacks Point entities in the hearing focussed attention to the lake foreshore and open spaces within Homestead Bay, with the changes in the decision version making it unclear whether the gully within the lake foreshore is in fact located within Homestead Bay.</p> <p>Secondly, there are two distinct components to this policy; the first part seeks to <i>ensure</i> substantial native revegetation in the lake foreshore gully and homesite activity areas, whereas the second inserted part of the policy seeks to <i>encourage</i> native planting of</p>	<p>Amend Policy 41.2.1.28 so that the focus of gully revegetation within the foreshore is within Homestead Bay (as opposed to the lake foreshore generally).</p> <p>Amend Policy 41.2.1.28 to remove the second component of the policy (that seeks to encourage native planting of the Open Space Activity Areas OSF, OSL and OSG) and create a new standalone policy, and that it is not constrained only to Homestead Bay, but across these Activity Areas generally.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>the OSF, OSL and OSG activity areas in Homestead Bay.</p> <p>The rules that appear to give effect to this policy are those that provide for 'indigenous revegetation', 'endemic revegetation' and 'regeneration of native species' as permitted activities in the OSG, OSL and OSF Activity Areas respectively. The second component of this policy should be separated into a new standalone policy. The rules are not constrained to Homestead Bay only, so the new policy should not be constrained to Homestead Bay.</p>	
<p>New Policy – 41.2.1.X</p>	<p>The Jacks Point entities are appealing the Council's decision on Chapter 41 and seeking the reinstatement of Homesites 36, 37, 39, 40, 57 and 58.</p> <p>Associated with this point, the Jacks Point entities sought that a policy was incorporated in Chapter 41 that sought to protect the character of the Peninsula Hill landscape, but also to enable the use of land in the identified homesites subject to managing certain effects. This policy was proposed in conjunction with the proposed Homesite 57 and 58.</p> <p>In the absence of this policy, policy support in Chapter 41 has been modified to relate to the open space areas more generally and not the protection of the Peninsula Hill LPA. This weakens</p>	<p>Insert a new policy seeking to protect the Peninsula Hill outstanding natural landscape from inappropriate subdivision, use or development through avoidance of development within the Landscape Protection Area, enabling of development within the discrete homesites.</p> <p>In the alternate reinstate Policy 41.2.1.16 in Appendix C (along with any consequential changes that are necessary to ensure consistency and compatibility with other provisions in Chapter 41 and/or the District Plan generally).</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	protection of the values of the ONL. In addition, there is no policy support for the homesites or their intended use in the absence of this policy	
Table 1 Activities Located in the Jacks Point Zone		
41.4.1 Residential Activity (R) Areas and the Rural Living Activity Area		
<p>Rural Living (RL) Activity Area - Activity Rule 41.4.1.3</p> <p><i>Residential activities.</i></p> <p>Controlled activity</p>	<p>The Council's decision replaced the R(HD)-FA; R(HD)-FB; and R(HD)-G Activity Areas sought by the Jacks Point entities through the hearing with the Rural Living Activity Areas.</p> <p>As set out elsewhere in this appeal, the Jacks Point entities are appealing the removal of the R(HD)-FA; R(HD)-FB; and R(HD)-G Activity Areas and seek that they are reinstated.</p> <p>Activity Rule 41.4.1.3 provides for residential activity as a controlled activity. As alternative relief to the reinstatement of the R(HD)-FA; R(HD)-FB; and R(HD)-G Activity Areas (and their attendant provisions), the Jacks Point entities consider that residential activity in the Rural Living Activity Areas should be a permitted, rather than a controlled, activity.</p>	<p>As alternative relief to the reinstatement of the R(HD)-FA; R(HD)-FB; and R(HD)-G Activity Areas and their attendant provisions set out in Appendix 1, amend Activity Rule 41.4.1.3 to provide for residential activity as a permitted activity in the Rural Living Activity Areas, rather than as a controlled activity.</p>
Residential Activity Areas R(HD) A – E, R(HD-SH) 1, and	Policy 41.2.1.12 appropriately recognises that the Hanley Downs residential activity areas are appropriate to accommodate	Amend Activity Rule 41.4.1.5 such that medium density residential activity is provided for as a controlled activity in the

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>R(HD-SH)-3 - Activity Rule 41.4.1.5</p> <p><i>Any residential activity which results in either:</i></p> <p><i>a. three or more attached residential units; or</i></p> <p><i>b. a density of more than one residential unit per 380 m2 of net site area.</i></p> <p>Restricted discretionary activity</p>	<p>residential development at a greater scale and intensity than elsewhere in the zone.</p> <p>Activity Rule 41.4.1.5 provides for medium residential development in these areas as a restricted discretionary activity. Given the policy support for higher density development in these activity areas, controlled activity status is more appropriate.</p>	<p>Hanley Downs Activity areas (rather than a restricted discretionary activity).</p> <p>In addition, amend this rule such that it refers to both the R(HD-SH) 2 area (currently missing) and to retain reference to the R(HD-SH) 3 area (excluded from the Structure Plan in the Council's decision, but sought to be retained through this appeal).</p>
<p>Residential R(JP) 1 - 3 and R(JP-SH) 4 Activity Areas – Activity Rule 41.4.1.6</p> <p><i>Any residential activity which results in either:</i></p> <p><i>a. three or more attached residential units; or</i></p> <p><i>b. a density of more than one residential unit per 380 m2 of net site area.</i></p> <p>Restricted discretionary activity</p>	<p>Chapter 41 as notified provided for medium density residential development in the R(JP) 1-3 and R(JP-SH)-4 activity areas as a restricted discretionary activity. This has been carried over in the Council's decision via Activity Rule 41.4.1.6.</p> <p>However Rule 41.4.6.3 provided an exemption for the medium density rule for single residential units on any site contained in a separate computer freehold register; or residential units located on sites smaller than 550m² created pursuant to subdivision.</p> <p>This exemption (as notified) has not been carried over in the Council's decision and is considered to be an important provision to retain in Chapter 41.</p>	<p>Amend Activity Rule 41.4.1.6 such that the restricted discretionary activity status for medium density residential development in the R(JP) 1-3 and R(JP-SH) 4 Activity Areas will not to apply to single residential units on site that has a title, or residential units on sites smaller than 550m² created pursuant to subdivision</p> <p>In the alternative, reinstate Rule 41.4.7.3 in Appendix C.</p>
<p>Residential R(HD) – E Activity Area, Activity Rule 41.4.1.8 41.4.1.8 Restricted Discretionary</p>	<p>Provision for commercial and community activity within Activity Area R(HD)-E is supported through an appropriate assessment as</p>	<p>Jacks Point seek to delete rule 41.4.1.8 and to make corresponding amendments to rule 41.4.1.7 to make provision for</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Commercial activities, community activities, and visitor accommodation including the addition, alteration or construction of associated buildings.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a location, scale and external appearance of buildings; b. setback from roads; c. setback from internal boundaries; d. traffic generation; e. vehicle access, street layout and car parking; f. street scene including landscaping; g. enhancement of ecological and natural values; h. provision for walkways, cycle ways and pedestrian linkages; i. scale of the activity; j. noise; k. hours of operation 	<p>a restricted discretionary activity, as addressed through Rule 41.4.1.7.</p> <p>Provision for visitor accommodation within activity area R(HD)E is opposed on the basis that combined with the density enabling VA would have an adverse impact on the vitality of the Jacks Point Village and Policy 41.2.1.1.7 to create the village as a vibrant mixed-use hub of the Jacks Point Community.</p>	<p>commercial and community activity as a restricted discretionary activity within Activity Area r(HD)-E</p>
<p>Table 2 Activities Located in the Jacks Point Zone – Village and Education Activity Areas</p>		
<p>41.4.2 Village and Education (V), V(HB) and (E) Activity Areas</p>		
<p>Activity Rule 41.4.2.1</p> <p><i>Any commercial, community, residential or visitor accommodation activity within the Jacks Point (V) or Homestead Bay (HB) Village Activity Areas, including the</i></p>	<p>The Council's decision has incorporated two distinct 'elements' into Activity Rule 41.4.2.1; the types of activities provided for in the Village Activity Area, and the Comprehensive Development Plan mechanism.</p>	<p>Along with any other consequential amendments to related provisions in Chapter 41, amend activity rule 41.4.2.1 such that the Comprehensive Development Plan mechanism reflects the approach set out in Appendix C, with the actual plans relating to</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>addition, alteration or construction of associated buildings, provided the application is in accordance with a Comprehensive Development Plan incorporated in the District Plan, which applies to the whole of the relevant Village Activity Area and is sufficiently detailed to enable the matters of control listed below to be fully considered</i></p> <p>Controlled activity</p>	<p>Activity Rule 41.4.2.1 is one of two provisions in Chapter 41 that relate to the Comprehensive Development Plan mechanism. The provisions collectively require any such Comprehensive Development Plan to be incorporated into the District Plan, noting no such Plan has been incorporated in the Council's decision on the District Plan. A plan change would be required to incorporate any such Plan into the District Plan.</p> <p>The Comprehensive Development Plan mechanism was proposed by the Jacks Point entities in order to provide a tool for managing the spatial planning outcomes or the Jacks Point Village, including integration with the surrounding activity areas and open space.</p> <p>The provisions collectively should be amended so as to:</p> <ul style="list-style-type: none"> - Require a CDP to be provided as an information requirement to support the establishment of any commercial, community, residential, or visitor accommodation activity in the Jacks Point Village; - Provide for the use or development of land in accordance with the CDP issued as part of a consent granted under the rule above as a permitted activity; and - Restrict development that is not in accordance with that CDP (or proposed to occur prior to the approval of the 	<p>the Comprehensive Development Plan not being required to be incorporated into the District Plan. In particular:</p> <ul style="list-style-type: none"> - Require a CDP to be provided as an information requirement to support the establishment of any commercial, community, residential, or visitor accommodation activity in the Jacks Point Village; - Provide for the use or development of land in accordance with the CDP issued as part of a consent granted under the rule above as a permitted activity; and <p>Restrict development that is not in accordance with that CDP (or proposed to occur prior to the approval of the CDP).</p> <p>In the alternative reinstate all relevant provisions in Appendix C that relate to the Comprehensive Development Plan mechanism.</p> <p>The relief sought relates also to re-classification of the Education activity area into the Jacks Point Village Activity Area, as set out in Appendix C.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	CDP).	
<p>Activity Rule 41.4.2.2</p> <p><i>Educational and Day Care Facilities.</i></p> <p>Controlled activity</p>	<p>The matters of control for Rule 41.4.2.2 include a reference to 'outdoor living space', which is generally associated with residential, rather than educational, activities.</p> <p>This would more appropriately be amended to 'provision of outdoor space'.</p> <p>However this rule becomes redundant if the relief sought changing E to V is given effect to</p>	<p>Delete Activity Rule 41.4.2.2</p> <p>In the alternative amend Activity Rule 41.4.2.2 such that matter of control (d) is amended to refer to 'provision of outdoor space', rather than 'outdoor living space'.</p>

Table 3 Activities Located in the Jacks Point Zone – Lodge Activity Areas

<p>Lodge Activity Area (L) – Activity rule 41.4.3.1</p> <p><i>Visitor accommodation activities, restaurants, and conference facilities.</i></p> <p>Discretionary activity</p>	<p>The Council's decision has inserted an additional Lodge Activity Area 3 on the structure plan. It is understood that the use of this area was intended to be restricted to parking, but none of the policies, activity rules or activity standards place this type of limitation on this particular activity area.</p> <p>There is no standard restricting the use of the Lodge 3 Activity Area to car parking as opposed to visitor accommodation generally, and this seems a critical omission. The proximity of the new Lodge 3 Activity Area to the Village without such a restriction has the potential to further undermine the role of the Village.</p>	<p>Amend L(3) on Structure Plan to L(P)</p> <p>Amend Chapter 41 (which may include amendments to to ensure that the use of Lodge Activity Area 3 is limited only to car parking as follows:</p> <p>Amend Chapter 41 (which may include amendments to Activity Rule 41.4.3.1 and the Structure Plan) to ensure that the use of Lodge (P) Activity Area is limited only to car parking, as follows.</p> <p>41.4.3.1 Visitor accommodations activities, restaurants and conferences facilities within L(1) and (L2)</p>
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Provision (PDP decision version)	Reason for appeal	Relief sought
		<p>41.4.3.2 Parking associated with visitor accommodation activities within L(P)</p> <p>Failure to comply with 41.3.4.2 is discretionary.</p>

Table 4 Activities Located in the Jacks Point Zone – Open Space and Homesite Activity Areas

41.4.4 Open Space (OS) and Homesite (HS) Activity Areas

<p>Open Space Golf (OSG) Activity Area – Activity Rule 41.4.4.1</p> <p><i>Indigenous revegetation and outdoor recreation activities, including the development and operation of golf courses, associated earthworks, green keeping, driving range, administrative offices associated with golf, sales, and commercial instruction.</i></p> <p>Permitted activity</p>	<p>The Jacks Point entities sought that this activity rule also provided for mining and any utilities, infrastructure and vehicle access related to other activities anticipated by the Zone. Such activities are considered to result in negligible effect and because of the design of the open space areas around the nodes of residential and village, are likely to provide routes for utilities, access and infrastructure. The proposed changes further limit such activities in a way that are related to other activities anticipated within the Zone and not to provide for stand-alone utility infrastructure</p>	<p>Amend Activity rule 41.4.4.1 (or the provisions of Chapter 41 generally) to provide for mining, utilities, infrastructure and vehicle access related to other activities anticipated by the Zone within the Open Space Golf Activity Area as a permitted activity.</p>
<p>Open Space Golf (OSG) Activity Area – Activity Rule 41.4.4.3</p> <p><i>Any buildings within a Landscape Protection Area, or any</i></p>	<p>The ‘catch all’ part of this rule only refers to activities specified under Rules 41.4.4.2 and 41.4.4.4 as not being ‘caught’ under the discretionary activity status for activities not otherwise provided for</p>	<p>Amend Activity rule 41.4.4.3 so that it also refers to activities under Activity Rule 41.4.4.1 as not being caught under this rule.</p> <p><i>“... and any activities other than those specified under Rules</i></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>buildings other than administrative offices and buildings ancillary to outdoor recreation activity; and any activities other than those specified under Rules 41.4.4.2 and 41.4.4.4.</i></p> <p>Discretionary activity</p>	<p>in those rules. For completeness this activity rule should also refer to those activities that are permitted as not being 'caught' by this rule.</p>	<p><u>41.4.4.1, 41.4.4.2 and 41.4.4.4.</u>"</p>
<p>Open Space Golf (OSG) Activity Area – Activity Rule 41.4.4.4</p> <p><i>The mining of rock and aggregate and/or gravel for use anywhere within the Jacks Point Zone</i></p> <p>Discretionary activity</p>	<p>The Jacks Point entities sought that the mining of rock and aggregate and/or gravel for use in the JPZ was provided for as a restricted discretionary activity within any Open Space Activity Area; and that mining in the rest of the Jacks Point Zone was a non-complying activity.</p> <p>However the Council's decision on Chapter 41 (also addressed later in this table in relation to rules) is that mining has been 'constrained' just to the Open Space Golf Activity Area (as a discretionary activity).</p> <p>'Mining' is currently undertaken within the Open Space Golf activity area mainly through the extraction of rock material used by Jacks Point in landscaping and building. This location may need to change depending on the continued availability of resource from that location, and this should be anticipated and provided for in Chapter 41.</p>	<p>Amend Activity Rule 41.4.4.4 to enable mining of rock and aggregate and/or gravel for use anywhere in the Jacks Point Zone as a restricted discretionary activity in any Open Space Activity Area (not just the Open Space Golf Activity Area).</p> <p>In the alternative, reinstate the provisions that related to mining in Appendix 1.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Open Space Landscape (OSL) Activity Area – Activity Rule 41.4.4.5</p> <p><i>Pastoral and arable farming, endemic revegetation, and pedestrian and cycle trails</i></p> <p>Permitted activity</p>	<p>The Jacks Point entities sought that a range of other activities were also provided for as a permitted activity in the Open Space Landscape Activity Area as the OSL occupies a large part of the Jacks Point Zone, including on land surrounding key residential activity nodes. Through this spatial layout, it is expected and desirable for the District Plan to provide a basis for the management of that land i.e. farming or outdoor recreation, and for the establishment of utility infrastructure. Jacks Point currently relies on a network private wastewater treatment and disposal plants and disposal fields located within the open space land around the residential pods with many being located within the OSL activity area. It is critical for the continued management of this part of the land resource for the District Plan to appropriately recognise and provide for the following activities within the OSL activity area:</p> <ul style="list-style-type: none"> - Farm buildings - Fencing - Mining - Outdoor recreation activities - Utilities and infrastructure 	<p>Amend Activity Rule 41.4.4.5 (or the provisions of Chapter 41 generally) to provide for farm buildings, fencing, mining, outdoor recreation activities, utilities, infrastructure, farm access tracks, and vehicle access related to other activities anticipated by the Zone as permitted activities within the Open Space Landscape Activity Area.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<ul style="list-style-type: none"> - Farm access tracks - Vehicle access related to other activities anticipated by the Zone 	
<p>Open Space Landscape (OSL) Activity Area – Activity Rule 41.4.4.6</p> <p><i>Any building within a Landscape Protection Area, or any building other than ancillary to farming activity.</i></p> <p>Discretionary activity</p>	<p>As a related point to the relief sought above in respect of rule 41.4.4.5, and in particular seeking to provide for outdoor recreation as a permitted activity in the Open Space Landscape Activity Area, it is important that any buildings associated with recreation activities are also a controlled activity.</p>	<p>Amend Activity Rule 41.4.4.6 to provide for buildings ancillary to outdoor recreation activities or building ancillary to any utility as being exempt from this rule (and instead provided for as a controlled activity pursuant to Activity Rule 41.4.4.7 (see below)).</p>
<p>Open Space Landscape (OSL) Activity Area – Activity Rule 41.4.4.7</p> <p><i>Any farm building other than within a Landscape Protection Area. Control is reserved to:</i></p> <ul style="list-style-type: none"> a. <i>the external appearance of buildings with respect to the effect on visual and landscape values of the area;</i> b. <i>the adequacy of Infrastructure and servicing;</i> c. <i>the effects of associated earthworks and landscaping;</i> d. <i>access and parking provision;</i> 	<p>As set out above, consequential to relief sought to provide for outdoor recreation activities as a permitted activity in the Open Space Landscape Activity Area, it is important that any buildings associated with recreation activities are also a controlled activity.</p>	<p>Amend Activity Rule 41.4.4.7 to provide for buildings ancillary to outdoor recreation activities as a controlled activity, as well as farm buildings, except where they are located in a Landscape Protection Area.</p> <p>In the alternative, and noting the relief sought in relation to Activity Rule 41.4.4.5 above, amend Activity Rule 41.4.4.7 to provide for any buildings ancillary to the permitted activities set out in Activity Rule 41.4.4.5 as a controlled activity.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>e. <i>the bulk and location of buildings;</i></p> <p>f. <i>the effects of exterior lighting</i></p> <p>Controlled activity</p>		
<p>Open Space Residential Amenity (OSA) Activity Area – Activity Rule 41.4.4.8</p> <p><i>Any buildings within the Highway Landscape Protection Area</i></p> <p>Permitted activity</p>	<p>This rule is inconsistent with the management regime for buildings within the OSA given that buildings ancillary to outdoor recreation activities are a controlled activity (Rule 41.4.4.10), and all other buildings are a discretionary activity (Rule 41.4.4.11).</p>	<p>Delete Activity Rule 41.4.4.8</p>
<p>Open Space Residential Amenity (OSA) Activity Area – Activity Rule 41.4.4.10</p> <p><i>Any buildings ancillary to outdoor recreation activity. Control is reserved to:</i></p> <p>a. <i>the external appearance of buildings with respect to the effect on visual and landscape values of the area;</i></p> <p>b. <i>the adequacy of Infrastructure and servicing;</i></p> <p>c. <i>the effects of associated earthworks and landscaping;</i></p> <p>d. <i>access and parking provision;</i></p> <p>e. <i>the bulk and location of buildings;</i></p>	<p>Activity Rule 41.4.4.10 is considered appropriate to manage buildings ancillary to outdoor recreation activities in the Open Space Residential Amenity Activity Area (noting outdoor recreation activities are a permitted activity pursuant to Activity Rule 41.4.4.9).</p> <p>However, Activity Rule 41.4.4.9 also appropriately provides for playgrounds, stormwater retention, lighting and underground services as permitted activities. Some of these activities may include structures that fall under the definition of ‘building’ and should therefore also be provided for as a controlled activity given they are anticipated within this activity area.</p>	<p>Amend Activity Rule 41.4.4.10 to provide for any buildings ancillary to the permitted activities set out in Activity Rule 41.4.4.9 as a controlled activity.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>f. the effects of exterior lighting</i></p> <p>Controlled activity</p>		
<p>Open Space Wetland (OSW) Activity Area - Activity Rule 41.4.4.16</p> <p><i>Structures restricted to those necessary to develop pedestrian access (e.g. boardwalks), fences, or other structures relating to the protection and enhancement of biodiversity and ecological values.</i></p> <p>Discretionary activity</p>	<p>These activities should all be enabled within the wetland activity areas in order to support the protection and enhancement of biodiversity and ecological values.</p> <p>They were anticipated to be provided for within the Open Space Wetland Activity Area through Activity Rule 41.4.9.9 as notified, and supported in evidence on behalf of the Jacks Point entities.</p>	<p>Amend Activity Rule 41.4.4.16 to provide for these activities as a permitted, rather than discretionary, activity.</p>
<p>Homesite (HS) Activity Area - Activity Rule 41.4.4.17</p> <p><i>No more than one residential building located within a Homesite (HS) Activity Area</i></p> <p>Controlled activity</p>	<p>Chapter 41 as notified restricted the use of the Home Site activity areas to residential activities, with a maximum of one residential unit per Homesite activity area.</p> <p>The Jacks Point entities sought that in addition to this, that visitor accommodation was provided for within homesites 37 – 58 as a permitted activity.</p> <p>The Council's decision has 'increased' the activity status for residential activity within the Homesites from permitted to controlled, and has not provided for visitor accommodation. The preserve homesites are spread across the Tablelands overlay</p>	<p>Amend activity rule 41.4.4.17 (and/or the provisions of Chapter 41 generally) to</p> <ul style="list-style-type: none"> • provide for residential activity (including residential units) as a permitted activity within the Homesite Activity Areas at a density of one residential unit per Homesite Activity Area; • provide for visitor accommodation within Homesite Activity Areas 37 – 58 as a restricted discretionary activity; and • refer to 'residential activity' rather than 'residential

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>in locations appropriate to landscape values and absorption potential. The distances between each provides an ideal setting for visitor accommodation to occur with minimal adverse effects on the amenity values of the nearest residents. Located. The visitor industry is an important part of the Queenstown economy and these areas a considered to provide opportunities for a limited number of very high quality experiences set within the open space and golf course at Jacks Point.</p>	<p>building'</p>
<p>Homesite (HS) Activity Area – new Activity Rule 41.4.4.X</p>	<p>The Jacks Point entities proposed a rule through the hearing that the construction of a building within a Homesite Activity Area should be a restricted discretionary activity where the requirement to comply with the Preserve Design Guidelines had not been registered on the title for that site.</p> <p>This rule was proposed as an important component to enablement of residential activities and residential units within the home sites as a permitted activity. The design guidelines are an important process established through the covenants on the Jacks Point titles and provide a robust process for the consideration of the appropriateness of building not only within the Home Sites but also the Residential activity areas. In reliance on this established and very effective process, Jacks Point considers that controlled</p>	<p>Insert a new Activity Rule (or other such mechanism as considered appropriate) to ensure that the construction of any building on a Homesite, where a requirement to comply with the Preserve Design Guidelines has not been registered on the title for the Homesite, is a restricted discretionary activity.</p> <p>In the alternative, reinstate Rule 41.5.1.3 as set out in Appendix C</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>activity status for building in inefficient and not as effective (in a s32 sense) as the process administered by the Jacks Point Residents and Owners Association process and established through the covenants.</p>	
<p>Homesite (HS) Activity Area – new Activity Rule 41.4.4.X</p>	<p>The Jacks Point entities are seeking the reinstatement of Homesites 57 and 58 as shown on the structure plan in Appendix 3.</p> <p>Given the landscape values associated with the location of these homesites, it is appropriate that the construction of buildings is provided for as a restricted discretionary, rather than permitted activity (as would otherwise be the case under Activity Rule 41.4.4.17 above).</p>	<p>Insert a new Activity Rule in relation to the Homesite Activity Areas to state that the construction of buildings on Homesites 57 and 58 is a restricted discretionary activity.</p>
<p>Table 5 – Activities Located in the Jacks Point Zone – Zone Wide Activities</p>		
<p>Activity Rule 41.4.5.3 Informal Airports</p> <p>a. <i>emergency landings, rescues, firefighting and activities ancillary to farming activities;</i> (permitted)</p> <p>b. <i>informal Airports limited to the use of helicopters.</i> (discretionary)</p>	<p>Chapter 41 as notified had a rule that stated that 'Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities were a permitted activity.</p> <p>The Council's decision, as a result of the restructuring of Chapter 41 as perhaps inadvertently deleted the words 'informal airports for' from Activity Rule 41.4.5.3(a).</p>	<p>Amend Activity rule 41.4.5.3(a) as follows:</p> <p><i>41.4.5.3 Informal Airports</i></p> <p>a. <i><u>Informal Airports</u> for emergency landings, rescues, firefighting and activities ancillary to farming activities;</i></p>

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	<p>The effect of this deletion could be that the activities listed are not construed to relate to the use of aircraft (taking a narrow reading of the rule). While the rule appears under the heading of informal airports, it should be amended for greater certainty.</p>	
<p>41.5 Activity Standards</p>		
<p>Table 6 – Standards for activities located in the Jacks Point Zone – Residential Activity Areas</p>		
<p>Activity Standard 41.5.1.1 Density</p> <p>Non-compliance status: Restricted discretionary</p>	<p>The Council's decision has resulted in a number of amendments to the average density levels set out in evidence by the Jacks Point entities in evidence. Certain activity areas that have not been provided for in the Structure Plan are also no longer provided for in this Activity Standard.</p> <p>This is problematic because variances to the density, including rounding to the nearest whole number, has implications for yield calculations and planning for the appropriate level of servicing infrastructure and access.</p>	<p>Amend Activity Standard 41.5.1.1 so that it provides for appropriate average density requirements throughout the residential activity areas in the Jacks Point Zone.</p> <p>In the alternative, reinstate the density rule proposed in Appendix C.</p> <p><i>NB this appeal point also relates to the relief seeking to reinstate Activity Areas R(HD)-F, R(HD)-G and R(HD-SH)-3.</i></p>
<p>Activity Standard 41.5.1.4 Recession Planes</p> <p>Non-compliance status: Restricted discretionary</p>	<p>The Council's decision on this rule has resulted in the rule requiring two different requirements in relation to recession planes; a 2.5m and 45 degree recession plane, and an approach that recognises the orientation of the boundary to which it relates</p>	<p>Amend Activity Standard 41.5.1.4 to:</p> <ol style="list-style-type: none"> 1. remove the requirement to comply with a 2.5m and 45 degree recession plane from all boundaries of a site; 2. provide an exemption from this activity standard for

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	<p>(north, south, or east/west). This appears to be a drafting error and requires correcting.</p> <p>In addition, amendments made to the exemptions for gables from this rule no longer include dormer windows, and are now also measured as a proportion of the protrusion rather than as a set dimension.</p>	<p>dormer windows (in addition to gable end roofs); and</p> <p>3. amend the description of exemptions to this activity standard for gable end roofs and dormer windows such that these features are exempt where they are:</p> <ul style="list-style-type: none"> a. no greater than 1m in height and width measured parallel to the nearest adjacent boundary; and b. no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary. <p>In the alternative, replace Activity Standard 41.5.1.4 with Rule 41.5.13.4 set out in Appendix C.</p>
<p>Activity Standard 41.5.1.5 Building Coverage</p> <p>Non-compliance status: Restricted discretionary</p>	<p>Activity Standard 41.5.15.2 as notified set a maximum building coverage of 50% for sites in the EIC and Hanley Downs Activity Areas.</p> <p>It made an exemption from this rule for medium density residential housing and provided for 70% building coverage in those instances.</p> <p>The Council's decision has not carried over this exemption. The Hanley Downs part of the Jacks Point zone is recognised through policies as being appropriate to accommodate greater density and</p>	<p>Amend Activity Standard 41.5.1.5 so that it provides a maximum building coverage of 70% for medium density residential development in the R(HD) and R(HD-SH) Activity Areas consented under either Activity Rule 41.4.1.5 or Rule 27.7.5.2 or 27.5.5.</p> <p>In the alternative, replace Activity Standard 41.5.1.5 with Rule 41.5.16.2 set out in Appendix C.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>through the rules related to medium density residential development, there is an appropriate framework to ensure the potential effects of greater building coverage are appropriate for any given site.</p>	
<p>Activity Standard 41.5.1.9 Retail Activities</p> <p><i>The total gross floor area of all commercial activities, excluding associated car parking, in the R(HD) A Activity Area shall not exceed 550m² across all of that Activity area</i></p> <p>Non-compliance status: Non-complying</p>	<p>Provision 41.5.9.3 as notified stated that the total floor space of all commercial activities in the R(HD) A to E activity areas should not exceed 550m².</p> <p>The Council's decision has resulted in changes to this rule with the effect that the 'cap' only applies within the R(HD) A Activity area (rather than areas A to E).</p> <p>The removal of the restriction on commercial activity over the remainder of the residential areas of Hanley Downs introduces a potentially significant issue for the role and function of the Village Activity Area.</p>	<p>Amend Activity Standard 41.5.1.9 such that the 'cap' on total floor space of all commercial activities of 550m² applies across the R(HD) A to E Activity Areas, rather than just in the R(HD) A Activity Area.</p> <p>In the alternative, reinstate Rule 41.5.10.3 in Appendix C.</p>
<p>Table 7 – Standards for activities located in the Jacks Point Zone – Village and Education Areas</p>		
<p>Activity Standard 41.5.2.1 Scale of Commercial Activity</p> <p><i>The maximum net floor area for any single commercial activity (as defined in chapter 2) shall be 200m².</i></p> <p><i>For the purpose of Rule 41.5.2.1, commercial activities are</i></p>	<p>While the intent of managing the scale of commercial activities in the Village and Education Activity Areas is generally supported, the Council's decision in relation to Activity Standard 41.5.2.1 broadens this to include commercial activity. Although a range of</p>	<p>Amend Activity Standard 41.5.2.1 such that:</p> <ul style="list-style-type: none"> - the cap on the scale of commercial activities only relates to retail activities, but would exclude one supermarket servicing the retail needs of the Jacks

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<p><i>as defined in Chapter 2, but excludes markets, showrooms, professional, commercial and administrative offices, service stations, and motor vehicle sales.</i></p> <p>Non-compliance status: Discretionary</p>	<p>exemptions are now provided, Jacks Point considers that the limitation in the standard is inappropriate. Increasing the threshold from 200 to 300m² will still provide for an appropriate limitation on retail to avoid larger format destination activity, but provide some more flexibility on the type of small grained retail that would service the needs of a growing settlement. Such outcomes are considered a positive benefit to the well-being of the residents within this community and also reduce the proportion of vehicle based trips occurring on the State Highway to access such services.</p>	<p>Point Residents;</p> <ul style="list-style-type: none"> - the cap for retail activities is 300m² per tenancy; and - the activity status for a breach of this activity standard is amended from discretionary to restricted discretionary.
<p>Activity Standard 41.5.2.3 Building Coverage</p> <p><i>Within the Jacks Point Village JP(V) and the Homestead Bay V(HB) Activity Areas maximum building coverage, calculated across the total Activity Area, shall not exceed 60%.</i></p> <p>Non-compliance status: Restricted discretionary</p>	<p>The drafting of this rule is unclear whether the 60% applies to the total area of the Jacks Point and Homestead Bay Village areas, or to each individual village area.</p>	<p>Amend Activity Standard 41.5.2.3 such that it is clear that the maximum building coverage of 60% applies to each of the Village Activity Areas.</p>
<p>Activity Standard 41.5.2.4 Building Height</p> <p><i>The maximum height of buildings shall be:</i></p> <p>a. ...</p> <p>b. <i>Jacks Point Village (V-JP) Activity Area 12m and comprising no more than 3 storeys</i></p>	<p>The limitation to 3 storeys could be a significant restriction on yield and capacity for the Jacks Point Village.</p>	<p>Amend Activity Standard 41.5.2.4 to remove the limitation of buildings to comprising no more than 3 storeys.</p>

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<p>c. ...</p> <p>d. ...</p> <p>Non-compliance status: Non-complying</p>		
<p>Table 9 – Standards for activities located in the Jacks Point Zone – Open Space and Homesite Activity Areas</p>		
<p>Activity Standard 41.5.4.1 - Boundaries of Open Space Activity Areas</p> <p><i>The boundaries of Open Space Activity Areas are shown indicatively and may be varied by up to 20m and the exact location and parameters are to be established through the subdivision process. Development prior to such subdivision occurring, which would preclude the creation of these open spaces, shall be contrary to this rule.</i></p> <p>Non-compliance status: Discretionary</p>	<p>This is based on Rule 41.5.3.3 as notified, which at that stage linked to overlays on the Structure Plan providing for open space not contained within a separate Activity Area. It was not intended that the boundaries of the activity areas would be varied as technically that would require a plan change to occur.</p> <p>Given the evolution in the management of open space as now being 'hard-wired' into separate activity areas, it does not make sense to retain the discretion over the exact location and parameters.</p>	<p>Delete Activity Standard 41.5.4.1</p>
<p>Activity Standard 41.5.4.2 – Open Space - Subdivision</p> <p><i>Within any open space area created by subdivision, in accordance with (Rules 41.5.4.1 and 27.7.5.1), there shall be no building.</i></p> <p>Non-compliance status: Discretionary</p>	<p>This is a direct carry over of a rule in evidence, with an update to the cross references to the rules referred to. As above, the provenance of the rule was the open space element shown on the version of the Structure Plan as notified and supported in evidence by the Jacks Point entities.</p>	<p>Delete Activity Standard 41.5.4.2.</p>

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	<p>As this element has been removed from the decision version and replaced with Open Space Activity Areas, the rule is considered redundant and should be deleted.</p>	
<p>Activity Standard 41.5.4.9 - Farm buildings within the Open Space Landscape (OSL) Protection Activity Area</p> <p><i>The construction, replacement or extension of a farm building within the Open Space Landscape Activity Area shall meet the following standards:</i></p> <ul style="list-style-type: none"> <i>a. the landholding the farm building shall be located within is greater than 100 ha; and</i> <i>b. the density of all buildings on the landholding site, inclusive of the proposed building(s) does not exceed one farm building per 50 hectares on the site; and</i> <i>c. if located within the Peninsula Hill Landscape Protection Area or the Lakeshore Landscape Protection Area, the farm building shall be less than 4m in height and the ground floor area shall be no greater than 100m²; and</i> <i>d. if located elsewhere, the farm building shall be less than 5m in height and the ground floor area shall be</i> 	<p>The effect of this activity standard, combined with the rules that state that farm buildings are a controlled activity in the OSL Activity Area (Rule 41.4.4.6) and limit the height of farm buildings to 4m (rule 41.5.1.2(c)) is that the proposed regime for farm buildings in the OSL Activity Area is overly restrictive, particularly as farming is provided for as a permitted activity. This rule should be deleted. Farming is an important component of the management of the open space areas, which are not reserve, and require grazing to manage pasture grass. To date this regime has resulted in a very low impact from ancillary buildings and structures. Jacks Point considers that the decision imposes a level of control disproportionate to any resource management issue and is doubtful as to scope.</p>	<p>Delete Activity Standard 41.5.4.9.</p>

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<p><i>no greater than 300m²; and</i></p> <p>e. <i>farm buildings shall not protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the proposed building.</i></p> <p>Non-compliance status: Restricted discretionary</p>		
<p>Activity Standard 41.5.4.10 - Planting and Cultivation – Landscape Protection and Tablelands Areas</p> <p><i>Within the Highway Landscape Protection Area (refer Structure Plan 41.7) the planting and/or growing of any tree shall not obscure views from the State Highway to the mountain peaks beyond the zone.</i></p> <p>Non-compliance status: Discretionary</p>	<p>While the intent is reasonable, this is a potentially unenforceable rule. The second statement of supplementary evidence of C Ferguson proposed to delete this rule based on questions from the Panel as to problems with its interpretation.</p> <p>The Jacks Point entities proposed that this rule should be replaced by a controlled activity rule relating to the establishment of State Highway Mitigation to assess the appropriateness of planting and maintenance of views. This has been carried over into Activity Rule 41.4.5.2 and Activity Standard 41.5.4.10 is therefore unnecessary.</p> <p>Finally, the Jacks Point entities sought to ensure that the State Highway mitigation planting was implemented <i>prior</i> to any subdivision or development occurring in the R(HD) Activity Areas, by stating that subdivision or development occurring prior to the</p>	<ol style="list-style-type: none"> 1. Delete Activity Standard 41.5.4.10; and 2. Insert a new Activity Rule into Table 1 to require that any subdivision or building development within the R(HD-SH)-1; R(HD-SH)-2; and R(HD-SH)-3 Activity Areas that occurs prior to the implementation of the State Highway mitigation approved pursuant to Activity Rule 41.4.5.2 is a discretionary activity. 3. In the alternative to the relief set out in 2. Above, insert Rule 41.5.5 as set out in Appendix C into Chapter 41.

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	<p>planting being implemented was a discretionary activity. This has not been reflected in the council's decision and as such there is no mechanism in Chapter 41 to ensure the State Highway mitigation is implemented.</p>	
<p>Open Space Wetlands (OSW) Activity Area – Activity Standard 41.5.4.15</p> <p><i>There shall be no development, landscaping, and/or earthworks within 7 metres of the Wetland Activity area identified on the Structure Plan, except to enable development of pedestrian access (including boardwalks), the erection of fences to control stock or other structures related to the protection of these areas, or to undertake ecological enhancement, including the removal of plant pests.</i></p> <p>Non-compliance status: Non-complying</p>	<p>This rule is located under the heading of 'Open Space Wetlands Activity Area' in Chapter 41. The rule does not appear to apply to land in the OSW Activity Area, but to any land that adjoins an OSW Activity Area (within 7m).</p> <p>Chapter 41 should be amended so that this Activity Standard is appropriately located in the provisions to avoid misinterpretation of its application</p>	<p>Amend Chapter 41 so that Activity Standard 41.5.4.15 is appropriately located to apply to any land within 7m of an Open Space Wetland Activity Area. Without limiting the scope of relief, this could be under the Zone-wide activity standards for example.</p>
<p>Table 10 – Standards for activities located in the Jacks Point Zone – Zone Wide Standards</p>		
<p>Servicing – Activity Standard 41.5.5.10</p> <p><i>All dwellings shall connect to reticulated infrastructure for the provision of a water supply, wastewater disposal, power and</i></p>	<p>The Jacks Point entities sought in evidence that an exemption from this rule was provided for dwellings located in the Homesite Activity Areas because these areas rely in part on on-site</p>	<p>Amend Activity Standard 41.5.5.10 (and/or the provisions of Chapter 41 generally) such that dwellings located in the Homesite Activity Areas are not required to comply with this</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>telecommunications.</i></p> <p>Non-compliance status: Non-complying</p>	<p>infrastructure (i.e. wastewater treatment and disposal).</p> <p>The Council's decision has not provided for this exemption, and will result in future residents having to apply for resource consent to install private wastewater treatment and disposal systems. Given the dispersed nature of the homesites and their distance from the main treatment plants for the other Jacks Points residential areas, such on-site infrastructure is an appropriate and sustainable outcome.</p>	<p>standard.</p> <p>In the alternative, amend Activity Standard 41.5.5.10 to align with the wording for Rule 41.5.15.1 in Appendix C.</p>
<p>41.7 Jacks Point Structure Plan</p>		
<p>41.7 Jacks Point Structure Plan</p> <p>Structure Plan Legend</p>	<p>The polygon shading that has been used on the Jacks Point Structure Plan to depict the extent of the various Landscape Protection Areas does not align with the correct notation of these areas in the Structure Plan Legend.</p>	<p>Amend the legend for the Jacks Point Structure Plan so that the notation of each of the Landscape Protection Areas correctly aligns with the extent of these areas as shown on the Structure Plan.</p>
<p>41.7 Jacks Point Structure Plan</p> <p>Homesites 36, 37, 39 and 40</p>	<p>The Jacks Point entities sought the addition of new homesites 37, 39 and 40 to the Jacks Point Structure Plan and the relocation of homesite 36 (from the location established within the operative district plan).</p> <p>The Council's decision resulted in the deletion of Homesites 36, 37, 39 and 40. With respect to homesite 36, the decision has also</p>	<p>Amend the Jacks Point Structure Plan to reinstate Homesites 36, 37, 39 and 40 in the locations shown on Appendix B to this appeal.</p> <p>Or in the alternative the Activity Area FP-1 and associated provisions as notified should be put in place for the Tablelands</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>failed to identify the homesite location from the operative District Plan and not in dispute as to its appropriateness. The location of these new and relocated Homesites was agreed to through expert conferencing between the landscaping witnesses during the course of the hearing on this Chapter.</p> <p>A resource consent has been granted and construction is underway to construct a dwelling within the location identified for the proposed new Homesite 36.</p>	<p>and directly adjacent to Willow Pond (outside of the Tablelands).</p>
<p>41.7 Jacks Point Structure Plan Homesites 57 and 58</p>	<p>The Council's decision declined to create the two new Homesites 57 and 58 proposed by Jacks Point. These homesites were recognised as being within the outstanding natural landscape of Peninsula Hill, but identified within areas have some capacity to absorb a limited area of development though the containment of the Homesite Activity Area. These Homesites were supported by a robust policy for protection of the ONL and elevated status for any further building within the Peninsula Hill Landscape Protection Area.</p>	<p>Reinstate Homesites 57 and 58 in the Jacks Point Structure Plan together with the associated policies and rules providing:</p> <p>Policy support to avoid development within the Peninsula Hill Landscape Protection Area, management of the effects on land within the Open Space Landscape activity area, and enabling the use of land within the identified homesites (HS57 and HS58);</p> <p>Establishing a new rule requiring resource consent as a restricted discretionary activity for any residential unit and visitor accommodation within HS57 and HS58;</p> <p>In the alternative, amend the policies and rules relating to Homesites 57 and 58 to align with the wording in Appendix C and amend the Structure Plan, as set out in Appendix B to this</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>41.7 Jacks Point Structure Plan</p> <p>Mapping of the Peninsula Hill LPA</p>	<p>The Peninsula Hill LPA has been expanded to occupy all of the Peninsula Hill landscape located within the Open Space Landscape Activity Area.</p> <p>The landscape evidence for Jacks Point suggested that that the mapping of the Peninsula Hill LPA apply to the areas identified following the amended Coneburn Resource Study absorption analysis.</p> <p>The extension to the Peninsula Hill LPA is also related to the revised building rules that listed any building within the LPA as a discretionary activity, rather than as non-complying as proposed in evidence.</p>	<p>appeal.</p> <p>Reinstate the mapping of the Peninsula Hill LPA to reflect that set out in Appendix B to this appeal.</p>
<p>41.7 Jacks Point Structure Plan and Map 41</p> <p>Mapping of the ONL line</p>	<p>The Outstanding Natural Landscape Line is incorrect and not in accordance with the boundary agreed by all the experts at the hearing. In addition, Jacks Point seeks a change to policy 6.6.3 seeking a separate regulatory regime for the Jacks Point Zone and excluding the Zone from the ONL category and associated objectives and policies. The line should either be deleted from the Structure Plan and Map 41</p>	<p>The line should either be deleted, or corrected as per the attached Appendix B</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>41.7 Jacks Point Structure Plan</p> <p>Public Access Route through the OSL area on Peninsula Hill and R(HD)E</p>	<p>The provision of this public access route was part of the package of positive measures associated with enabling Homesites 57 and 58 (see above). Rule 27.7.5.1 refers to the provision of public access routes within Jacks Point.</p> <p>The route is also incorrect through the northern portion of R(HD)E.</p>	<p>Reinstate the public access route through the OSL area on Peninsula in the location set out in Appendix B to this appeal.</p>
<p>41.7 Jacks Point Structure Plan</p> <p>Residential Hanley Downs (State Highway) Area 3 (R(HD-SH)-3)</p>	<p>The Council's decision rejected the proposed creation of the R(HD-SH)-3 Activity Area on the basis of scope. The Panel's recommendation appeared to favour the creation of this activity area for residential purposes if scope was available.</p>	<p>Reinstate the R(HD-SH)-3 Activity Area in the location shown in Appendix B to this appeal.</p> <p>Or in the alternative, reinstate this area as the "Education and Innovation Campus Activity Area" as notified and as sought to be amended in the original submission.</p>
<p>41.7 Jacks Point Structure Plan</p> <p>Deletion of an area of Open Space Residential Amenity Activity Area along Woolshed Road</p>	<p>The OSA Activity Area proposed along both sides of Woolshed Road formed an important part of the entry and maintenance of amenity values into the Jacks Point Zone (JPZ). This area has been incorporated into Activity Area R(HD)-A.</p> <p>The width of the area of R(HD) – A created instead as a sleeve alongside Woolshed Road is too narrow and appears to be a mapping error – inadvertently converting the open space area into</p>	<p>Reinstate the OSA Activity Areas alongside both sides of Woolshed Road as set out in Appendix B to this appeal.</p>

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	a residential area.	
<p>41.7 Jacks Point Structure Plan</p> <p>Inclusion of a new Rural Living (RL) Activity Area in place of the R(HD)-FA; R(HD)-FB and R(HD)-G Activity Areas proposed in evidence.</p>	<p>The Council's decision inserted a new Rural Living Activity Area on the Jacks Point Structure Plan instead of the R(HD)-FA; R(HD)-FB; and R(HD)-G Activity Areas sought by the Jacks Point entities through the hearing.</p> <p>This change appears to be driven by scope as the outcomes for development in accordance with the rules and mapping proposed at the Council hearing being agreed to between the experts. The changes sought by Jacks Point would further enable more intensive residential development on the lower slopes alongside the other residential activity areas where residential development was considered appropriate.</p>	<p>Remove the Rural Living Activity Area from the Jacks Point Structure Plan and replace it with the R(HD)-FA, R(HD)-FB and R(HD)-G Activity Areas as set out in Appendix B to this appeal, along with the associated provisions in Chapters 27 and 41 as set out in Appendix C to this appeal, or such other classification as areas for residential development as sought in the submission.</p>
<p>41.7 Jacks Point Structure Plan</p> <p>Open Space Golf Activity Area alongside State Highway 6</p>	<p>The Council's decision records that as notified the PDP classified the land adjacent to the State Highway as Open Space Golf, which seemed incongruous, given its primary purpose is to act as a visual buffer, and is also currently consented and used for wastewater disposal. It is also noted there are no submissions made to change this. This statement is incorrect, the open space alongside the State Highway was notified as Open Space Landscape, which is a more appropriate activity area for this land.</p>	<p>Reinstate the Open Space Landscape Activity Area alongside State Highway 6 as set out in Appendix B to this appeal.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>41.7 Jacks Point Structure Plan</p> <p>Jacks Point Village and Education Activity Areas</p>	<p>The Jacks Point entities sought that the Education Activity Area shown on the Structure Plan as notified be removed and replaced with an extension of the Jacks Point Village (V(JP)-B). The Council decision retained the extent of the Village and Education Activity Areas as notified.</p> <p>The Council's concerns with the additional area of Village proposed in the submission and evidence stem from the economic evidence presented by the Council and the potentially very large areas of commercial development that could result, undermining the role of other commercial centres. In seeking to expand the Village Activity Area, Jacks Point is seeking to create a larger area within which to lessen development intensity. Education activities are now possible through a range of areas within the Hanley Downs part of the Jacks Point Zone and do not necessarily need to be concentrated alongside the Village.</p>	<p>Amend the structure plan to:</p> <ul style="list-style-type: none"> - delete the Education Activity Area (and its associated provisions in Chapter 41); and - replace the Education Activity Area with the Jacks Point Village Area B (V(JP)-B) as shown in Appendix B to this appeal, including its attendant provisions set out in Appendix C to this appeal.
<p>41.7 Jacks Point Structure Plan</p> <p>Boundary of the Open Space Golf Area to the west of the Village Activity Area and west of R(HD)-E Activity Area</p>	<p>The Council's decision has amended the boundary of the Open Space Golf Activity Area from that proposed in evidence and as notified by the Jacks Point entities to follow the extent of the Tablelands LPA overlay.</p> <p>As a consequence, there is a large area of land that was in the Open Space Golf Activity Area that is not identified as being in any</p>	<p>Amend the boundary of the Open Space Golf Activity Area to the west of the Village Activity Area and the R(HD)-E Activity Area to reflect the boundary of this area shown in Appendix B to this appeal.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	activity area.	
41.7 Jacks Point Structure Plan R(HD)B/OSA	The R(HD)B area has been incorrectly extended into the OSA Areas that separate R(JP)3 and R(HD)B.	Correct boundary as per Appendix B .
41.7 Jacks Point Structure Plan The Tablelands Overlay	The Tablelands Overlay has been extended south over Lodge Areas and OSL which is incorrect and based on no evidence. This does not follow the Landscape Character Mapping as part of the Coneburn Resource Study	Amend as shown on Appendix B
41.7 Jacks Point Structure Plan Lodge (3)	w L(3) activity area is beyond scope as it was only sought for parking. It should be reclassified and the Structure Plan and provisions amended accordingly.	Change L(3) to L(P) on Structure Plan as per Appendix B .
Chapter 27 subdivision		
Rule 27.6.1 <i>No lots to be created by subdivision, including balance lots, shall have a net site area, or where specified, an average</i>	It is taken from the above that where no density is specified there is no minimum allotment size. This includes all of the Village, Education, Homesite, Wetland, Lodge and Open Space Activity Areas. On this basis, it is recommended Rule 27.6.1 is amended	Amend Rule 27.6.1 to clearly state that for all other activity areas in Jacks Point, outside of the Residential Activity Areas, there is no minimum allotment size for subdivision.

Provision (PDP decision version)	Reason for appeal	Relief sought
<p><i>net site area less than the minimum specified.</i></p> <p>...</p> <p><i>Jacks Point Residential Activity Areas: 380m2. In addition subdivision shall comply with the average density requirements set out in Rule 41.5.8.</i></p>	<p>to clearly state that for all other activity areas in Jacks Point, outside of the Residential Activity Areas, there is no minimum allotment size for subdivision.</p>	
Planning Maps		
<p>Planning Maps 13 and 41</p>	<p>The ONL line shown on the Jacks Point Structure Plan (41.7) reflects that agreed during expert conferencing undertaken during the hearing process.</p> <p>However the ONL shown on Planning Maps 13 and 41 does not appear to reflect this agreed location.</p>	<p>Amend Planning Maps 13 and 41 such that the ONL line follows the same location as that shown on the Jacks Point Structure Plan (41.7) in the Decisions Version of the PDP.</p>
<p>Further submission 1275 on Hensman et al (submission 361) – planning Map 13 and Chapter 44</p>	<p>Jacks Point opposed the submission from Hensman et al in respect of a proposed industrial zoning opposite the JPZ.</p> <p>The rezoning of Rural General to Industrial as decided by the Council is opposed on the basis that it will have cumulative adverse effects on landscape and visual values, and the character of the area, including adverse transportation effects on the functioning of the State Highway and the JPZ entrance.</p> <p>Decision to accept submission 361 and provide for the Coneburn Industrial Zone is appealed in its entirety, however Jacks Point are willing to address matters relevant and raised in this appeal through further refinements to Coneburn provisions, mapping, and</p>	<p>Delete the Coneburn Industrial Zone identified in planning map 13 and Chapter 44 of the PDP; or</p> <p>Amend Chapter 44 subject to further refinements to the objectives, policies and rules which ensure that adverse effects on amenity, visual character, landscape, transport, noise, and traffic on the JPZ are adequately addressed.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	structure plan	

Appendix B – relief sought to Planning Map and Structure Plan

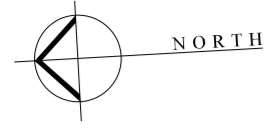
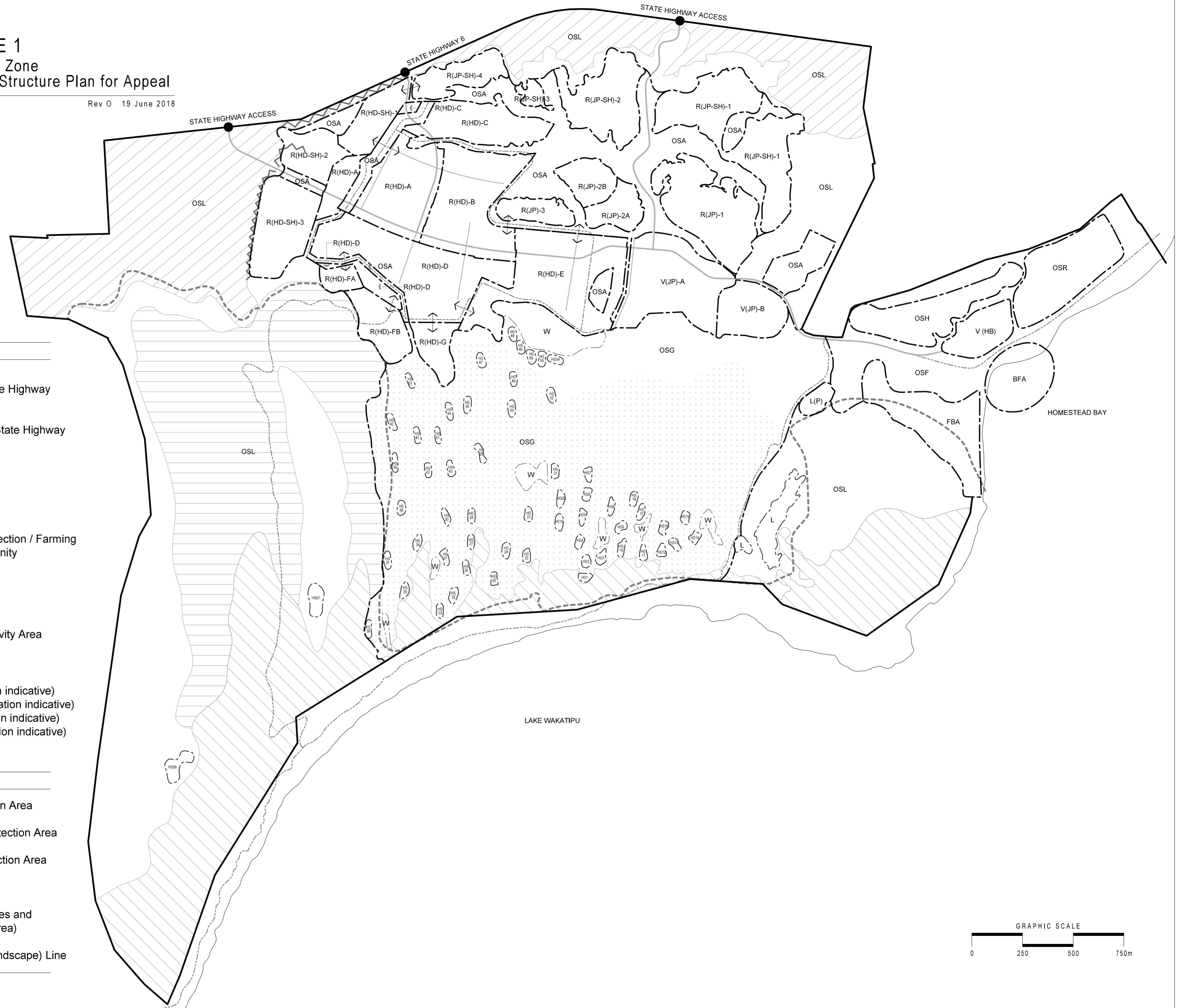


FIGURE 1
Jacks Point Zone
Jacks Point/JPROA Corrected Structure Plan for Appeal

scale 1:25,000 (A4), 1:12,500 (A2)

Rev 0 19 June 2018



KEY

- R(JP) Residential Jacks Point
- R(JP-SH) Residential Jacks Point - State Highway
- V(JP) Village Jacks Point
- R(HD) Residential Hanley Downs
- R(HD-SH) Residential Hanley Downs - State Highway

- L Lodge
- L(P) Lodge Parking
- HS Preserve Homesites

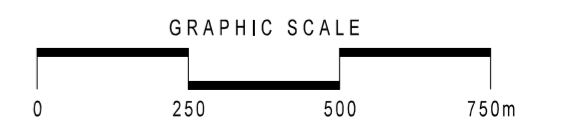
- W Wetland
- OSG Open Space Golf
- OSL Open Space Landscape Protection / Farming
- OSA Open Space Residential Amenity

- V(HB) Village Homestead Bay
- OSH Open Space Horticulture
- OSR Open Space Residential
- OSF Open Space Foreshore
- FBA Farm Buildings and Craft Activity Area
- BFA Boating Facilities Area

- Activity Area
- - - Public Access Route (location indicative)
- Secondary Road Access (location indicative)
- Primary Road Access (location indicative)
- ↔ Key Road Connections (location indicative)

OVERLAYS

- Highway Landscape Protection Area
- Peninsula Hill Landscape Protection Area
- Lake Shore Landscape Protection Area
- State Highway Mitigation
- Tablelands (includes Homesites and Wetlands within Tablelands area)
- ONL (Outstanding Natural Landscape) Line



**Appendix C – Versions of Chapter 41 as sought at the close of
Commissioner hearing, relevant to alternative relief.**

41 Jacks Point Zone

41.1 Zone Purpose

The purpose of the Jacks Point Zone is to provide for residential, rural living, commercial, community and visitor accommodation in a high quality sustainable environment comprising residential areas, two villages and a variety of recreation opportunities and community benefits including access to public open space and amenities.

The village areas and associated residential activities at Jacks Point will be sustainable in their nature, constituting mixed density development, best practice methods of waste disposal and longevity in their quality and built form. The preparation of development controls and non-regulatory design guidelines, in conjunction with provisions of the District Plan and other methods, will ensure provision for the social, economic and cultural wellbeing of the wider community, while also assisting in ecological enhancement and the seamless integration of the built and natural environment.

In addition, the zoning anticipates an 18-hole championship golf course, a luxury lodge, small-scale commercial activities, provision for community facilities, craft and winery activities, outdoor recreation and enhanced access to and enjoyment of Lake Wakatipu.

41.2 Objectives and Policies

41.2.1 **Objective - Development of an integrated community, incorporating residential living, visitor accommodation, community, and small-scale commercial activities within a framework of open space and recreation amenities.**

Policies

41.2.1.1 Use a Structure Plan to establish the spatial layout of development within the zone and diversity of living and complementary activities, taking into account:

- Integration of activities and servicing;
- Landscape and amenity values;
- Road, open space and trail networks;
- Visibility from State Highway 6 and Lake Wakatipu.

41.2.1.2 Ensure subdivision and development incorporates the design elements shown on the Structure Plan, namely roads, road connections, open space, access connections and trails.

41.2.1.3 Maintain and protect views into the site when viewed from the lake, and to maintain and protect views across the site to the mountain peaks beyond when viewed from the State Highway.

41.2.1.4 Ensure that residential development is not readily visible from the State Highway.

41.2.1.5 Provide public access from the State Highway to the lake foreshore and to facilitate increased use and enjoyment of the margin and waters of Lake Wakatipu.

41.2.1.6 Provide for local biodiversity through:

- The protection and enhancement of existing ecological values, in a holistic manner;
- Reduction in grazing around wetland areas; and

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- The provision of links between grey shrublands, wetlands and the lakeshore escarpment, including indigenous vegetation links between Activity Areas where appropriate.
- 41.2.1.7 Ensure that development within the ecologically sensitive areas of the zone results in a net environmental gain.
- 41.2.1.8 Control the take-off and landing of aircraft within the zone.
- 41.2.1.9 Ensure that subdivision, development and ancillary activities within the Tablelands maintain the character of the landscape.
- 41.2.1.10 Provide for farming and associated activities in appropriate areas, while ensuring that development associated with those activities does not result in over domestication of the landscape.
- 41.2.1.11 Enable mining activities which contribute to the development of the zone, provided environmental effects are appropriately managed.
- 41.2.1.12 Provide a diversity of living accommodation, including opportunities for farm and rural living at low densities.
- 41.2.1.13 Recognise the Residential (Hanley Downs), and the Village Activity Areas as being appropriate to accommodate residential development at a greater scale and intensity than elsewhere in the zone.
- 41.2.1.14 Enable medium density housing development within the established areas of Jacks Point where the scale and form of built development is appropriate to the character of the Activity Area.
- 41.2.1.15 Ensure the visual impacts of subdivision and development within the Residential State Highway and Activity Areas are appropriately mitigated through landscaping and the provision of open space.
- 41.2.1.16 To protect the character of the Peninsula Hill landscape from the adverse effects of inappropriate subdivision use and development, by:
- a. Identifying areas with the capacity to absorb change based on the Coneburn Area Resource Study
 - b. Avoiding development within the highly visible slopes located within the Peninsula Hill Landscape Protection Area
 - c. Managing effects on land within the Open Space Landscape Activity Area, including for the provision of farming and outdoor recreation activities, provided they are sympathetic to the character of the landscape and minimise visible effects from public places
 - d. Enabling the use of land located within the identified Homesites, subject to:
 - i) The visible effects of building development being restricted to long distance views from Lake Wakatipu (i.e. greater than 3km) and no visibility from State Highway 6
 - ii) The alignment of vehicle access to the Homesites through the Open Space Landscape Activity must follow the gullies to the east of each Homesite and be designed to minimise effects on landscape values;
 - iii) Avoiding light spill beyond the site
 - iv) Enhancing nature conservation values
- 41.2.1.17 and Enable the Jacks Point Village Activity Area to develop as a vibrant mixed use hub for the Jacks Point Zone, comprising a range of activities including high density and

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medium density residential housing, a small local shopping centre that services the needs of Jacks Point residents and a small amount of destination shopping, office space, visitor accommodation, education, community activities, healthcare, commercial recreation activity, and technology and innovation-based business.

- 41.2.1.18 To require the establishment of Comprehensive Development Plan within the Jacks Point Village Activity Area, in order to achieve:
- Establishing the layout of open space, built form, roading patterns, pedestrian and cycle access
 - Streetscape design
 - Formulation of building design controls and an appropriate legal mechanism to ensure their implementation
 - The provision of sufficient land for a school
- 41.2.1.19 Encourage high quality urban design within the Village Activity Areas by incorporating parapets, corner features for landmark sites and other design elements in order to achieve a positive design outcome.
- 41.2.1.20 Enable commercial activities within the Residential (Hanley Downs) Activity Area, designed to service the needs of the local community, where they can locate along or near primary roads.
- 41.2.1.21 Enable commercial and community activities and visitor accommodation, provided residential amenity, health and safety are protected or enhanced through:
- Compatible hours of operation and noise;
 - A high standard of building design;
 - The location and provision of open space, buffers and setbacks;
 - Appropriate landscape mitigation;
 - The design of vehicle access and car parking; and
 - An appropriate scale of activity and form of building development.
- 41.2.1.22 Use residential development controls to protect privacy and amenity, provide access to sunlight, achieve design cohesion and to provide appropriate opportunities for outdoor living.
- 41.2.1.23 Provide for medium density and small lot housing subject to ensuring the scale and form of built development provides an appropriate standard of residential amenity and design.
- 41.2.1.24 Maintain or enhance the character and amenity values of the established residential neighborhoods within the Jacks Point area, including the high standard of design and landscape elements incorporated into communal open space areas, transport corridors and private lots.
- 41.2.1.25 Recognise and provide for the creation of a distinctive design aesthetic within the new residential areas of the Jacks Point Zone, which may evolve to be unique from the establish areas of Jacks Point, providing that the unifying structural elements of the structure plan are preserved.
- 41.2.1.26 Avoid industrial activities.
- 41.2.1.27 Provide for the development of lakeside activities in the Homestead Bay area, in a manner which complements and enhances amenity values.

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- 41.2.1.28 Ensure substantial native revegetation of the lake foreshore and open spaces within Homestead Bay and Home site activity areas within the Tablelands.
- 41.2.1.29 Provide safe and efficient road access from State Highway 6.
- 41.2.1.30 Ensure provision of integrated servicing infrastructure, roading and vehicle access.
- 41.2.1.31 Ensure an adequate level of sewage disposal, water supply and refuse disposal services are provided which do not adversely affect water or other environmental values.

41.3 Other Provisions and Rules

41.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 ODP)	25 Earthworks (22 ODP)	26 Historic Heritage
27 Subdivision	28 Natural Hazards	29 Transport (14 ODP)
30 Utilities and Renewable Energy	31 Hazardous Substances (16 ODP)	32 Protected Trees
33 Indigenous Vegetation	34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings
36 Noise	37 Designations	Planning Maps

41.3.2 Clarification

- 41.3.2.1 References to the Structure Plan and to Activity Areas are references to the Jacks Point Zone Structure Plan and the Activity Areas identified on that Structure Plan.
- 41.3.2.2 Earthworks undertaken for the development of land associated with any subdivision shall be governed by Chapter 27: Subdivision and Development.
- 41.3.2.3 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.
- 41.3.2.4 Where an activity does not comply with a rule or standard the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 41.3.2.5 The following abbreviations are used within this Chapter.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

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Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
	<p>Control is reserved to:</p> <ul style="list-style-type: none"> • The external appearance of buildings with respect to the effect on visual and landscape values of the area. • Infrastructure and servicing. • Associated earthworks and landscaping. • Access and parking. • Bulk and location. • Exterior lighting. • Visibility of the building from State Highway 6 and Lake Wakatipu. 	
41.4.3.3	<p>Except as provided for in (41.4.3.4) below, any residential unit in HS₅₇ or HS₅₈ Activity Areas and any visitor accommodation activity within HS₃₇ to HS₅₈ Activity Areas.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • The matters listed in clause (41.4.3.2) above. • The appropriateness of any mitigation and its impact on the character of the landscape. • The alignment of vehicle access to the Homesites through the Open Space Landscape Activity Area must be located within the gullies to the east of each Homesite and be designed to minimise effects on landscape values • Avoiding light spill beyond the site 	RD
41.4.3.4	<p>Any building, other than buildings related to any farming or recreation activity (Rule 41.4.3.2), within the Peninsula Hill Landscape Protection Area</p>	NC
41.4.3.5	<p>Any building, other than buildings related to any farming or recreation activity (Rule 41.4.3.2), within the Open Space Landscape Activity Area, Lake Shore Landscape Protection Area or Highway Landscape Protection Area identified on the Structure Plan.</p>	D
41.4.3.6	<p>Within the BFA any boat ramp, jetty, breakwater or other buildings and associated parking and boat trailer parking.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Effects on natural character. • Effects on landscape and amenity values. • Effects on public access to and along the lake margin. • External appearance, colours and materials. 	RD

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Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
	<p>Areas, any residential activity which results in either:</p> <p>a. three or more attached residential units; or</p> <p>b. a density of more than one residential unit per 380 m² of net site area.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> • External appearance. • Access and car parking. • Effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone, until such time as a new intersection upgrade at Woolshed Road has been completed and is available for use • Associated earthworks. • Landscaping. <p>41.4.7.2 Within the R(JP) 1 - 3 and R(JP-SH) 4 Activity Areas any residential activity which results in either:</p> <p>a. three or more attached residential units.</p> <p>b. a density of more than one residential unit per 380 m² of net site area.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • External appearance. • Residential amenity values. • Access and car parking. • Associated earthworks. • Landscaping. <p>41.4.7.3 Except that this rule shall not apply to:</p> <p>a. A single residential unit on any site contained within a separate computer freehold register.</p> <p>b. Residential units located on sites smaller than 550m² created pursuant to subdivision.</p>	<p>C</p> <p>RD</p>
41.4.8	<p>Commercial, Community, Residential and Visitor Accommodation Activities</p> <p>41.4.8.1 Any Commercial, Community, Residential or Visitor Accommodation Activity within the JP(V) Activity Area, including the addition, alteration or construction of associated buildings</p> <p>Information Requirements:</p> <p>Any applications for resource consent under this rule shall</p>	<p>C</p>

JACKS POINT ZONE 41

Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
	<p>include a Comprehensive Development Plan in respect of the whole JP(V) Activity Area.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> • Establishing the layout of built form, open space, roading patterns, pedestrian and cycle access • Streetscape design • Formulation of building design controls and an appropriate legal mechanism to ensure their implementation • The provision of not less than 2ha of land (aggregate) for a school 	
41.4.8.2	The use or development of land within the JP(V) Activity Area in that is consistent with the CDP issued as part of a consent granted under Rule 41.4.8.1.	P
41.4.8.3	The use or development of land within the JP(V) Activity Area in the absence of resource consent granted under Rule 41.4.8.1	D
41.4.8.4	The use and development of land within the JP(V) Activity Area having more than one resource consent in effect at any one time in respect to Rule 41.4.8.1	RD
41.4.8.5	<p>The use and development of land within the JP(V) Activity Area subject to the resource consent under Rule 41.4.8.1, for an area less than the whole JP(V) Activity Area</p> <p>In respect to Rules 41.4.8.3 and 41.4.8.4, discretion is restricted to matters that are inconsistent with the CDP as granted under Rule 41.4.8.1, insofar as those inconsistencies relate to the following matters:</p> <ul style="list-style-type: none"> • Integrity of the layout of built form, open space, roading patterns, pedestrian and cycle access • Integrity of streetscape design • Integrity of building design controls and the general layout of built form 	RD
41.4.9	<p>Commercial Activities and Community Activities</p> <ul style="list-style-type: none"> • . <p>41.4.9.1 Commercial activities and Community activities, located within the R(HD) and R(SH-HD) Activity Areas, including the addition, alteration or construction of associated buildings.</p> <p>Discretion is restricted to.</p> <ul style="list-style-type: none"> • The vibrancy of the Village Activity Area • Location, scale and external appearance of buildings 	RD

JACKS POINT ZONE 41

Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
	<ul style="list-style-type: none"> • Setback from roads • Setback from internal boundaries • Traffic generation • Effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone, until such time as a new intersection upgrade at Woolshed Road has been completed and is available for use • Infrastructure capacity • Vehicle access, street layout and car parking • Street scene including landscaping • Enhancement of ecological and natural values • Provision for walkways, cycle ways and pedestrian linkages • Scale of the activity • Noise • Hours of operation • State Highway Mitigation in the locations shown on the Structure Plan 	
41.4.10	<p>Sale of Liquor</p> <p>Premises licensed for the sale of liquor (including both off-licenses and on-licenses).</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Location. • Scale of the activity. • Residential amenity values. • Noise. • Hours of operation. • Car parking and vehicle generation. 	RD
41.4.11	<p>Structure Plan - Activities</p> <p>Any activity which is not provided for within the list of activities below or which is not provided a specific activity status through any other rule within Rules 41.4 Table 1 – Rules for Activities and 41.5 Table 2 - Standards for Activities:</p> <p>41.4.11.1 Residential Activities Area (R) – the use of this area is restricted to residential activities.</p>	D

JACKS POINT ZONE 41

Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
	41.4.11.2 Residential State Highway R(SH) – the use of this area is restricted to residential activities and for the mitigation of development from the State Highway.	
	41.4.11.3 Village Area (V) – The use of this area is restricted to residential and visitor accommodation activities including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities, small-scale commercial activities, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities.	
	41.4.11.4 Lodge Activity Area (L) - the use of this area is restricted to visitor accommodation activities, restaurants and conference facilities.	
	41.4.11.5 Preserve Homesite Activity Area (HS) - the use of this area is restricted to residential activities with a maximum of one residential unit per HS Activity Area and visitor accommodation within homesites HS ₃₇ to HS ₅₈ .	
	41.4.11.6 Wetland (W) – Structures are restricted to those necessary to develop pedestrian access (e.g. boardwalks), fences, or other structures relating to the protection and enhancement of biodiversity and ecological values.	
	41.4.11.7 Open Space Golf (OSG) – the use of this area is restricted to the development and operation of golf courses, including associated earthworks, green keeping, driving range, administrative offices, sales, commercial instruction; mining; and any utilities, infrastructure and vehicle access related to other activities anticipated by the Zone.	
	41.4.11.8 Open Space Landscape (OSL) –activities in this area are limiting to farming, together with farm buildings, fencing, trail formation, mining, farm access tracks, outdoor recreation activities and any utilities, infrastructure and vehicle access related to other activities anticipated by the Zone.	
	41.4.11.9 Open Space Residential Amenity (OSA) – the use of this area is restricted to recreation amenities, playgrounds, landscaping, pedestrian and cycle trails, lighting, stormwater retention and underground services.	
	41.4.11.10 Open Space - Horticultural (OSH) - the use of this area is restricted to horticultural activities and accessory buildings and activities, and residential activities.	
	41.4.11.11 Open Space - Foreshore (OSF) - the use of this area is restricted to the regeneration of native endemic species, and retention of open space.	
	41.4.11.12 Open Space - Residential (OSR) - the use of this area is restricted to 12 residential units set within a regenerating foreshore environment.	
	41.4.11.13 Farm Buildings and Craft Activity Area (FBA) - the use of this area is limited to the existing residence, farm buildings and buildings and activities associated with craft and farming related	

JACKS POINT ZONE 41

Table 1 Rule	Activities Located Within the Jacks Point Zone	Activity Status
	activities, retail sales of goods produced or reared on site, a farm stay and a bed and breakfast operation. 41.4.11.14 Boating Facilities Activity Area (BFA) - the use of this area is limited to a double boat ramp, jetty, a weather protection feature or breakwater, a boat shed and associated boat/trailer/car parking and public facilities, provided that all facilities are available for public use.	
41.4.12	Factory Farming	NC
41.4.13	Forestry Activities All forestry activities, excluding harvesting of existing forestry which exists at the date of the notification of the Proposed District Plan on 31 August 2016.	NC
41.4.14	Mining Activities With the exception of the mining of rock and/or aggregate and/or gravel provided for by Rule 41.4.5.	NC
41.4.15	Industrial Activities	NC
41.4.16	Informal Airports 41.4.16.1 Informal Airports limited to the use of helicopters. 41.4.16.2 The establishment and operation of all other Airport Activity or Aerodrome, including Informal Airports used by fixed wing aircraft.	D NC
41.4.17	Informal Airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities.	P
41.4.18	Landfill	NC
41.4.19	Panelbeating, spraypainting, motor vehicle, repair of dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR

41.5 Rules - Standards

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
41.5.1	Standards for Building Open Space Horticulture: 41.5.1.1 Within the Open Space - Horticultural (OSH) Activity Area: a. There shall be no more than 15 building platforms; b. Those 15 building platforms referred to in (a) above are confined	RD

JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p style="text-align: center;">to 3 or 4 clusters; and</p> <p style="text-align: center;">c. No building is to be erected prior to the horticultural activity being planted.</p> <p>Homesites:</p> <p>41.5.1.2 Within any Homesite Activity Area (HS Activity Area), except homesites HS₅₇ and HS₅₈, buildings shall not exceed a total building footprint of 1,000m² within that Activity Area.</p> <p style="text-align: center;">For rules 41.5.1.1 and 41.5.1.2, discretion is restricted to:</p> <ul style="list-style-type: none"> • The external appearance of buildings with respect to the effect on visual and landscape values of the area. • Associated earthworks and landscaping. • Bulk and location. • Visibility of the building from State Highway 6 and Lake Wakatipu. <p>41.5.1.3 Building within any Homesite where a requirement to comply with the Preserve Design Guidelines has not been registered on the title for the Site.</p> <p>Activity Areas R(HD) – Fb and G:</p> <p>41.5.1.4 Building within Activity Areas R(HD) – Fb and G, prior to, or outside the area of any residential building platform created by subdivision (Rule 27. 7.11.2)</p> <p style="text-align: center;">Discretion is restricted to:</p> <ul style="list-style-type: none"> • Effects on landscape and amenity values • Conservation values 	<p style="text-align: center;">RD</p> <p style="text-align: center;">RD</p> <p style="text-align: center;">RD</p>
41.5.2	<p>Vegetation</p> <p>41.5.2.1 Within the Peninsula Hill Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub shall be indigenous and characteristic of the Peninsula Hill escarpment (i.e. grey shrubland and tussock grassland on exposed sites and beech forest on sheltered sites).</p> <p>41.5.2.2 Within the Lakeshore Landscape Protection Area (refer Structure Plan) the planting and/or cultivation of any tree or shrub shall be indigenous and characteristic of the Lake Wakatipu foreshore (i.e. broadleaf forest, grey shrubland and tussock grassland plant communities).</p> <p>41.5.2.3 Within the Tablelands (refer Structure Plan), there shall be no exotic vegetation planted and/or cultivated, with the exception of:</p> <p style="margin-left: 20px;">a. grass species if local and characteristic of the area; and</p> <p style="margin-left: 20px;">b. other vegetation if it is:</p>	<p style="text-align: center;">D</p> <p style="text-align: center;">D</p> <p style="text-align: center;">D</p>

JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<ul style="list-style-type: none"> • less than 0.5 metres in height; and • less than 20 square metres in area; and • within 10 metres of a building; and • intended for domestic consumption. 	
41.5.2.4	No buildings shall be erected within a Homesite Activity Area (HS Activity Area) unless and until an area as specified within this rule has been re-vegetated with native vegetation. The area required to be re-vegetated for the purposes of this rule shall be the greater of 3,000m ² or 20 per cent of the area of the lot or title within which the Homesite Activity Area is situated, whichever is greater. For the purposes of this rule no account shall be taken of any native vegetation existing at the date of application for subdivision consent to create the lot or title within which the Homesite Activity Area is located.	D
41.5.2.5	On any site within a Residential Jacks Point Activity Area there shall be no shrub and tree planting with less than 75% of the species identified on the Jacks Point plant list contained within Part 41.8. Percentages are in terms of overall plant numbers. Discretion is restricted to any effects on nature conservation values.	RD
41.5.2.6	Within the OSR Activity Area, at least 50% of any site shall be planted in native vegetation, prior to building. Discretion is restricted to any effects on nature conservation values.	RD
41.5.2.7	Within the OSF the clearance of native vegetation, which reduces vegetation cover below 80% of this Activity Area.	RD
41.5.2.8	Anywhere within the zone, there shall be no planting and/or growing of the following tree species: <ul style="list-style-type: none"> • European larch (<i>Larix decidua</i>) • Sycamore Also refer to the District Wide Chapter 34 Wilding Exotic Trees.	RD PR
41.5.2.9	Except as provided for in (41.5.2.6) above, any native vegetation required to be planted within this Zone shall: <ol style="list-style-type: none"> a. Include species appropriate to the ecosystems of the area being planted. b. Be capable of reaching 80% canopy closure for the ecosystem type being planted. c. Have eradicated any invasive plant pests the time of planting. d. Be maintained, with any plants that die or are diseased replaced. Discretion is restricted to any effects on nature conservation values.	RD

JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status								
41.5.3	<p>Structure Plan</p> <p>41.5.3.1 Development shall be undertaken in general accordance with the Structure Plan in Part 41.7. For the purposes of interpreting this rule, the following shall apply:</p> <ul style="list-style-type: none"> a. A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Roads, and their intersections with State Highway 6, shall be acceptable. b. Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey. <p>41.5.3.2 Development shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable.</p> <p>41.5.3.3 Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process. Development prior to such subdivision occurring, which would preclude the creation of these open spaces, shall be deemed to be contrary to this rule.</p> <p>41.5.3.4 Within any open space area created by subdivision, in accordance with Rules 41.5.3.3 and 27.8.9.1, there shall be no building.</p>	D								
41.5.4	<p>Earthworks (excluding earthworks associated with a subdivision)</p> <p>41.5.4.1 Volume of Earthworks</p> <p>The maximum total volume of earthworks (m³) shall not exceed that specified in the table below.</p> <ul style="list-style-type: none"> a. The maximum total volume of earthworks shall be calculated per site, within any consecutive 12 month period. b. Volume shall mean the sum of all earth that is moved within a site and includes any combination of cut and fill, removing fill off-site and replacing fill on site – refer Interpretive Diagrams 5 (a), (b) and (c) of the Earthworks Chapter of the Operative District Plan. <table border="1" style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Activity Area</th> <th style="text-align: center;">Maximum Total Volume</th> </tr> </thead> <tbody> <tr> <td>Residential Activity Areas Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area</td> <td style="text-align: center;">500 m³</td> </tr> <tr> <td>Open Space Landscape Open Space Amenity Homesite</td> <td style="text-align: center;">1,000 m³</td> </tr> <tr> <td>Open Space Golf Lodge</td> <td style="text-align: center;">No maximum</td> </tr> </tbody> </table>	Activity Area	Maximum Total Volume	Residential Activity Areas Village Homestead Bay Open Space Horticulture Open Space Residential Open Space Foreshore Farm Buildings and Craft Activity Area Boating Facilities Area	500 m ³	Open Space Landscape Open Space Amenity Homesite	1,000 m ³	Open Space Golf Lodge	No maximum	RD
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JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>Village</p> <p>41.5.4.2 Height of cut and fill and slope</p> <p>a. OSL, OSG, OSA HS, E, and L Activity Areas:</p> <ul style="list-style-type: none"> • No road, track or access way shall have an upslope cut or batter greater than 1 metre in height, measured vertically. • All cuts and batters shall be laid back such that their angle from the horizontal is no more than 65 degrees. • The maximum height of any fill shall not exceed 2 metres. <p>b. All other Activity Areas:</p> <ul style="list-style-type: none"> • The maximum height of any cut shall not exceed 2.4 metres. • The maximum height of any fill shall not exceed 2 metres. • The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see Interpretative Diagram 6 of the Earthworks Chapter of the Operative District Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5 metre in height. <p>41.5.4.3 Fill</p> <p>a. All fill for residential building platforms and associated retaining walls is to be in accordance with the requirements of NZS 4404:2010 and/or NZS 4431:1989 as appropriate.</p> <p>41.5.4.4 Environmental Protection Measures</p> <p>a. Any person carrying out earthworks shall implement sediment and erosion control measures to avoid sediment effects beyond the boundary of the site.</p> <p>b. Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site.</p> <p>c. Areas of exposed soil are to be vegetated / re-vegetated within 12 months from the completion of works.</p> <p>41.5.4.5 Water bodies</p> <p>a. Earthworks within 7m of the bed of any water body shall not exceed 20m³ in total volume, <u>except any man made water body (e.g. Lake Tewa)</u>, within any consecutive 12 month period.</p> <p>b. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body, except any man made water body (e.g. Lake Tewa) or where it may dam, divert or contaminate water.</p> <p>c. Earthworks shall not:</p>	RD

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Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<ul style="list-style-type: none"> • cause artificial drainage of any groundwater aquifer; • cause temporary ponding of any surface water. <p>41.5.4.6 Cultural heritage and archaeological sites</p> <p>a. Earthworks shall not modify, damage or destroy any waahi tapu, waahi taonga or identified feature in Chapter 26, or any archaeological site.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • The nature and scale of the earthworks • Environmental protection measures • Remedial works and revegetation • The effects on landscape and visual amenity values • The effects on land stability and flooding • The effects on water bodies • The effects on cultural and archaeological sites • Noise 	
41.5.5	<p><u>State Highway Mitigation (Hanley Downs area)</u></p> <p><u>Within Activity Areas R(HD-SH) - 1, R(HD-SH) - 2 and R(HD-SH) - 3, any subdivision or building development prior to the implementation of the State Highway mitigation approved through Rule 41.4.4.</u></p>	D
41.5.6	<p>Setbacks from Roads and Internal Boundaries</p> <p>41.5.6.1 Buildings or structures shall be set back a minimum of 20m from the zone boundary, except this rule shall not apply to the Boating Facilities (BFA) Activity Area.</p> <p>41.5.6.2 Buildings for all activities, except for buildings located on sites smaller than 550m² and created pursuant to subdivision, shall be subject to the following internal setback rules:</p> <p>a. Two setbacks of 4.5m, with all remaining setbacks of 2m; or</p> <p>b. One setback of 6m, one setback of 3.5m and all other setbacks of 2m;</p> <p>41.5.6.3 Except that:</p> <p>a. Any building may encroach into a setback by up to 1m for an area no greater than 6m² provided the component of the building infringing the setback has no windows or openings;</p> <p>b. Accessory buildings for residential activities, including garages, may encroach into the setback where they are no more than 3.5m in height and where no windows or openings are orientated toward an internal boundary;</p> <p>c. No setbacks are required when buildings share a common wall at</p>	RD

JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p style="text-align: center;">the boundary.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Bulk, height and proximity of the building façade to the boundary. • The impact on neighbours' amenity values. <p>41.5.6.4 In the Residential (Hanley Downs) Activity Area:</p> <p>a. For commercial activities, community activities and visitor accommodation, buildings shall be set back at least 3 m from any road boundary.</p> <p>b. For all other activities, except for residential activities on sites smaller than 550m² and created by subdivision, buildings shall be set back 4.5m from any road boundary.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Bulk, height. • Proximity on residential amenity values. • Loss of daylight. • Access to sunlight. 	
41.5.7	<p>Access to the State Highway</p> <p>41.5.7.1 Access from State Highway 6 shall be only at the intersections at Maori Jack Road, Woolshed Road and at the location approved through RM160652, as shown on the Structure Plan.</p> <p>41.5.7.2 The Woolshed Road access shall not be used until an amended design for that road's intersection with State Highway 6 has been upgraded, completed and available for use, except as provided for through the approval of a Traffic Management Plan by the NZ Transport Agency (refer Advisory Note below)</p> <p>Discretion is restricted to the safe and efficient functioning of the road network.</p> <p>Advisory Notes:</p> <p>i. A 'Traffic Management Plan' is required to be submitted to the NZ Transport Agency from any person/s using Woolshed Road in relation to construction within the Jacks Point Resort Zone</p> <p>ii. The upgrade of the intersection of Woolshed Road and State Highway 6 will require approval from the NZ Transport Agency. The expectation of the NZ Transport Agency is that the existing crossing points CP60, CP62 and CP63 will be permanently and physically closed when that intersection upgrade is completed.</p>	RD
41.5.8	<p>Fencing</p> <p>41.5.8.1 There shall be no fences or walls within the boundary of any lot or title within the Tablelands (refer Structure Plan) outside of any</p>	D

JACKS POINT ZONE 41

Table 2	Standards for activities located in the Jacks Point Zone	Non-compliance Status																																						
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	<p>Homesite Activity Area (HS Activity Area), except for fencing between stock managed areas and areas retired from stock and for the purpose of demarcating private land from land accessible to the public as a result of the creation of public walkways additional to those walkways identified as “Public Access Route” on the Structure Plan. Any such fencing shall be post and wire only.</p> <p>41.5.8.2 In the R(HD) and R(HD-SH) Activity Areas, except for sites smaller than 550m² and created by subdivision, fences located within a setback from a road shall be no higher than 1.2m in height, except that a fence of up to 1.8 m in height may be erected within the road setback for a maximum of 1/2 of the length of the road boundary of the site.</p>																																							
41.5.9	<p>Density</p> <p>41.5.9.1 The average density of residential units within each of the Residential Activity Areas shall be as follows:</p> <table style="margin-left: 40px;"> <tr><td>R(JP) – 1</td><td>13.83 – 19.74 per Ha</td></tr> <tr><td>R(JP) – 2A</td><td>11.04 – 27.02 per Ha</td></tr> <tr><td>R(JP) – 2B</td><td>14.25 – 15.07 per Ha</td></tr> <tr><td>R(JP) – 3</td><td>14.18 per Ha</td></tr> <tr><td>R(JP-SH) – 1</td><td>11.00 per Ha</td></tr> <tr><td>R(JP-SH) – 2</td><td>10.20 per Ha</td></tr> <tr><td>R(JP-SH) – 3</td><td>11.85 per Ha</td></tr> <tr><td>R(JP-SH) – 4</td><td>7.24 – 18.10 per Ha</td></tr> <tr><td>R(HD-SH) – 1</td><td>12 - 22 per Ha</td></tr> <tr><td>R(HD-SH) – 2</td><td>2 - 10 per Ha</td></tr> <tr><td>R(HD-SH) – 3</td><td>12 – 22 per Ha</td></tr> <tr><td>R(HD) - A</td><td>17 - 24 per Ha</td></tr> <tr><td>R(HD) – B</td><td>17 - 24 per Ha</td></tr> <tr><td>R(HD) - C</td><td>15 - 22 per Ha</td></tr> <tr><td>R(HD) - D</td><td>17 - 24 per Ha</td></tr> <tr><td>R(HD) - E</td><td>24 per Ha</td></tr> <tr><td>R(HD) - FA</td><td>–17 - 24 per Ha</td></tr> <tr><td>R(HD) – FB</td><td>2 per Ha</td></tr> <tr><td>R(HD) – G</td><td>2 per Ha</td></tr> </table> <p>Density shall be calculated on the net area of land available for development and excludes land vested or held as reserve, open space, public access routes or roading and excludes sites used for non-residential activities. Within the Residential Areas of Hanley Downs, if part of an Activity Area is to be developed or subdivided, compliance must be achieved within that part and measured cumulatively with any preceding subdivision or development which has occurred with that Activity Area. Within the Jacks Point Residential Activity Areas, density shall be calculated and applied to the net area of land across the whole Activity Area.</p> <p>41.5.9.2 Except that this rule shall not apply to:</p> <p style="margin-left: 40px;">a. A single residential unit on any site contained within a separate certificate of title</p> <p>Discretion is restricted to:</p>	R(JP) – 1	13.83 – 19.74 per Ha	R(JP) – 2A	11.04 – 27.02 per Ha	R(JP) – 2B	14.25 – 15.07 per Ha	R(JP) – 3	14.18 per Ha	R(JP-SH) – 1	11.00 per Ha	R(JP-SH) – 2	10.20 per Ha	R(JP-SH) – 3	11.85 per Ha	R(JP-SH) – 4	7.24 – 18.10 per Ha	R(HD-SH) – 1	12 - 22 per Ha	R(HD-SH) – 2	2 - 10 per Ha	R(HD-SH) – 3	12 – 22 per Ha	R(HD) - A	17 - 24 per Ha	R(HD) – B	17 - 24 per Ha	R(HD) - C	15 - 22 per Ha	R(HD) - D	17 - 24 per Ha	R(HD) - E	24 per Ha	R(HD) - FA	–17 - 24 per Ha	R(HD) – FB	2 per Ha	R(HD) – G	2 per Ha	RD
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Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<ul style="list-style-type: none"> • Residential amenity values. • Traffic, access, parking. • Adequacy of infrastructure. • Effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone, until such time as a new intersection upgrade at Woolshed Road has been completed and is available for use 	
41.5.10	<p>Scale of Commercial Activity</p> <p>41.5.10.1 The maximum net floor area (as defined) for any single commercial activity shall be 200m², except that this does not apply within the JP(V) Activity Area.</p> <p>41.5.10.2 The maximum net floor area for any single retail activity, excluding one supermarket, within the JP(V) Activity Area shall be 300m².</p> <p>Council's Discretion is restricted to:</p> <ul style="list-style-type: none"> • The extent to which the commercial activity will service the needs of the local community <p>41.5.10.3 The total floor space of all commercial activities in the R(HD) A to E Activity Areas shall not exceed 550m².</p> <p>41.5.10.4 [insert total aggregate cap on commercial land within JP(V) Activity Area – if determined to be appropriate]</p>	<p>D</p> <p>D</p> <p>RD</p> <p>NC</p> <p>D</p>
41.5.11	<p>Building Colours</p> <p>Any building shall result in:</p> <p>41.5.11.1 At least 70% of the total painted or galvanised external surface of buildings (excluding roofs and windows) with a reflectance value of between 0 and 35%</p> <p>41.5.11.2 Roof colours with a light reflectance value of 20% or less, and in the range of browns, greys and black</p> <p>Preserve Homesites</p> <p>41.5.11.3 The external surfaces of any building within the Homesite Activity Area shall achieve a reflectance value of less than 30%, in the range of browns, greys and greens</p>	<p>D</p>
41.5.12	<p>Residential Units</p> <p>In the OSH, OSR, FBA and V(HB) Activity Areas, no residential units may be constructed until 80% of the freehold land within the Open Space Foreshore Activity Area has been planted with native endemic species.</p>	<p>NC</p>
41.5.13	<p>Building Height</p> <p>41.5.13.1 In the Lodge (L) Activity Area, the maximum height of any building shall be 5m.</p>	<p>RD</p>

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Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status																																																																												
	<p>Council's Discretion is restricted to:</p> <ul style="list-style-type: none"> • Visual dominance. • External Appearance. • The scale and extent of the portions that exceed 5m. 																																																																													
	<p>41.5.13.2 The maximum height of buildings shall be:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">a.</td> <td style="width: 70%;">Jacks Point Village Activity Area</td> <td style="width: 25%; text-align: right;">12m</td> </tr> <tr> <td>b.</td> <td>All other Village (V) Activity Areas</td> <td style="text-align: right;">10m</td> </tr> <tr> <td>c.</td> <td>Farm buildings, except within the Peninsula Hill Landscape Protection Area</td> <td style="text-align: right;">8m</td> </tr> <tr> <td>d.</td> <td>Residential (R) Activity Areas</td> <td style="text-align: right;">8m</td> </tr> <tr> <td>e.</td> <td>Farm Buildings and Craft (FBA) Activity Area</td> <td style="text-align: right;">8m</td> </tr> <tr> <td>f.</td> <td>:</td> <td></td> </tr> <tr> <td>g.</td> <td>Open Space Golf (OSG) Activity Area</td> <td style="text-align: right;">8m</td> </tr> <tr> <td>h.</td> <td>Lodge (L) Activity Areas</td> <td style="text-align: right;">7.5m</td> </tr> <tr> <td>i.</td> <td>Preserve Homesite Activity Area</td> <td style="text-align: right;">5m</td> </tr> <tr> <td>j.</td> <td>All other buildings and structures, including any building within the Peninsula Hill Landscape Protection Area .</td> <td style="text-align: right;">4m</td> </tr> </table>	a.	Jacks Point Village Activity Area	12m	b.	All other Village (V) Activity Areas	10m	c.	Farm buildings, except within the Peninsula Hill Landscape Protection Area	8m	d.	Residential (R) Activity Areas	8m	e.	Farm Buildings and Craft (FBA) Activity Area	8m	f.	:		g.	Open Space Golf (OSG) Activity Area	8m	h.	Lodge (L) Activity Areas	7.5m	i.	Preserve Homesite Activity Area	5m	j.	All other buildings and structures, including any building within the Peninsula Hill Landscape Protection Area .	4m	NC																																														
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i.	Preserve Homesite Activity Area	5m																																																																												
j.	All other buildings and structures, including any building within the Peninsula Hill Landscape Protection Area .	4m																																																																												
	<p>41.5.13.3 The maximum height for any building shall be measured from ground level, measured at any point, to the highest part of the building immediately above that point, except in specified Homesite Activity Areas (HS) Activity Areas, where the maximum height shall be 5m above the datum level specified for each Homesite, as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Homesite</th> <th style="text-align: left;">Datum (masl)</th> <th style="text-align: left;">Homesite</th> <th style="text-align: left;">Datum (masl)</th> </tr> </thead> <tbody> <tr><td>HS1</td><td>372.0</td><td>HS19</td><td>372.0</td></tr> <tr><td>HS2</td><td>381.0</td><td>HS20</td><td>377.2</td></tr> <tr><td>HS3</td><td>381.0</td><td>HS21</td><td>372.5</td></tr> <tr><td>HS4</td><td>377.0</td><td>HS22</td><td>374.0</td></tr> <tr><td>HS5</td><td>388.0</td><td>HS23</td><td>371.5</td></tr> <tr><td>HS6</td><td>382.0</td><td>HS24</td><td>372.4</td></tr> <tr><td>HS7</td><td>379.0</td><td>HS25</td><td>373.0</td></tr> <tr><td>HS8</td><td>386.5</td><td>HS26</td><td>378.1</td></tr> <tr><td>HS9</td><td>389.0</td><td>HS27</td><td>388.0</td></tr> <tr><td>HS10</td><td>395.0</td><td>HS28</td><td>392.6</td></tr> <tr><td>HS11</td><td>396.0</td><td>HS29</td><td>385.5</td></tr> <tr><td>HS12</td><td>393.0</td><td>HS30</td><td>395.9</td></tr> <tr><td>HS13</td><td>399.0</td><td>HS31</td><td>393.7</td></tr> <tr><td>HS14</td><td>403.0</td><td>HS32</td><td>384.8</td></tr> <tr><td>HS15</td><td>404.0</td><td>HS33</td><td>385.8</td></tr> <tr><td>HS16</td><td>399.5</td><td>HS34</td><td>399.0</td></tr> <tr><td>HS17</td><td>394.5</td><td>HS35</td><td>405.0</td></tr> <tr><td>HS18</td><td>392.5</td><td>HS36</td><td>400.3</td></tr> </tbody> </table>	Homesite	Datum (masl)	Homesite	Datum (masl)	HS1	372.0	HS19	372.0	HS2	381.0	HS20	377.2	HS3	381.0	HS21	372.5	HS4	377.0	HS22	374.0	HS5	388.0	HS23	371.5	HS6	382.0	HS24	372.4	HS7	379.0	HS25	373.0	HS8	386.5	HS26	378.1	HS9	389.0	HS27	388.0	HS10	395.0	HS28	392.6	HS11	396.0	HS29	385.5	HS12	393.0	HS30	395.9	HS13	399.0	HS31	393.7	HS14	403.0	HS32	384.8	HS15	404.0	HS33	385.8	HS16	399.5	HS34	399.0	HS17	394.5	HS35	405.0	HS18	392.5	HS36	400.3	NC
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JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	<p>41.5.13.4 Within the R(HD) and R(HD-SH) Activity Areas:</p> <p>a. In addition to the maximum height of buildings above, within all R(HD) Activity Areas, except for:</p> <ul style="list-style-type: none"> • Sites smaller than 550m² created by subdivision. • A medium density residential development consented under Rule 41.4.6 <p>no part of any building shall protrude through a recession line inclined towards the site at an angle of 45° and commencing at 2.5m above ground level at any given point along any internal site boundary.</p> <p>Except that:</p> <p>b. A gable or dormer may encroach beyond the recession lines where it is:</p> <ul style="list-style-type: none"> • no greater than 1m in height and width measured parallel to the nearest adjacent boundary • no greater than 1m in depth measured horizontally at 90 degrees to the nearest adjacent boundary. <p>c. A recession line restriction shall not apply to accessory buildings nor common walls shared at a boundary and parts of buildings that do not extend beyond the length of that wall.</p> <p>41.5.13.5 For:</p> <p>a. Any non-residential activity consented under Rule 41.4.9.</p> <p>b. Any medium density residential housing development consented under Rule 41.4.6.</p> <p>c. Sites smaller than 550m² created by subdivision.</p> <p>the maximum height of buildings may exceed the maximum height stated in (a) above, up to a maximum of 3 storeys or 10m (whichever is lesser).</p>	NC
41.5.14	<p>Glare</p> <p>41.5.14.1 All fixed lighting shall be directed away from adjacent roads and properties.</p> <p>41.5.14.2 No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property.</p>	NC
41.5.15	<p>Servicing</p> <p>41.5.15.1 All dwellings shall connect to reticulated infrastructure for the provision of a water supply, wastewater disposal, power and telecommunications. Except this rule does not apply to dwellings located within the HS Activity Area.</p> <p>41.5.15.2 All services, with the exception of stormwater systems, shall be</p>	NC

JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	reticulated underground.	
41.5.16	<p>Building Coverage</p> <p>41.5.16.1 On any site within the R(JP) and R(JP-SH) Activity Areas, buildings shall not exceed a maximum site coverage of 45%.</p> <p>Except, in relation to any medium density residential housing development consented under Rule 41.4.6 where a maximum site coverage of 55% shall apply.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Urban design. • Effects on amenity values for neighbours and the character of the Activity Area. <p>41.5.16.2 On any site within the R(HD), R(HD-SH), buildings shall not exceed a maximum building coverage of 50%, except:</p> <ol style="list-style-type: none"> a. Residential activity consented under Rule 41.4.6 medium density residential housing, where a maximum site coverage of 70% shall apply; b. Any non-residential activity consented under Rule 41.4.7 where a maximum site coverage of 70% shall apply; c. This rule shall not apply to sites smaller than 550m² created by subdivision. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> • Effects on amenity values for neighbours; and, • Stormwater management. <p>41.5.16.3 Building coverage across the whole V(JP) Activity Area shall not exceed 60%.</p> <p>Discretion is restricted to the matters listed in clause (41.5.15.2) above.</p> <p>41.5.16.4 Within the Village (Homestead Bay) Activity Area, building coverage shall not exceed a maximum of 21,500 m².</p> <p>41.5.16.5 Building coverage within the HS₅₇ or HS₅₈ shall not exceed 25% of each homesite area shown on the structure plan.</p>	<p>RD</p> <p>RD</p> <p>RD</p> <p>NC</p> <p>D</p>
41.5.17	<p>Outside storage and Non-Residential Activities</p> <p>41.5.17.1 For any non-residential activities, no goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.</p> <p>41.5.17.2 All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building except in relation to farming.</p> <p>Except within the Village Activity Areas, where outside storage and activities are</p>	NC

JACKS POINT ZONE 41

Table 2 Rule	Standards for activities located in the Jacks Point Zone	Non-compliance Status
	permitted.	
41.5.18	<p>Location of Retail Activities</p> <p>41.5.18.1 Retail activities within the R(HD) Activity Areas shall be located within 120 metres of the Primary Road shown on the Structure Plan or within 120 metres of its final formed location.</p>	NC
41.5.19	<p>Temporary and Permanent Storage of Vehicles</p> <p>Within the Tablelands (refer Structure Plan), but excluding the Homesite and Lodge Activity Areas (HS) and (L) Activity Areas, there shall be no temporary or permanent siting of:</p> <ul style="list-style-type: none"> • Motor vehicles, trailers, caravans, boats or similar objects; • Storage containers, workshops, offices, sheds, huts or similar structures (other than public toilets and shelter); and • Scaffolding or similar construction materials; <p>Except for temporary filming towers erected during an event and for no more than 7 days either side of an event.</p>	NC
41.5.20	<p>Wetlands</p> <p>There shall be no development, landscaping and/or earthworks within 7 metres of any Wetland area identified on the Structure Plan, except to enable development of pedestrian access (including boardwalks), the erection of fences to control stock or other structures related to the protection of these areas, to undertake ecological enhancement, including the removal of plant pests.</p>	NC
41.5.21	<p>State Highway Noise</p> <p>Any residential activities located within 80 m of the seal edge of State Highway 6, shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA Leq(24 hour) in bedrooms and 40 dBA (Leq (24 hour) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.</p> <p>The Council restricts its exercise of discretion to health and residential amenity</p>	RD

41.6 Non-Notification of Applications

- 41.6.1 Any application for resource consent for controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.
- 41.6.2 Any application for resource consent for the following restricted discretionary activities shall be considered without public notification but notice may be served on those persons considered to be adversely affected if the written approval has not been obtained
- 41.6.2.1 Rule 41.4.3.3 Residential Units and Visitor Accommodation within the HS Activity Area

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- 41.6.2.2 Rule 41.4.8 Sale of Liquor
- 4.5.1.4 Building within Activity Areas R(HD) – Fb and G
- 41.6.2.3 Rule 41.5.5 Setbacks from Roads and Internal Boundaries
- 41.6.2.4 Rule 41.5.6 Access to the State Highway, only in respect of the New Zealand Transport Agency

41.7 Structure Plan

[Insert Revised Structure Plan]

41.8 Jacks Point Plant List

TREES

Botanical Name	Common Name	Sun	Mid Sun	Shade	Moist	Dry	Sheltered	Exposed
<i>Aristotelia serrata</i>	Wineberry	x	x		x	x		x
<i>Carpodetus serratus</i>	Putaputaweta / marbleleaf	x	x		x		x	
<i>Coprosma linariifolia</i>	Mikimiki	x	x		x	x		x
<i>Cordyline australis</i>	Ti kouka / cabbage tree	x	x		x	x		x
<i>Fuchsia excorticata</i>	Kotukutuku / tree fuchsia		x		x		x	
<i>Elaeocarpus hookerianus</i>	Pokaka		x		x		x	
<i>Griselinia littoralis</i>	Kapuka / broadleaf	x	x		x	x		x
<i>Hoheria lyallii</i>	Mountain ribbonwood	x			x			x
<i>Melicytus lanceolatus</i>	Mahoe wao	x	x		x		x	
<i>Melicytus ramiflorus</i>	Mahoe / whiteywood	x	x		x	x		x
<i>Metrosideros umbellata</i>	Southern rata	x	x		x	x		x
<i>Myrsine australis</i>	Mapou	x	x	x	x	x		x
<i>Nothofagus fusca</i>	Red beech	x	x		x	x	x	
<i>Nothofagus solandri</i> var. <i>cliffortioides</i>	Mountain beech	x	x		x	x	x	
<i>Pennantia corymbosa</i>	Kaikomako	x	x		x	x		x
<i>Pittosporum eugenioides</i>	Tarata / lemonwood	x	x		x	x		x
<i>Pittosporum tenuifolium</i>	Kohuhu	x	x		x	x		x
<i>Podocarpus hallii</i>	Hall's Totara	x	x		x	x		x
<i>Prumnopitys taxifolia</i>	Matai		x	x	x	x	x	
<i>Pseudopanax crassifolius</i>	Lancewood	x	x		x	x		x
<i>Sophora microphylla</i>	Kowhai	x	x		x	x	x	

SHRUBS

<i>Aristotelia fruticosa</i>	Mountain wineberry	x			x			x
<i>Carmichaelia petriei</i>	NZ broom	x	x	x	x			x
<i>Coprosma crassifolia</i>	NZ Coprosma	x	x		x	x		x
<i>Coprosma lucida</i>	Shining Karamu		x	x	x	x		x
<i>Coprosma propinqua</i>	Mingimingi	x			x	x		x
<i>Coprosma rugosa</i>	Needle-leaved Mt	x	x		x	x		x
<i>Corokia cotoneaster</i>	Korokia	x	x		x	x		x
<i>Cyathodes juniperina</i>	Mingimingi	x	x			x		x
<i>Discaria toumatou</i>	Matagouri	x			x	x		x
<i>Dracophyllum longifolium</i>	Inaka	x	x			x		x
<i>Dracophyllum uniflorum</i>	Turpentine shrub	x	x		x			x
<i>Gaultheria antipoda</i>	Tall snowberry	x		x	x	x	x	
<i>Hebe cupressoides</i>	Cypress Hebe	x				x		x
<i>Hebe odora</i>		x			x			x
<i>Hebe rakaiensis</i>		x			x	x		x
<i>Hebe salicifolia</i>	South Island Koromiko	x			x			x
<i>Hebe subalpina</i>		x			x	x		x
<i>Leptospermum scoparium</i>	Manuka	x	x		x	x		x
<i>Melicytus alpinus</i>	Porcupine shrub	x	x		x	x		x

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Myrsine divaricata	Weeping mapou	x	x		x	x			x
Olearia arborescens	Southern Tree Daisy	x	x		x	x			x
Olearia avicenniifolia	Tree Daisy	x					x		x
Olearia bullata		x			x	x			x
Olearia cymbifolia		x	x		x	x			x
Olearia fragrantissima		x					x	x	
Olearia hectori		x			x	x			x
Olearia lineata	Tree Daisy	x	x		x	x			x
Olearia nummulariaefolia	Tree Daisy	x					x		x
Olearia odorata	Tree Daisy	x			x			x	
Ozothamnus sp.	Cottonwood	x			x	x			x
Pimelea aridula	NZ daphne	x			x	x			x
Pseudopanax colensoi var. ternatus	Mountain three finger		x	x	x	x			x

GRASSES

Aciphylla aurea	Golden speargrass	x					x		x
Aciphylla glaucescens	Blue speargrass	x					x		x
Astelia fragrans	Bush lily		x	x	x			x	
Astelia nervosa	Mountain Astelia		x	x	x	x			x
Carex coriacea	NZ swamp sedge	x				x			x
Carex maorica	Carex	x	x			x			x
Carex secta	Purei	x	x			x			x
Chionochloa conspicua	Bush tussock	x	x			x	x		x
Chionochloa rigida	Narrow-leaved snow	x				x	x		x
Chionochloa rubra	Red Tussock	x				x	x		x
Cortaderia richardii	South Island Toeotoe	x				x	x		x
Festuca novae zelandiae	Hard tussock	x					x		x
Juncus distegus	Wivi		x			x			x
Juncus gregiflorus	NZ soft rush		x			x			x
Juncus sarophorus	Wivi	x	x			x			x
Phormium cookianum	Mountain flax	x				x	x		x
Phormium tenax	Harakeke/swamp flax	x				x	x		x
Poa cita	Silver tussock	x				x	x		x
Schefflera digitata	Seven finger	x	x			x	x	x	
Schoenus pauciflorus	Bog rush	x				x		x	
Typha orientalis	Raupo / bullrush	x				x			x

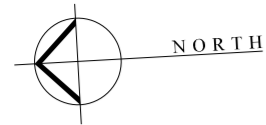


FIGURE 1
Jacks Point Zone
Jacks Point/JPROA Preferred Structure Plan

scale 1:25,000 (A4), 1:12,500 (A2)

Rev N 03 May 2017

KEY

- R(JP) Residential Jacks Point
- R(JP-SH) Residential Jacks Point - State Highway
- V(JP) Village Jacks Point
- R(HD) Residential Hanley Downs
- R(HD-SH) Residential Hanley Downs - State Highway

- L Lodge
- HS Preserve Homesites

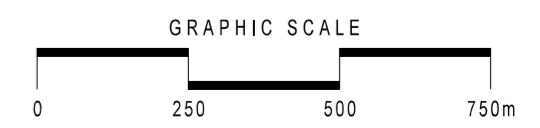
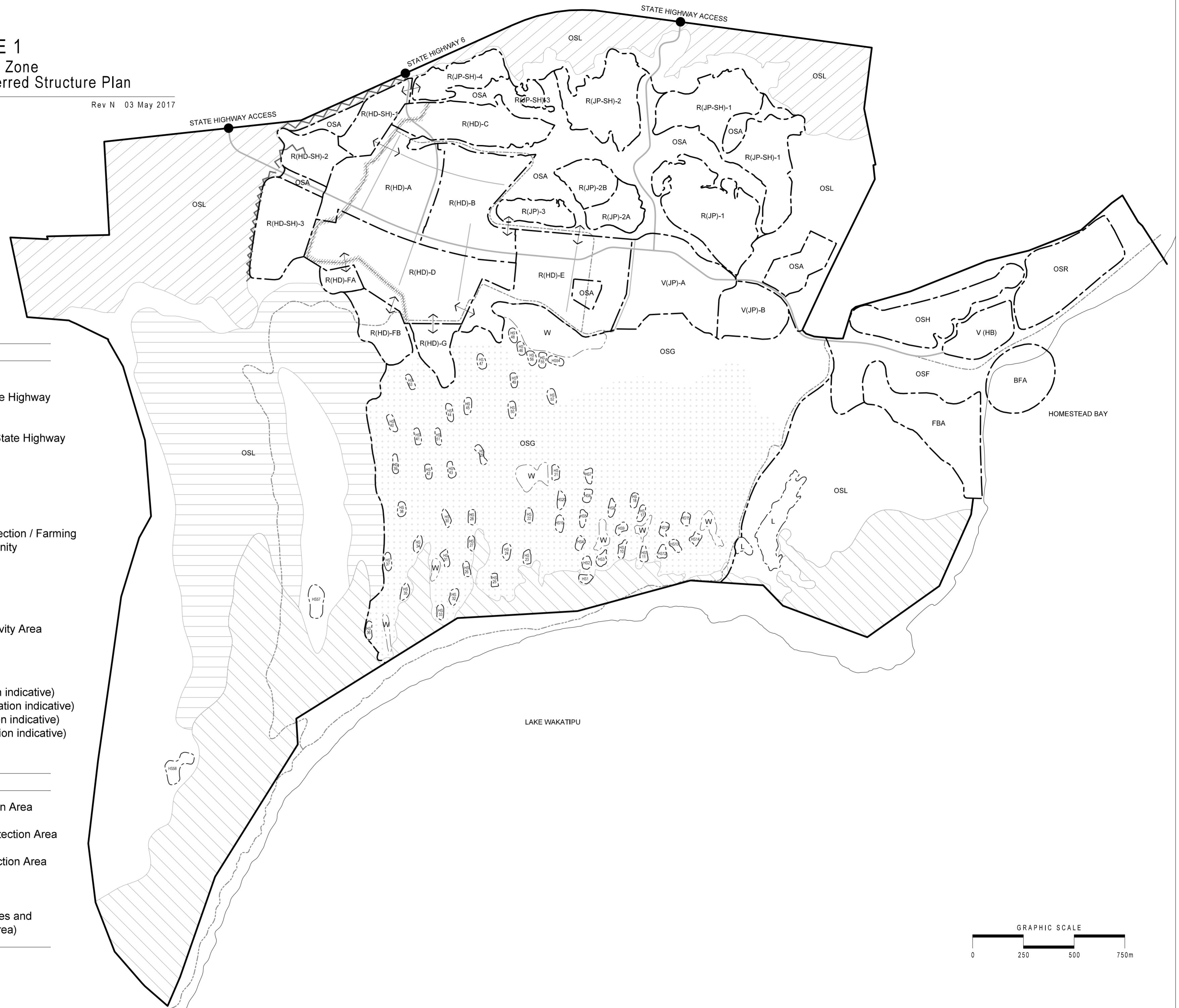
- W Wetland
- OSG Open Space Golf
- OSL Open Space Landscape Protection / Farming
- OSA Open Space Residential Amenity

- V(HB) Village Homestead Bay
- OSH Open Space Horticulture
- OSR Open Space Residential
- OSF Open Space Foreshore
- FBA Farm Buildings and Craft Activity Area
- BFA Boating Facilities Area

- Activity Area
- - - Public Access Route (location indicative)
- Secondary Road Access (location indicative)
- Primary Road Access (location indicative)
- ↔ Key Road Connections (location indicative)
- /// Open Space

OVERLAYS

- Highway Landscape Protection Area
- Peninsula Hill Landscape Protection Area
- Lake Shore Landscape Protection Area
- State Highway Mitigation
- Tablelands (includes Homesites and Wetlands within Tablelands area)



27 Subdivision and Development

27.1 Purpose

Subdivision and the resultant development enables the creation of new housing and land use opportunities, and is a key driver of the District's economy. The council will support subdivision that is well designed, is located in the appropriate locations anticipated by the District Plan with the appropriate capacity for servicing and integrated transportation.

All subdivision requires resource consent unless specified as a permitted activity. It is recognised that subdivisions will have a variable nature and scale with different issues to address. Good subdivision design, servicing and the management of natural hazards are underpinned by a shared objective to create healthy, attractive and safe places.

Good subdivision creates neighbourhoods and places that people want to live or work within, and should also result in more environmentally responsive development that reduces car use, encourages walking and cycling, and maximises access to sunlight.

Good subdivision design will be encouraged by the use of the QLDC Subdivision Design Guidelines 2015. The Subdivision Design Guidelines 2015 includes subdivision and urban design principles and outcomes that give effect to the objectives and policies of the Subdivision and Strategic Directions Chapters, in both designing and assessing subdivision proposals. Proposals at odds with these documents are not likely to be consistent with the policies of the Subdivision and Strategic Directions chapters, and therefore, may not achieve the purpose of the RMA. The purpose of the QLDC Land Development and Subdivision Code of Practice is to provide a best practice guideline for subdivision and development infrastructure in the District.

The subdivision chapter is the primary method to ensure that the District's neighbourhoods are quality environments that take into account the character of local places and communities.

Infrastructure upgrades necessary to support subdivision and future development are to be undertaken and paid for by subdividers and developers in accordance with the Council's 10 Year Plan Development Contributions Policy.

27.2 Objectives and Policies – district wide

27.2.1 Objective - Subdivision will enable quality environments that ensure the District is a desirable place to live, visit, work and play.

Policies

27.2.1.1 Require subdivision infrastructure to be constructed, designed and is fit for purpose, while recognising opportunities for innovative design.

27.2.1.2 To enable subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the

SUBDIVISION and DEVELOPMENT 27

neighbourhood context and the opportunities and constraints of the application site.

- 27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed to the anticipated land use of the applicable zone.
- 27.2.1.4 Discourage non-compliance with minimum allotment sizes, however where minimum allotment sizes are not achieved consideration will be given to whether any adverse effects are mitigated or compensated by providing:
 - i. desirable urban design outcomes.
 - ii. greater efficiency in the development and use of the land resource.
 - iii. affordable or community housing.
- 27.2.1.5 The Council recognises that there is an expectation by future landowners that the effects and resources required by anticipated land uses will have been resolved through the subdivision approval process.
- 27.2.1.6 Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.
- 27.2.1.7 Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.
- 27.2.1.8 Avoid subdivision of a residential flat from a residential unit, except where it can be demonstrated that the subdivision will not result in an increase in the level of non-compliance with the standards of the underlying zone.
- 27.2.1.9 Avoid the subdivision of land resulting in the division of a residential building platform.

27.2.2 Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.

Policies

- 27.2.2.1 Ensure subdivision design provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.
- 27.2.2.2 Ensure subdivision design maximises the opportunity for buildings to front the road.
- 27.2.2.3 Locate open spaces and reserves having regard to topography, accessibility, use and ease of maintenance, while ensuring these areas are a practicable size for their intended use.
- 27.2.2.4 Subdivision shall seek to provide for good and integrated connections and accessibility to:
 - i. existing and planned areas of employment;
 - ii. community activities and facilities;

SUBDIVISION and DEVELOPMENT 27

- iii. services;
- iv. trails;
- v. public transport; and
- vi. existing and planned neighbourhoods, both within and adjoining the subdivision area.

- 27.2.2.5 Subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists and that reduce vehicle dependence within the subdivision.
- 27.2.2.6 Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.
- 27.2.2.7 Encourage informal surveillance of streets and the public realm for safety by requiring that the minority of allotments within a subdivision are fronting, or have primary access to, cul-de-sacs and private lanes.
- 27.2.2.8 Promote informal surveillance for safety through overlooking of open spaces and transport corridors from adjacent sites and dwellings and by effective lighting.
- 27.2.2.9 Manage subdivision within or near to electricity transmission corridors and electricity sub-transmission lines to facilitate good amenity and urban design outcomes, while avoiding potential adverse effects (including reverse sensitivity effects) on the National Grid and electricity sub-transmission lines.

27.2.3 Objective - The potential of small scale and infill subdivision be recognised and provided for while acknowledging their design limitations.

Policies

- 27.2.3.1 Acknowledge that small scale subdivision, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.5 and 27.2.2. 7.
- 27.2.3.2 While acknowledging potential limitations, encourage small scale and infill subdivision to:
 - i. Ensure lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy;
 - ii. Where possible, locate lots so that they over-look and front road and open spaces;
 - iii. Avoid the creation of multiple rear sites, except where this is not practicable;

SUBDIVISION and DEVELOPMENT 27

- iv. Where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and enhance positive visual coherence of the development with the surrounding neighbourhood;
- v. Identify and create opportunities for connections to services and facilities in the neighbourhood.

27.2.4 Objective - Natural features, indigenous biodiversity and heritage values are identified, incorporated and enhanced within subdivision design.

Policies

- 27.2.4.1 Enhance biodiversity, riparian and amenity values by incorporating existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces.
- 27.2.4.2 Ensure that subdivision and changes to the use of land that result from subdivision do not reduce the values of heritage items and protected features scheduled or identified in the District Plan.
- 27.2.4.3 Provide for the protection of heritage and archaeological sites, and avoid the loss of archaeological sites and heritage items in the first instance, and where effects on these features cannot be reasonably avoided, effects shall be mitigated to an extent that is proportionate to the level of significance of the feature.
- 27.2.4.4 Encourage subdivision design to protect and incorporate archaeological sites or cultural features, recognising these features can contribute to and create a sense of place. Where applicable, have regard to Maori culture and traditions in relation to ancestral lands, water, sites, wahi tapu and other taonga.
- 27.2.4.5 Encourage initiatives to protect and enhance landscape, vegetation and indigenous biodiversity by having regard to:
 - i. Whether any landscape features or vegetation are of a sufficient value that they should be retained and the proposed means of protection;
 - ii. Where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes.
- 27.2.4.6 Ensure that new subdivisions and developments recognise, incorporate and adopt suitable measures to enhance existing established protected indigenous vegetation.

For the purposes of this policy, the adoption of suitable measures to enhance existing established protected indigenous vegetation may include, but not be limited to protective fencing, destocking, removal of existing wilding species and invasive weeds or active ecological restoration with indigenous tree and shrub species common to the area.

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27.2.5 Objective - Infrastructure and services are provided to new subdivisions and developments.

Policies

Transport, Access and Roads

27.2.5.1 Integrate subdivision roading with the existing road networks in a safe and efficient manner that reflects potential traffic levels and the provision for safe and convenient walking and cycling.

For the purposes of this policy, reference to 'potential traffic levels' refers to those traffic levels anticipated by the zoning of the District Plan.

27.2.5.2 Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.

27.2.5.3 Provide linkages to public transport networks, trail, walking, and cycling networks, where useful linkages can be developed.

27.2.5.4 To ensure the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features.

27.2.5.5 Ensure appropriate design and amenity associated with roading, vehicle access ways, trails and trail connections, walkways and cycle ways within subdivisions are provided for by having regard to:

- i. The location, alignment, gradients and pattern of roading, vehicle parking, service lanes, access to lots, trails, walkways and cycle ways, and their safety and efficiency.
- ii. The number, location, provision and gradients of access ways and crossings from roads to lots for vehicles, cycles and pedestrians, and their safety and efficiency.
- iii. The standard of construction and formation of roads, private access ways, vehicle crossings, service lanes, walkways, cycle ways and trails.
- iv. The provision and vesting of corner splays or rounding at road intersections.
- v. The provision for and standard of street lighting, having particular regard to the siting and location, the provision for public safety and to the avoidance of upward light spill on the night sky.
- vi. The provision of appropriate tree planting within roads.
- vii. Any requirements for widening, formation or upgrading of existing roads.
- viii. Any provisions relating to access for future subdivision on adjoining land.
- ix. The provision of public transport routes and improved linkages to public transport routes and bus shelters.

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Water supply, stormwater, wastewater

27.2.5.6 All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.

Water

27.2.5.7 Ensure water supplies are of a sufficient capacity, including firefighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.

27.2.5.8 Encourage the efficient and sustainable use of potable water by acknowledging that the Council's reticulated potable water supply may be restricted to provide primarily for households' living and sanitation needs and that water supply for activities such as irrigation and gardening may be expected to be obtained from other sources.

27.2.5.9 Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.

27.2.5.10 Ensure appropriate water supply, design and installation by having regard to:

- i. The availability, quantity, quality and security of the supply of water to the lots being created;
- ii. Water supplies for firefighting purposes;
- iii. The standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
- iv. Any initiatives proposed to reduce water demand and water use.

27.2.5.11 Ensure that the provision of any necessary additional infrastructure for water supply, stormwater disposal and/or sewage treatment and disposal and the upgrading of existing infrastructure is undertaken and paid for by subdividers and developers.

Stormwater

27.2.5.12 Ensure appropriate stormwater design and management by having regard to:

- i. Viable alternative design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas;
- ii. The capacity of existing and proposed stormwater systems;
- iii. The method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;
- iv. The location, scale and construction of stormwater infrastructure;

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- v. The effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to maintain and enhance water quality through the control of water-borne contaminants, litter and sediments, and the control of peak flow.

27.2.5.13 The Council will support subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise, provided maintenance and operation requirements are acceptable to Council if the assets are to be vested.

For the purpose of this policy, term 'acceptable to Council' means that any system shall be appropriate from a Council maintenance and operation perspective and shall be fit for purpose once vested. Where land is to be vested as reserve, Council will ensure that the open space area is of a sufficient size, gradient and surface to be useful, and can be maintained at a reasonable cost to the Council.

Wastewater

27.2.5.14 Treat and dispose of sewage in a manner that:

- i. Maintains public health;
- ii. Avoids adverse effects on the environment in the first instance; and
- iii. Where effects on the environment cannot be reasonably avoided, effects shall be minimised to an extent that is proportionate to the level of significance of the effects.

27.2.5.15 Ensure appropriate sewage treatment and disposal by having regard to:

- i. The method of sewage treatment and disposal;
- ii. The capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;
- iii. The location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.

27.2.5.16 Ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.

Energy Supply and Telecommunications

27.2.5.17 To ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:

- i. Providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;

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- ii. Ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that does not adversely impact upon visual amenity and landscape values of the receiving environment;
- iii. Have regard to the design, location and direction of lighting to avoid upward light spill, recognising the night sky as an element that contributes to the District's sense of place;
- iv. Generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves. Where the subdivision provides for a residential building platform the proposed connections to electricity supply and telecommunications systems shall be established to the residential building platform.

Easements

27.2.5.18 Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions.

27.2.5.19 Ensure that easements are of an appropriate size, location and length for the intended use of both the land and easement.

27.2.6 Objective - Cost of services to be met by subdividers.

Policies

27.2.6.1 In accordance with Council's 10 Year Plan Development Contributions Policy, require subdividers and developers to meet the costs of the provision of new services or the extension or upgrading of existing services (including head works), that are attributable to the effects of the subdivision or development, including where applicable:

- i. roading, walkways and cycling trails;
- ii. water supply;
- iii. sewage collection, treatment and disposal;
- iv. stormwater collection, treatment and disposal;
- v. trade waste disposal;
- vi. provision of energy;
- vii. provision of telecommunications and computer media;
- viii. provision of reserves and reserve improvements.

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27.2.7 Objective - Create esplanades where opportunities arise.

Policies

- 27.2.7.1 Create esplanades reserves or strips where the subdivision would provide nature conservation, natural character, natural hazard mitigation, infrastructural or recreational benefits. In particular, Council will encourage esplanades where they:
- i. are important for public access or recreation, would link with existing or planned trails, walkways or cycleways, or would create an opportunity for public access;
 - ii. have high actual or potential value with regard to the maintenance of indigenous biodiversity;
 - iii. comprise significant indigenous vegetation or significant habitats of indigenous fauna;
 - iv. are considered to comprise an integral part of an outstanding natural feature or landscape;
 - v. would benefit from protection, in order to safeguard the life supporting capacity of the adjacent lake and river;
 - vi. would not put an inappropriate burden on Council, in terms of future maintenance costs or issues relating to natural hazards affecting the land.
- 27.2.7.2 Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where the following apply:
- i. safe public access and recreational use is already possible and can be maintained for the future;
 - ii. it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural functioning of adjoining rivers or lakes;
 - iii. a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation.
- 27.2.7.3 To use opportunities through the subdivision process to improve the level of protection for the natural character and nature conservation values of lakes and rivers, as provided for in Section 230 of the Resource Management Act 1991.

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27.2.8 Objective - Boundary adjustments, cross-lease and unit title subdivision are provided for.

Policies

27.2.8.1 Enable minor cross-lease and unit title subdivision of existing units without the need to obtain resource consent where there is no potential for adverse effects associated with the change in boundary location.

For clarity this policy does not provide for the subdivision of approved residential building platforms located within the Rural and Rural Lifestyle Zones.

27.2.8.2 Ensure boundary adjustment, cross-lease and unit title subdivisions are appropriate with regard to:

- i. The location of the proposed boundaries;
- ii. In rural areas, the location of boundaries with regard to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;
- iii. Boundary treatment;
- iv. The location of existing or proposed accesses and easements for access and services.

27.2.8.3 Provide for unit title, strata title or cross lease subdivision of existing approved buildings where land use consent is approved for a multi-unit commercial or residential development, including visitor accommodation development and the unit title, strata-title or cross lease subdivision is undertaken in accordance with the approved land use consent.

27.3 Location-specific objectives and policies

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

27.3.1 Objective - Peninsula Bay, Ensure effective public access is provided throughout the Peninsula Bay land.

Policies

27.3.1.1 Ensure that before any subdivision or development occurs within the Peninsula Bay Low Density Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.

27.3.1.2 Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.

27.3.1.3 Ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality recreation resource, with excellent linkages, and opportunities for different community groups.

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27.3.2 Objective - Kirimoko, Wanaka – To create a liveable urban environment that achieves best practice in urban design; the protection and incorporation of landscape and environmental features into the design of the area; and high quality built form.

Policies

27.3.2.1 Protect the landscape quality and visual amenity of the Kirimoko Block and preserve sightlines to local natural landforms.

27.3.2.2 Protect the natural topography of the Kirimoko Block and incorporate existing environmental features into the design of the site.

27.3.2.3 Ensure that urban development of the site is restricted to lower areas and areas of concealed topography, such as gullies (all zoned Low Density Residential) and that visually sensitive areas such as the spurs are left undeveloped (building line restriction area).

27.3.2.4 Ensure the provision of open space and community facilities that are suitable for the whole community and that are located in safe and accessible areas.

27.3.2.5 Develop an interconnected network of streets, footpaths, walkways and open space linkages that facilitate a safe, attractive and pleasant walking, cycling and driving environment.

27.3.2.6 Provide for road and walkway linkages to neighbouring developments.

27.3.2.7 Ensure that all roads are designed and located to minimise the need for extensive cut and fill and to protect the natural topographical layout and features of the site.

27.3.2.8 Minimise disturbance of existing native plant remnants and enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.

27.3.2.9 Design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas.

27.3.2.10 Require the roading network within the Kirimoko Block to be planted with appropriate trees to create a green living environment appropriate to the areas.

27.3.3 Objective - Large Lot Residential Zone between Studholme Road and Meadowstone Drive - Landscape and amenity values of the zone's low density character and transition with rural areas be recognised and protected.

Policies

27.3.3.1 Have regard to the impact of development on landscape values of the neighbouring rural areas and features of these areas, with regard to

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minimising the prominence of housing on ridgelines overlooking the Wanaka township.

27.3.3.2 Subdivision and development within land located on the northern side of Studholme Road shall have regard to the adverse effects of development and associated earthworks on slopes, ridges and skylines.

27.3.4 Objective - Bob's Cove Rural Residential Zone (excluding sub-zone) –The special character of the Bob's Cove Rural Residential Zone is recognised and provided for.

Policies

27.3.4.1 In order to maintain the rural character of the zone, all street lighting shall be low in height from the ground, of reduced lux spill and directed downwards to avoid adverse effects on the night sky.

27.3.5 Objective - Ferry Hill Rural Residential Sub Zone –The visual amenity values and landscape character within and around the Ferry Hill Rural Residential Sub Zone to be maintained and enhanced.

Policies

27.3.5.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Concept Development Plan for the Ferry Hill Rural Residential sub-zone located in Chapter 22 (at part 22.7.2) and in accordance with the Concept Development Plan set out in part 27.14.

27.3.6 Objective - Makarora Rural Lifestyle Zone – The effects of natural hazards are avoided or mitigated and landscape character, visual amenity and nature conservation values are maintained or enhanced.

Policies

Natural Hazards

27.3.6.1 Particular regard shall be had to the avoidance or mitigation of natural hazards identified on the Council's hazard register associated with the location of a building platform and future anticipated land uses within the building platform.

27.3.6.2 The Council shall be satisfied as to whether consultation has been undertaken with the Otago Regional Council with regard to any matters associated with defences against water, and in particular taken the opportunity to reconcile any potential issues associated with flood defence works encouraged by the Otago Regional Council, and the District Plan's objectives, policies and servicing standards for subdivision in the Makarora Rural Lifestyle Zone.

Landscape Values, Rural Character

27.3.6.3 In recognition of the landscape values within the Makarora Rural Lifestyle Zone, regard shall be had to the potential merits with the concentration or

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clustering of built form to areas with high potential to absorb development while retaining areas that are more sensitive in their natural state.

- 27.3.6.4 In considering the appropriateness of the form and density of development, including the identification of building platforms in the Makarora Rural Lifestyle Zone the following matters shall be taken into account:
- i. The extent to which the location and size of proposed building platforms either detracts from or has the potential to enhance landscape values and rural character;
 - ii. whether and to what extent there is the opportunity for the aggregation of built development to utilise common access ways including pedestrian linkages, services and commonly-held open space (i.e. open space held in one title whether jointly or otherwise);
 - iii. whether and to what extent development is concentrated/clustered in areas with a high potential to absorb development while retaining areas that are more sensitive in their natural state.

27.3.7 Objective - Wyuna Station Rural Lifestyle Zone - To provide for a deferred rural lifestyle zone on the terrace to the east of, and immediately adjoining, the Glenorchy Township.

Policies

- 27.3.7.1 Prohibit or defer development of the zone until such a time that:
- i. the zone can be serviced by a reticulated wastewater disposal scheme within the property that services both the township and proposed zone. This may include the provision of land within the zone for such purpose; or
 - ii. the zone can be serviced by a reticulated wastewater disposal scheme located outside of the zone that has capacity to service both the township and proposed zone; or
 - iii. the zone can be serviced by an on-site (individual or communal) wastewater disposal scheme no sooner than two years from the zone becoming operative on the condition that should a reticulated scheme referred to above become available and have capacity within the next three years then all lots within the zone shall be required to connect to that reticulated scheme.

27.3.8 Objective - Wyuna Station Rural Lifestyle Zone - Subject to Objective 27.3.7 rural living development is enabled in a way that maintains the visual amenity values that are experienced from the Glenorchy Township, Oban Street and the Glenorchy-Paradise Road.

Policies

- 27.3.8.1 The subdivision design, identification of building platforms and associated mitigation measures shall ensure that built form and associated activities within the zone are reasonably inconspicuous when viewed from

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Glenorchy Township, Oban Street or the Glenorchy-Paradise Road.
Measures to achieve this include:

- i. Prohibiting development over the sensitive areas of the zone via building restriction areas;
- ii. Appropriately locating buildings within the zone, including restrictions on future building bulk;
- iii. Using excavation of the eastern part of the terrace to form appropriate building platforms;
- iv. Using naturalistic mounding of the western part of the terrace to assist visual screening of development;
- v. Using native vegetation to assist visual screening of development;
- vi. The maximum height of buildings shall be 4.5m above ground level prior to any subdivision development.

27.3.8.2 Maintain and enhance the indigenous vegetation and ecosystems within the building restriction areas of the zone and to suitably and comprehensively maintain these areas into the future. As a minimum, this shall include:

- i. Methods to remove or kill existing wilding exotic trees and weed species from the lower banks of the zone area and to conduct this eradication annually;
- ii. Methods to exclude and/or suitably manage pests within the zone in order to foster growth of indigenous vegetation within the zone, on an ongoing basis;
- iii. A programme or list of maintenance work to be carried out on a year to year basis on order to bring about the goals set out above.

27.3.9 Objective - Industrial B Zone

Policies

- i. Reserved for Stage 2 of the District Plan Review.

27.3.10 Objective - Industrial B Zone

Policies

- i. Reserved for Stage 2 of the District Plan Review.

27.3.11 Objective - Industrial B Zone

Policies

- i. Reserved for Stage 2 of the District Plan Review.

27.3.12 Objective - Industrial B Zone

Policies

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- i. Reserved for Stage 2 of the District Plan Review.

27.3.13 Objective - Jacks Point Zone - Subdivision shall have regard to identified location specific opportunities and constraints identified within the Jacks Point Structure Plan located within Chapter 41.

Policies

27.3.13.1 Ensure that subdivision and development achieves the objectives and policies located within Chapter 41.

27.3.13.2 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Jacks Point Structure Plan located within Chapter 41.

27.3.13.3 The extent to which the subdivision achieves the matters of control listed under Rule 27.7.4 and as they relate to the Jacks Point Structure Plan located within Chapter 41.

27.3.14 Objective – Waterfall Park - Subdivision shall provide for a range of visitor, residential and recreational facilities, sympathetic to the natural setting have regard to identified location specific opportunities and constraints.

Policies

27.3.14.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Waterfall Park Structure Plan located within Chapter 42.

27.3.14.2 The extent to which the subdivision achieves the matters of control listed under Rule 27.7.1 and as they relate to the Waterfall Park Structure Plan located within Chapter 42.

27.3.15 Objective – Millbrook - Subdivision shall provide for resort development while having particular regard to landscape, heritage, ecological, water and air quality values.

Policies

27.3.15.1 Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Millbrook Structure Plan located within Chapter 43.

27.3.15.2 The extent to which the subdivision achieves the matters of control listed under Rule 27.6.1 and as they relate to the Millbrook Structure Plan located within Chapter 43.

27.4 Other Provisions and Rules

27.4.1 District Wide

The rules of the zone the proposed subdivision is located within are applicable. Attention is drawn to the following District Wide chapters. All provisions referred to

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are within Stage 1 of the Proposed District Plan, unless marked as Operative District Plan (ODP).

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
24 Signs (18 Operative)	25 Earthworks (22 Operative)	26 Historic Heritage
28 Natural Hazards	29 Transport (14 Operative)	30 Utilities and Renewable Energy
31 Hazardous Substances (16 Operative)	32 Protected Trees	33 Indigenous Vegetation
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	Planning Maps	

27.4.2 Earthworks associated with subdivision

27.4.2.1 Earthworks undertaken for the development of land associated with any subdivision shall be considered against the matters of control or discretion of the District Wide Earthworks Chapter as part of any subdivision activity and in particular Rule 15.2.20.

27.4.3 Zones exempt from the Proposed District Plan and subdivision chapter

27.4.3.1 The following zones are not subject to this subdivision chapter:

- a Frankton Flats A Zone
- b Frankton Flats B Zone
- c Remarkables Park Zone
- d Mount Cardrona Station Zone
- e Three Parks Zone
- f Kingston Village Special Zone
- g Open Space Zone

Subdivision in the above zones is subject to the relevant provisions of Chapter 15 of the Queenstown Lakes Operative District Plan 2009.

27.4.3.2 In addition, all the Special Zones within Chapter 12 of the operative District Plan, except as identified below, are excluded from the proposed District Plan subdivision chapter:

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- a Jacks Point
- b Waterfall Park
- c Millbrook

27.5 Rules – Subdivision

27.5.1 All subdivision requires resource consent unless specified as a permitted activity. The abbreviations set out below are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

	Boundary Adjustments	Activity status
27.5.2	<p>An adjustment to existing cross-lease or unit title due to an alteration to the size of the lot by alterations to the building outline, the conversion from cross-lease to unit title, the addition of an accessory building, or the relocation of accessory buildings providing the activity complies with all other provisions of the District Plan or has obtained a land use resource consent.</p> <p>In order to adhere to this rule a certificate of compliance must be issued under section 223(1)(b) of the Act.</p>	P

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	Boundary Adjustments	Activity status
27.5.3	<p>For boundary adjustment subdivision activities where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</p> <ul style="list-style-type: none"> (i) In the case of the Rural, Gibbston Character and Rural Lifestyle Zones the building platform is retained in its approved location; (ii) No new residential building platform shall be identified and approved as part of a boundary adjustment within Rural, Gibbston Character and Rural Lifestyle Zones; (iii) No additional separately saleable lots are created; (iv) The areas of the resultant lots comply with the minimum lot size requirement for the zone (where applicable); and (v) Lots must be immediately adjoining each other. <p>The matters over which the Council reserves control are:</p> <ul style="list-style-type: none"> • The location of the proposed boundaries; • Boundary treatment; • Easements for existing and proposed access and services. 	C

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	Boundary Adjustments	Activity status
27.5.4	<p>For boundary adjustments involving any site that contains a heritage or any other protected item in the District Plan and in the case of Arrowtown within the urban growth boundary where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</p> <p>(i) No additional separately saleable lots are created.</p> <p>(iii) The areas of the resultant lots comply with the minimum lot size requirement for the zone.</p> <p>The matters over which the Council reserves control are:</p> <ul style="list-style-type: none"> • The impact on the heritage values of the protected item; • The maintenance of the historic character of the Arrowtown Residential Historic Management Zone; • The location of the proposed boundaries; • Boundary treatment; • Easements for access and services. 	RD

	Unit Title, Strata Title or Cross Lease Subdivision	Activity status

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	Unit Title, Strata Title or Cross Lease Subdivision	Activity status
27.5.5	<p>Where land use consent is approved for a multi-unit commercial or residential development, including visitor accommodation development and a unit title, strata-title or cross lease subdivision is undertaken in accordance with the approved land use consent, provided:</p> <ul style="list-style-type: none"> i All buildings must be in accordance with an approved land use resource consent; ii. All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose. iii All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism. <p>The matters over which the Council reserves control are:</p> <ul style="list-style-type: none"> • the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces; • the effects of infrastructure provision; <p>For the purposes of clarity, this rule does not apply to fee simple subdivision of land where the intent is to subdivide a lot containing an approved land use consent for the above identified activities.</p>	C

	Subdivision Activities – District Wide	Activity status
27.5.6	<p>All urban subdivision activities, unless otherwise stated, within the following zones:</p> <ol style="list-style-type: none"> 1. Low Density Residential Zones; 2. Medium Density Residential Zones; 3. High Density Residential Zones; 4. Town Centre Zones; 5. Arrowtown Residential Historic Management Zone; 	RD

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	<p>6. Large Lot Residential Zones;</p> <p>7. Local Shopping Centres;</p> <p>8. Business Mixed Use Zones;</p> <p>9. Queenstown Airport Mixed Use Zone.</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> • Lot sizes and dimensions in respect of internal roading design and provision, relating to access and service easements for future subdivision on adjoining land; • Subdivision design and layout of lots; • Property access and roading; • Esplanade provision; • On site measures to address the risk of natural and other hazards on land within the subdivision; • Firefighting water supply; • Water supply; • Stormwater design and disposal; • Sewage treatment and disposal; • Energy supply and telecommunications; • Open space and recreation; and • Ecological and natural values; • Historic Heritage; • Easements; and • Bird strike and navigational safety. <p>For the avoidance of doubt, where a site is governed by a structure plan, spatial layout plan, or concept development plan that is identified in the District Plan, subdivision activities shall be assessed in accordance with Rule 27.7.1.</p>	
27.5.7	<p>All subdivision activities in the District’s Rural Residential and Rural Lifestyle Zones</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> • In the Rural Lifestyle Zone the location of building platforms; • Lot sizes and dimensions in respect of internal roading design and provision, relating to access and service 	RD

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	<p>easements for future subdivision on adjoining land;</p> <ul style="list-style-type: none"> • Subdivision design and lot layout; • Property access and roading; • Esplanade provision; • On site measures to address the risk of natural and other hazards on land within the subdivision; • Firefighting water supply; • Water supply; • Stormwater disposal; • Sewage treatment and disposal; • Energy supply and telecommunications; • Open space and recreation; • Ecological and natural values; • Historic Heritage • Easements; and • Bird strike and navigational safety. 	
27.5.8	<p>Subdivision of land in any zone within the National Grid Subdivision Corridor where all allotments identify a building platform for the principal building and any dwelling to be located outside of the National Grid Yard.</p> <p>Discretion is restricted to the following:</p> <ol style="list-style-type: none"> a) Impacts on the operation, maintenance, upgrade and development of the National Grid. b) The ability of future development to comply with NZECP34:2001. c) The location, design and use of any proposed building platform as it relates to the National Grid transmission line. 	RD
27.5.9	<p>Subdivision of land in any zone within 32 metres of the centre line of Electricity Sub-Transmission Lines identified on the</p>	RD

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	<p>planning maps.</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> a) Impacts on the operation, maintenance, upgrade and development of Electricity Sub-Transmission Lines. b) The ability of future development to comply with NZECP34:2001; c) Effects on public health and safety; 	
27.5.10	All subdivision activities in the Rural General and Gibbston Character Zones, with the exception of unit title, strata-title or cross lease subdivision undertaken in accordance with Rule 27.5.5.	D
27.5.11	The subdivision of land containing a heritage or any other protected item and scheduled in the District Plan. This rule does not apply to boundary adjustments under Rule 27.4.2.	D
27.5.12	The subdivision of land identified on the planning maps as a Heritage Landscape.	D
27.5.13	The subdivision of a site containing a known archaeological site, whether identified and scheduled in the District Plan or not.	D
27.5.14	Subdivision that would alter, or create a new boundary within a Significant Natural Area scheduled in the District Plan.	D
27.5.15	Within the Jacks Point Zone, subdivision that does not comply with the standards in Part 27.56 and location specific standards in part 27.87, excluding the Hanley Downs part of the Jacks Point Zone, where the creation of lots less than 380m ² minimum lot size within the R(HD) Activity Area shall be assessed as a RD under Rule 27.7.11.3.	D
27.5.16	Subdivision that does not comply with the standards in Part 27.6 with the exception of the Jacks Point Zone which is assessed pursuant to Rule 27.5.15.	NC
27.5.17	The further subdivision of an allotment that has previously been used to calculate the minimum average densities for subdivision in the Rural Lifestyle Zone and Rural Residential Zone.	NC
27.5.18	The subdivision of land resulting in the division of a building platform.	NC
27.5.19	The subdivision of a residential flat from a residential unit.	NC

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27.5.20	A subdivision under the Unit Titles Act where the building is not completed (meaning the applicable code of compliance certificate has not been issued), or building consent or land use consent has not been granted for the buildings.	NC
27.5.21	Any subdivision of land in any zone within the National Grid Subdivision Corridor, which does not comply with Rule 27.5.8.	NC
27.5.22	A Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use resource consent.	D
27.5.23	Subdivision that does not comply with the standards related to servicing and infrastructure under Rule 27.7.15.	NC

27.6 Rules - Standards for Subdivision Activities

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

Zone		Minimum Lot Area
Town Centres		No minimum
Local Shopping Centre		No minimum
Business Mixed Use		200m ²
Airport Mixed Use		No minimum
Residential	High Density	450m ²
	Medium Density	250m ²
	Low Density	450m ² Within the Queenstown Airport Air Noise Boundary and Outer Control Boundary 600m ²
	Queenstown Heights Sub Zone	1500m ²
	Arrowtown	800m ²

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Zone		Minimum Lot Area
	Residential Historic Management	
	Large Lot Residential	4000m ² 2000m ² in the following locations: Between Studholme Road and Meadowstone Drive
Rural	Rural. Gibbston Character. Hydro Generation.	No minimum
Rural Lifestyle	Rural Lifestyle	One hectare providing the average lot size is not less than 2 hectares. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.
	Rural Lifestyle at Makarora.	No minimum, providing the average lot size is not less than 2 hectares.
	Rural Lifestyle Deferred A and B.	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
	Rural Lifestyle Buffer.	The land in this zone shall be held in a single allotment
Rural Residential	Rural Residential	4000m ²
	Rural Residential Bob's Cove sub-zone	No minimum, providing the total lots to be created, inclusive of the entire area within the zone shall have an average of 4000m ²
	Rural Residential Ferry Hill Subzone	4000m ² with no more than 17 lots created for residential activity
	Rural Residential Zone at the	4000m ² provided that the total lots to be created by subdivision, including balance lots, shall not be less

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Zone		Minimum Lot Area
	north of Lake Hayes	than an 8,000m ² lot average.
Jacks Point	Residential Activity Areas	380m ²
	All other Activity Areas	Subdivision shall comply with the average density requirements set out in Rule 41.5.8. Where no density is specified, there shall be no minimum lot size.
Millbrook		No minimum
Waterfall Park		No minimum

27.7 Rules – Zone and Location Specific Standards

	Zone Specific Standards	Activity status
27.7.1	<p>Subdivision undertaken in accordance with a structure plan, spatial layout plan, comprehensive development plan, or concept development plan that is identified in the District Plan.</p> <p>Control is restricted to all of the following:</p> <ul style="list-style-type: none"> • Lot sizes, averages and dimensions; • Subdivision design; • Property access and roading; • Landscaping and vegetation; • Heritage; • Esplanade provision; • Natural and other hazards; • Firefighting water supply; • Water supply; • Stormwater design and disposal; 	C

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	Zone Specific Standards	Activity status
	<ul style="list-style-type: none"> • Sewage treatment and disposal; • Energy supply and telecommunications; • Open space and reserves; • Easements; and • Ecological and natural values 	
27.7.2	<p>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the principal roading layout depicted in the Kirimoko Structure plan shown in part 27.14, the following additional matters of control shall be had regard to:</p> <ul style="list-style-type: none"> • Consistency with the Kirimoko Structure Plan; • Subdivision design and roading layout; • The provision and location of walkways and the green network; • The protection of native species as identified on the structure plan as green network. 	C
27.7.3	<p>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the Ferry Hill Concept Development Plan shown in part 22.7.2, the following additional matters of control shall be had regard to:</p> <ul style="list-style-type: none"> • Consistency with the Ferry Hill Concept Development Plan; and • The number, location and design of access points; 	C
27.7.4	<p>In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision in accordance with the Jacks Point Zone Structure Plan identified in 41.7, the following additional matters of control shall be had regard to:</p>	C
27.7.5	<ul style="list-style-type: none"> • Consistency with the Jacks Point Zone Structure Plan; <p>Within the R(HD) and R(HD-SH) Activity Areas of the Jacks Point Zone, control shall include effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone, until such time as a new intersection upgrade at Woolshed Road has been completed and is available for use.</p>	

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	Zone Specific Standards	Activity status
27.7.6	Peninsula Bay	
27.7.6.1	<p>Subdivision or development within the Low Density Residential Zone at Peninsula Bay which is consistent with an Outline Development Master Plan that has been lodged with and approved by the Council.</p> <p>The matters over which the Council reserves control are:</p> <ul style="list-style-type: none"> • The matters of control listed under Rule 27.7.1; and • Landscape and visual effects 	C
27.7.7	Subdivision or development within the Low Density Residential Zone at Peninsula Bay which is inconsistent with an Outline Development Master Plan that has been lodged with and approved by the Council.	NC
27.7.8	Kirimoko	
27.7.8.1	<ul style="list-style-type: none"> i. Any subdivision that does not comply with the principal roading layout and reserve network depicted in the Kirimoko Structure Plan shown in Part 27.4-15 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties). ii. Any subdivision of land zoned Rural proposed to create a lot entirely within the Rural Zone, to be held in a separate certificate of title. iii. Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot that has included in its legal boundary land zoned Rural General. 	NC
27.7.9	Bob's Cove Rural Residential sub-zone	
27.7.9.1	<p>Activities that do not meet the following standards:</p> <ul style="list-style-type: none"> i. Boundary Planting – Rural Residential sub-zone at Bobs Cove: <ul style="list-style-type: none"> a. Within the Rural Residential sub-zone at Bobs Cove, where the 15 metre building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre; and b. Where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous 	NC

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	Zone Specific Standards	Activity status
	<p>planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected.</p> <p>ii. Development Areas and Undomesticated Areas within the Rural Residential sub-zone at Bob's Cove:</p> <p>a Within the Rural Residential sub-zone at Bob's Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all lot holders and the Council.</p> <p>b At least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover. This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council.</p> <p>c The remainder of the area shall be deemed to be the 'development area' and shall be shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all holders and the Council.</p> <p>d The landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This Landscaping Plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years; and</p> <p>e This area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the Subdivision Plan and given effect to by consent notice registered against the title of the lots.</p> <p>f Any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the</p>	

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	Zone Specific Standards	Activity status
	Council.	
27.7.10	Ferry Hill Rural Residential sub-zone	
27.7.10.1	Any subdivision of the Ferry Hill Rural Residential sub-zone that is inconsistent with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.	NC
27.7.10.2	<p>Activities that do not meet the following standards:</p> <ul style="list-style-type: none"> i. Retention of Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone which shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan. ii. Any application for subdivision consent shall: <ul style="list-style-type: none"> a Provide for the creation of the landscape allotments(s) referred to in rule 27.8.6.2 above; b Be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule 27.6.9.2(i) 27.7.9.2(i) above; c Be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure: <ul style="list-style-type: none"> i. That the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and ii. That residential development is subject to screening along Tucker Beach Road, iii. Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses. 	NC

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	Zone Specific Standards	Activity status
	<p>iv. Plantings elsewhere may include maple as well as indigenous species.</p> <p>v. The on-going maintenance of plantings established in terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.</p> <p>vi. Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.</p> <p>vii. Any subdivision of Lots 1 and 2 DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act.</p>	
27.7.11	Ladies Mile	
27.7.11.1	<p>i. Subdivision of land situated south of State Highway 6 (“Ladies Mile”) and southwest of Lake Hayes that is zoned Low Density Residential or Rural Residential as shown on the Planning Maps and that does not meet the following standards:</p> <p style="margin-left: 40px;">a The landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision.</p> <p style="margin-left: 40px;">b No separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas adjoining the land subject to the application for subdivision</p>	NC

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	Zone Specific Standards	Activity status
	consent.	
27.7.12	Jacks Point	
27.7.12.1	<p>Subdivision Activity failing to comply with the Jacks Point Structure Plan located within Chapter 41.7. For the purposes of interpreting this rule, the following shall apply:</p> <p>a. A variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable;</p> <p>b. Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey;</p> <p>c. Subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable;</p> <p>d. Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process.</p>	D
27.7.13	Subdivision within Activity Areas R(HD) – Fb and G	
	<p>27.7.13.4 Subdivision within any site located within Activity Area R(HD) – Fb and G</p> <p>Control is reserved to:</p>	C
27.7.13.1	<ul style="list-style-type: none"> • the location of residential building platforms on each lot • Landscape values • Effects on the distinctive rocky outcrops • Minimising disturbance to native vegetation 	
	<p>27.7.13.5 Within Activity Areas R(HD)-Fb and G subdivision shall provide for:</p>	RD
27.7.11.3	<p>i. the creation of a single residential building platform per lot or no greater than 1,000m² in area and registered on the relevant Computer Register; and</p>	

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	Zone Specific Standards	Activity status
	<p>ii. A landscape and ecological management strategy, providing for:</p> <p style="margin-left: 40px;">a At least 1.6 ha (being an average of 25% per lot) of native revegetation; and</p> <p style="margin-left: 40px;">b Designed to be comprehensively applied across the activity areas and building on existing vegetation communities within the area; and</p> <p style="margin-left: 40px;">c Co-ordinated with vehicle access and the location of building platforms.</p> <p style="margin-left: 40px;">Discretion is restricted to the matters listed with Rule 27.7.13.4</p> <p>Subdivision failing to comply with the 380m² minimum lot size for subdivision within the Hanley Downs part of the Jacks Point Zone.</p> <p>For Rules 27.7.11.2 and 27.7.11.3 Discretion is restricted to all of the following:</p> <p style="margin-left: 40px;">i. Subdivision design</p> <p style="margin-left: 40px;">ii. Traffic generation;</p> <p style="margin-left: 40px;">iii. Access;</p> <p style="margin-left: 40px;">iv. Effects on the safety and efficiency of the State Highway 6 road network at any intersections with the Jacks Point Zone, until such time as a new intersection upgrade at Woolshed Road has been completed and is available for use; and</p> <p style="margin-left: 40px;">v. Landscape and visual effects.</p> <p>Subdivision of any Homesite (HS) and Open Space Golf (OSG) Activity Areas</p> <p>27.7.13.6 Subdivision of any land containing a Homesite Activity Area failing to provide for the registration of the Preserve Design Guidelines on each lot.</p> <p>27.7.13.7 Subdivision of any land within the OSG Activity Area failing to provide for at least one Homesite area within each lot, except the subdivision of any lot created for any golf course activities.</p> <p>Discretion is restricted to:</p>	
27.7.13.2		RD
27.7.13.3		

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	Zone Specific Standards	Activity status
	<ul style="list-style-type: none"> Effects of landscape and amenity values 	RD RD
27.7.14	Any subdivision of the Millbrook Resort Zone that is inconsistent with the Mill Brook Resort Zone Structure Plan specified in part 43.7.	D

27.7.14.1 In the following zones, every allotment created for the purposes of containing residential activity shall identify one building platform of not less than 70m² in area and not greater than 1000m² in area.

- a Rural Zone.
- b Gibbston Character Zone.
- c Rural Lifestyle Zone.

27.7.14.2 The dimensions of sites in the following zones, other than for access, utilities, reserves or roads, shall be able to accommodate a square of the following dimensions:

Zone		Minimum Dimension (m = metres)
Residential	Medium Density	12m x 12m
	Large Lot Urban	30m x 30m
	Township and All others	15m x 15m
Rural Residential	Rural Residential (inclusive of sub-zones)	30m x 30m

27.7.14.3 Lots created for access, utilities, roads and reserves shall have no minimum size.

27.7.15 Subdivision associated with infill development

- a The specified minimum allotment size in Rule 27.56.1, and minimum dimensions in Rule 27.7.12.2 shall not apply in the High Density Residential Zone, Medium Density Residential Zone and Low Density Residential Zone where each allotment to be created, and the original allotment, all contain at least one established residential unit

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(established meaning a Building Code of Compliance Certificate has been issued or alternatively where a Building Code of Compliance Certificate has not been issued, construction shall be completed to not less than the installation of the roof).

27.7.16 Subdivision associated with residential development on sites less than 450m² in the Low Density Residential Zone

27.7.16.1 In the Low Density Residential Zone, the specified minimum allotment size in Rule 27.6.1 shall not apply in cases where the residential units are not established, providing;

- a A certificate of compliance is issued for a residential unit(s) or,
- b A resource consent has been granted for a residential unit(s).

In addition to any other relevant matters, pursuant to s221 of the Act, the consent holder shall register on the computer freehold register of the applicable allotments:

- c That the construction of any residential unit shall be undertaken in accordance with the applicable certificate of compliance or resource consent (applies to the additional undeveloped lot to be created).
- d The maximum building height shall be 5.5m (applies to the additional undeveloped lot to be created).
- e There shall be not more than one residential unit per lot (applies to all lots).

27.7.16.2 Rule 27.7.14.1 shall not apply to the Low Density Residential Zone within the Queenstown Airport Air Noise Boundary and Outer Control Boundary.

27.7.17 Standards related to servicing and infrastructure

Water

27.7.17.1 All lots, other than lots for access, roads, utilities and reserves except where irrigation is required, shall be provided with a connection to a reticulated water supply laid to the boundary of the net area of the lot, as follows:

To a Council or community owned and operated reticulated water supply:

- a All Residential, Industrial, Business, Town Centre Corner Shopping Centre, and Airport Mixed Use Zone.
- b Rural-Residential Zones at Wanaka, Lake Hawea, Albert Town, Luggate and Lake Hayes.
- c Resort Zone, Millbrook and Waterfall Park.

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27.7.17.2 Where any reticulation for any of the above water supplies crosses private land, it shall be accessible by way of easement to the nearest point of supply.

27.7.17.3 Where no communal owned and operated water supply exists, all lots other than lots for access, roads, utilities and reserves, shall be provided with a potable water supply of at least 1000 litres per day per lot.

27.7.17.4 Telecommunication reticulation to all allotments in new subdivisions (other than lots for access, roads, utilities and reserves).

27.8 Rules - Exemptions

27.8.1 The following activities are permitted and shall not require resource consent.

27.8.1.1 The following activities shall not be considered for the provision of Esplanade reserves or strips:

- a Activities that qualify as exempt under rules (27.8.1) above.
- b Where a proposed subdivision arises solely due to land being acquired or a lot being created for a road designation, utility or reserve, then section 230 of the Act shall not apply.

27.8.2 Industrial B Zone

- i. Reserved for Stage 2 of the District Plan Review.

27.8.3 Riverside Stage 6 - Albert Town

- ii. Reserved for Stage 2 of the District Plan Review.

27.9 Assessment Matters for Resource Consents

27.9.1 Controlled Activity Boundary Adjustments

In considering whether or not to impose conditions in respect to boundary adjustments under Rules 27.5.3 and 27.5.4, the Council shall have regard to, but not be limited by, the following assessment criteria:

	27.5.3 Assessment Matters (Boundary Adjustments)
	<ul style="list-style-type: none">• The location of the proposed boundaries, including their relationship to approved residential building platforms, existing buildings and vegetation patterns and existing or proposed accesses;• The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:

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	27.5.3 Assessment Matters (Boundary Adjustments)
	<ul style="list-style-type: none"> (i) is able to accommodate development in accordance with the relevant district-wide and zone rules; (ii) the potential effects the safety of pedestrians and cyclists and other users of the space or access; <ul style="list-style-type: none"> • Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection; • Refer Policies 27.2.1.7, 27.2.3.2, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.2.

	27.5.4 Assessment Matters (Boundary Adjustments involving Heritage Items and within Arrows town’s urban growth boundary)
	<ul style="list-style-type: none"> • The location of the proposed boundaries, including their relationship to existing buildings and vegetation patterns and existing or proposed accesses; • The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces: <ul style="list-style-type: none"> (i) is able to accommodate development in accordance with the relevant district-wide and zone rules; (ii) the potential effects on the safety of pedestrians and cyclists and other users of the space or access; • Whether any landscape features or vegetation, including mature trees, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection; • The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance. • Where lots are being amalgamated within the Medium Density Residential Zone and Low Density Residential Zone, the extent to which future development will effect the historic character of the Arrows town Residential Historic Management Zone; • Refer Policies 27.2.1.7, 27.2.3.2, 27.2.4.2, 27.2.4.5, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.2.

27.9.2 Controlled Unit Title Subdivision Activities

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In considering whether or not to impose conditions in respect to unit title, strata-title or cross lease subdivision under Rules 27.5.5, the Council shall have regard to, but not be limited by, the following assessment criteria:

	27.5.5 Assessment Matters (Unit Title, Strata Title and Cross Lease Subdivision)
	<ul style="list-style-type: none"> • Compliance with an approved resource consent; • The location of the proposed boundaries, including their relationship to existing buildings existing or proposed accesses; • The site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces: <ul style="list-style-type: none"> (i) is able to accommodate development in accordance with the relevant district-wide and zone rules; (ii) the potential effects the safety of pedestrians and cyclists and other users of the space or access; • The effects of infrastructure provision; • Refer Policies 27.2.1.7, 27.2.3.1, 27.2.3.2, 27.2.5.10, 27.2.5.12, 27.2.5.15 and 27.2.8.3.

27.9.3 Restricted Discretionary Activity Subdivision Activities

In considering whether or not to grant consent or impose conditions in respect to boundary adjustments under Rules 27.5.6, 27.5.7, 27.5.8 and 27.5.9, the Council shall have regard to, but not be limited by, the following assessment criteria:

	27.5.6 Assessment Matters (Urban Subdivision Activities)
	<ol style="list-style-type: none"> i. Lot sizes and dimensions in respect of widening, formation or upgrading of existing and proposed roads and any provisions relating to access for future subdivision on adjoining land. ii. Consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines; iii. Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection; iv. The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;

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	27.5.6 Assessment Matters (Urban Subdivision Activities)
	<ul style="list-style-type: none"> v. The location, alignment, gradients and pattern of roading, service lanes, pedestrian access ways and cycle ways, their safety and efficiency; vi. The extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities; vii. The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act; viii. The provision of services in accordance with Council's Code of Practice for Subdivision; ix. The extent to which the safe and efficient operation of aircraft may be compromised by subdivision and its ancillary activities that encourage the congregation of birds within aircraft flight paths. x. Easements for existing and proposed access and services. xi. Refer Policies 27.2.1.1, 27.2.1.2, 27.2.1.3, 27.2.3.2, 27.2.4.5, 27.2.4.6, 27.2.5.5, 27.2.5.6, 27.2.5.10, 27.2.5.12, 27.2.5.15, 27.2.5.17 and 27.2.7.1.

	27.5.7 Assessment Matters (Rural Residential and Rural Lifestyle Subdivision Activities)
	<ul style="list-style-type: none"> • The extent to which the design maintains and enhances rural living character, landscape values and visual amenity; • The extent to which the location of building platforms could adversely affect adjoining non-residential land uses; • Orientation of lots to optimise solar gain for buildings and developments; • Lot sizes and dimensions in respect of widening, formation or upgrading of existing and proposed roads and any provisions relating to access for future subdivision on adjoining land. • Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection; • The effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance; • The location, alignment, gradients and pattern of roading, service lanes, pedestrian access ways and cycle ways, their safety and

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	27.5.7 Assessment Matters (Rural Residential and Rural Lifestyle Subdivision Activities)
	<p>efficiency;</p> <ul style="list-style-type: none"> • The extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities; • The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act; • The provision of services in accordance with Council's Code of Practice for Subdivision; • In the case of the Makarora Rural Lifestyle Zone, the concentration or clustering of built form to areas with high potential to absorb development, while retaining areas which are more sensitive in their natural state; • In the Rural Residential Zone at the north end of Lake Hayes, the protection and restoration of wetland areas; • Easements for existing and proposed access and services; • Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided. • Refer Policies 27.2.1.2, 27.2.4.5, 27.2.4.6, 27.2.5.4, 27.2.5.5, 27.2.5.10, 27.2.5.12, 27.2.5.15, 27.2.5.17 and 27.2.7.1.

27.9.4 Restricted Discretionary Activity - Subdivision Activities with National Grid Subdivision Corridor and Electricity Sub-Transmission Lines

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rules 27.5.8 and 27.5.9, the Council shall have regard to, but not be limited by, the following assessment criteria:

	27.5.8 Assessment Matters (National Grid Subdivision Corridor)
	<ul style="list-style-type: none"> • Whether the allotments are intended to be used for residential or commercial activity; • The need to identify a building platform to ensure future buildings are located outside the National Grid Yard; • The ability of future development to comply with NZECP34:2001;

SUBDIVISION and DEVELOPMENT 27

	27.5.8 Assessment Matters (National Grid Subdivision Corridor)
	<ul style="list-style-type: none"> • The location and planting of vegetation; • Ensure the operation, maintenance and upgrade of the National Grid is not restricted; • Refer Policy 27.2.2.9.

	27.5.9 Assessment Matters (Electricity Sub-Transmission Lines)
	<ul style="list-style-type: none"> • Whether the allotments are intended to be used for residential or commercial activity; • The need to provide restricted areas to limit activities to outside the Electricity Sub-Transmission Lines; • Ensure the operation, maintenance and upgrade of the Electricity Sub-Transmission Lines is not restricted; • The ability of future development to comply with NZECP34:2001;. • The location and planting of vegetation; • Refer Policy 27.2.2.9.

27.9.5 **Controlled Subdivision Activities – Structure Plan spatial layout plan, or concept development plan**

In considering whether or not to impose conditions in respect to subdivision activities undertaken in accordance with a structure plan, spatial layout plan, or concept development plan under Rules 27.7.1, 27.7.2, 27.7.3, 27.7.4, the Council shall have regard to, but not be limited by, the following assessment criteria:

	27.7.1 Assessment Matters
	<ul style="list-style-type: none"> • Consistency with the relevant location specific objectives and policies in part 27.3; • Consistency with the relevant structure plan, spatial layout plan or concept development plan; • The assessment criteria identified under Rule 27.7.1.

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27.7.2 Assessment Matters	
	<ul style="list-style-type: none"> • The assessment criteria identified under Rule 27.7.1. • Any earthworks required to create any road, vehicle accesses, or building platforms or modify the natural landform; • The design of the subdivision including lot configuration and roading patterns and design (including footpaths and walkways); • Creation and planting of road reserves • The provision and location of walkways and the green network as illustrated on the Structure Plan for the Kirimoko Block in part 27.13; • The protection of native species as identified on the structure plan as green network. • Refer Policies 27.3.2.1 to 27.3.2.10.

27.7.3 Assessment Matters	
	<ul style="list-style-type: none"> • The assessment criteria identified under Rule 27.7.1; • Minimising the number of accesses to roads; • The location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access; • The extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 (as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone); • The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road. • Refer Policy 27.3.5.1.

27.7.4 Assessment Matters	
	<ul style="list-style-type: none"> • The assessment criteria identified under Rule 27.7.1.

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	27.7.4 Assessment Matters
	<ul style="list-style-type: none">• The provision of public access routes, primary, secondary and key road connections.• Within the R(HD) Activity Areas, the extent to which the structure plan provides for the following matters:<ul style="list-style-type: none">- The development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area.- Mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu.- Road and street designs.- The location and suitability of proposed open spaces.- Management responses to remove wilding trees.• Within the R(HD-SH) Activity Areas, the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.• Within the R(HD) Activity Area, the creation of sites sized between 380m² and 550m², without limiting any other matters of control that apply to subdivision for that site, particular regard shall be had to the following matters and whether they shall be given effect to by imposing appropriate legal mechanism of controls over:<ul style="list-style-type: none">- Building setbacks from boundaries.- Location and heights of garages and other accessory buildings.- Height limitations for parts of buildings, including recession plane requirements.- Window locations.- Building coverage.- Roadside fence heights.• Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, measures to provide for the establishment and management of open space, including native vegetation.• Within the R(HD) A - E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees).• In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 380m² in area:

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27.7.4 Assessment Matters	
	<ul style="list-style-type: none"> - The extent to which such sites are configured: <ul style="list-style-type: none"> ▪ with good street frontage. ▪ to enable sunlight to existing and future residential units. ▪ To achieve an appropriate level of privacy between homes. - The extent to which parking, access and landscaping are configured in a manner which: <ul style="list-style-type: none"> ▪ minimises the dominance of driveways at the street edge. ▪ provides for efficient use of the land. ▪ maximises pedestrian and vehicular safety. ▪ addresses nuisance effects such as from vehicle lights. - The extent to which subdivision design satisfies: <ul style="list-style-type: none"> ▪ public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership. • Whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping. • Refer Policies 27.3.13.1 to 27.3.13.3.

27.7.5.1 Assessment Matters	
	<ul style="list-style-type: none"> • Orientation of lots to optimise solar gain for buildings and developments; • Consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines; • Whether any landscape features or vegetation, on the site are of a sufficient amenity value that they should be retained and the proposed means of protection; • The location, alignment, gradients and pattern of roading, service lanes, pedestrian access ways and cycle ways, their safety and efficiency; • The purposes for the creation of esplanade reserves or strips set out in section 229 and section 237 of the Act; • The provision of services in accordance with Council's Code of

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	27.7.5.1 Assessment Matters
	<p>Practice for Subdivision;</p> <ul style="list-style-type: none"> • Refer Policies 27.3.1.1 to 27.3.1.3.

	27.7.11.2 Assessment Matters
	<ul style="list-style-type: none"> • The assessment criteria identified under Rules 27.7.1 and 27.7.4. • The visibility of future development from State Highway 6 and Lake Wakatipu. • The number, location and design of access points • Maintenance or enhancement of nature conservation values. • Creation of open space and infrastructure

27.10 Rules - Non-notification of Applications

27.10.1 Except where as specified in Rule 27.10.2, applications for resource consent for the following activities shall not require the written consent of other persons and shall not be notified or limited-notified;

b Controlled Activity Boundary adjustments.

c All controlled and restricted discretionary activities.

27.10.2 Rule 27.10.1 does not apply to the following. The provisions of the RMA Act apply in determining whether an application needs to be processed on a notified basis.

Where the application site or activity:

a. Adjoins or has access onto a State highway;

b. Contains an archaeological site or any item listed under the Heritage New Zealand Pouhere Taonga Act 2014;

c. Requires the Council to undertake statutory consultation with iwi;

d. Is in the Makarora Rural Lifestyle Zone and within an area subject to any natural hazards including erosion, flooding and inundation, landslip, rockfall, alluvion, avulsion or subsidence.

e. Prior to any application for subdivision within 32m of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line traversing the Shotover Country Special Zone being processed on a non-notified basis the written approval as an affected party is required from Transpower New Zealand Limited;

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- f. Discretionary activities within the Jacks Point Zone.

27.11 General provisions

27.11 State Highways

- 27.11.1 Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions with access onto state highways that are declared Limited Access Roads (LAR). Refer to the Designations Chapter of the District Plan for sections of state highways that are LAR. Where a subdivision will change the use, intensity or location of the access onto the state highway, subdividers should consult with the New Zealand Transport Agency.

27.8.3 Esplanades

- 27.8.3.1 The opportunities for the creation of esplanades are outlined in objective and policies 27.2.7 5. Unless otherwise stated, section 230 of the RMA applies to the standards and process for esplanades.

27.12 Natural Hazards

The Natural Hazards Chapter of the District Plan sets a policy framework to address land uses and natural hazards throughout the District. All subdivision is able to be assessed against a natural hazard through the provisions of section 106 of the Act. In addition, in some locations natural hazards have been identified and specific provisions apply.

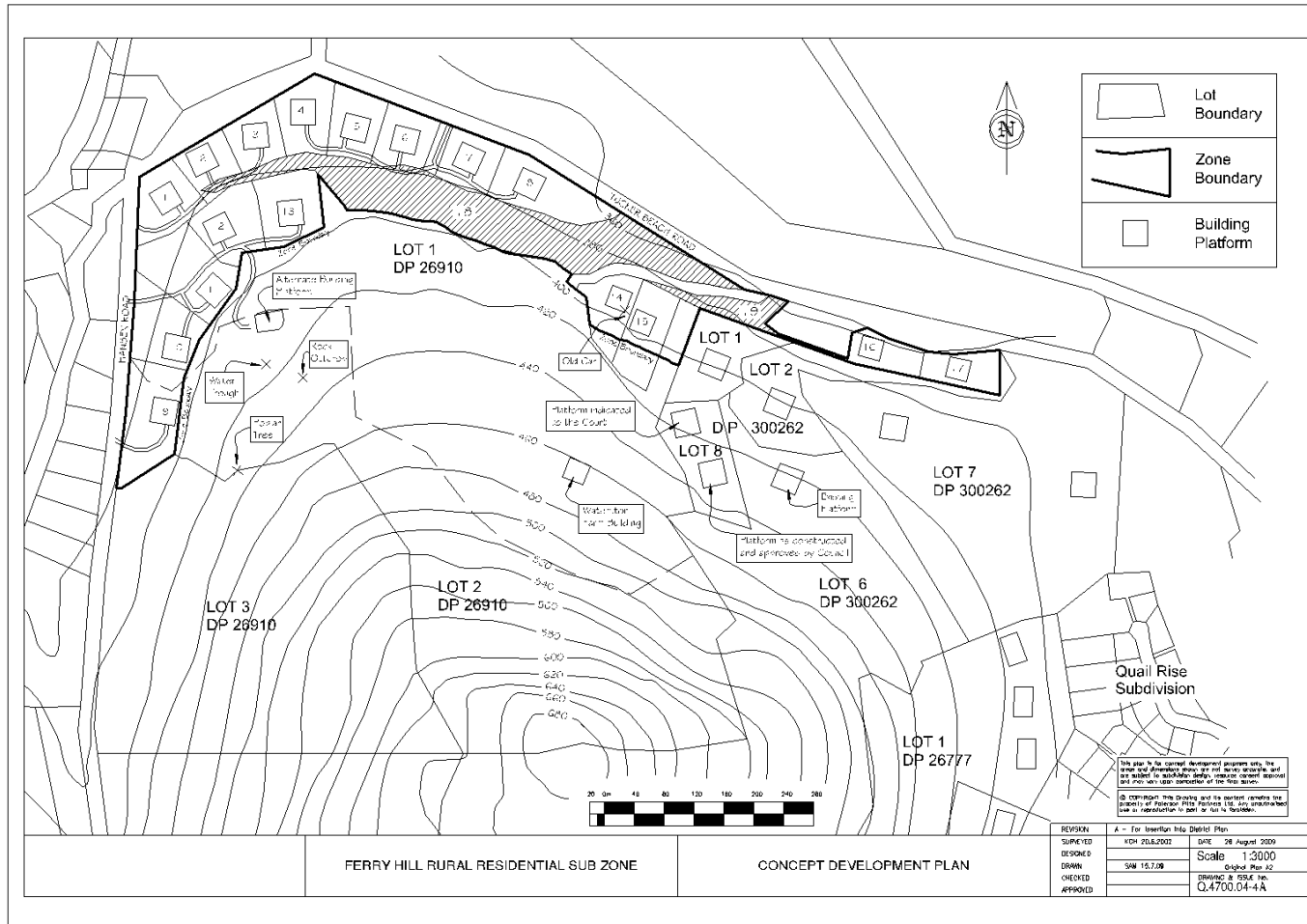
27.13 Development and Financial Contributions

The Local Government Act 2002 provides the Council with an avenue to recover growth related capital expenditure from subdivision and development through development contributions. The Council forms a development contribution policy as part of its 10 Year Plan and actively imposes development contributions via this process.

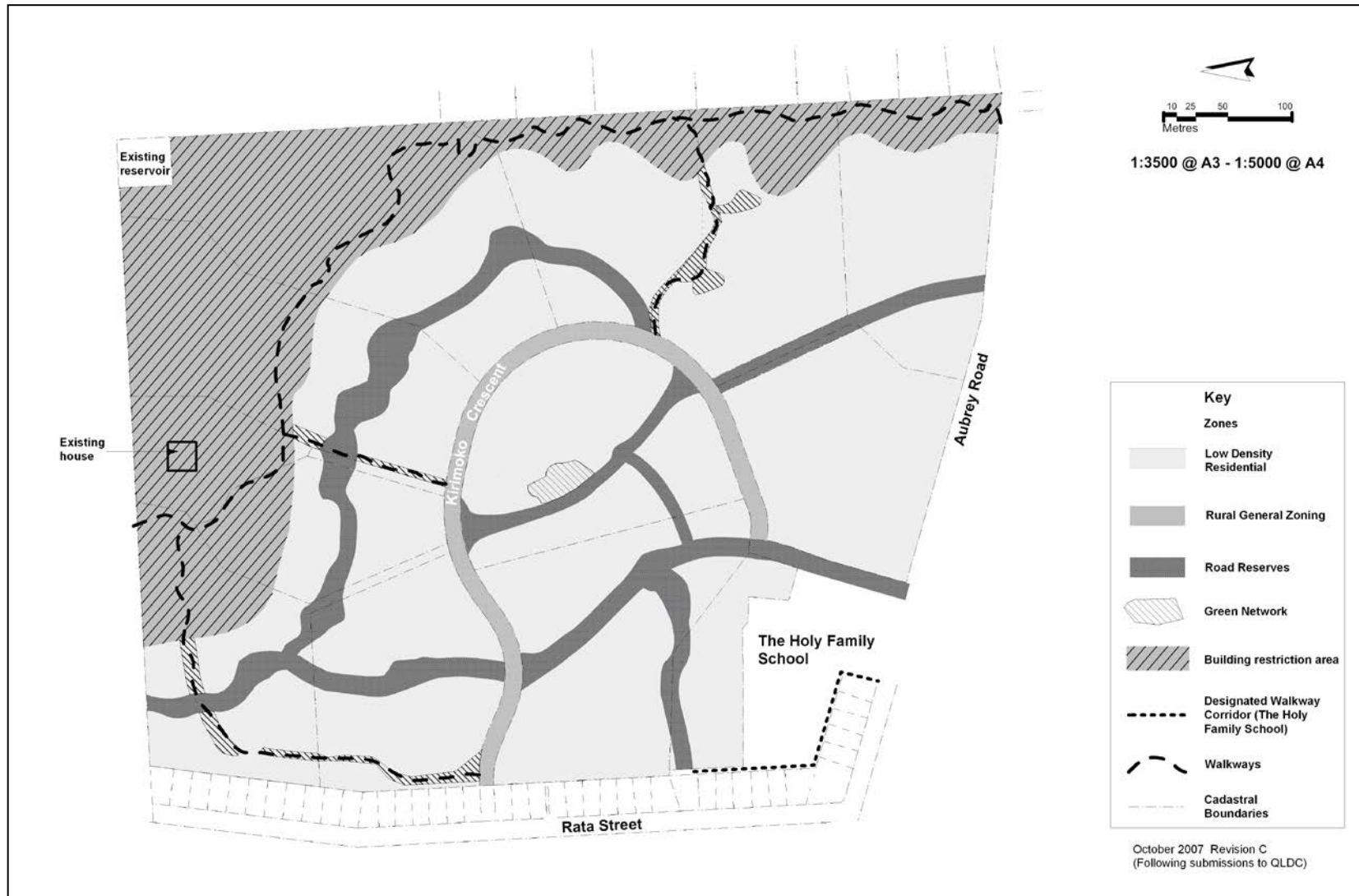
The Council acknowledges that Millbrook Country Club has already paid financial contributions for water and sewerage for demand up to a peak of 5000 people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.

27.14 Structure Plans and Spatial Layout Plans

27.14.1 Ferry Hill Rural Residential Subzone



27.14.2 Kirimoko Structure Plan



Appendix D - A copy of the Appellant's submission and further submission

**SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited

C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH

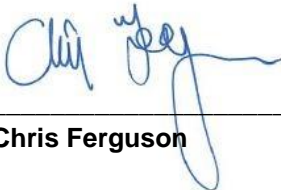
Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited ("Jacks Point") makes the submissions on the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

Jacks Point confirms its submission does not relate to trade competition or the effects of trade competition.

Jacks Point would like to be heard in support of its submission.

If other persons make a similar submission then Jacks Point would consider presenting joint evidence at the time of the hearing.



Chris Ferguson

For and behalf of Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

23rd day of October 2015

OUTLINE OF SUBMISSION

This submission has been structured under the following headings:

Section A: Overview

Section B: Reasons for, and Matters Raised, in the submission

Section C: Specific Submissions to the Proposed Queenstown Lakes District Plan

SECTION A: OVERVIEW

1. Jacks Point are owners, developers and proponents of the masterplanned community in the area known as the Jacks Point Resort Zone under the operative District Plan. That zone forms three distinct components: Jacks Point, Henley Downs and Homestead Bay, which are part of the wider Coneburn Area.
2. Since its creation, development within the zone has been mostly restricted to the land located within the Jacks Point part of the Zone. This has included establishing several residential neighbourhoods, the Golf Course, Club House and investing significantly in the formation of vehicle access, water supply, wastewater treatment and stormwater infrastructure. In addition the emerging settlement includes large areas of open space that have been established to provide areas of private amenity, native vegetation enhancement, public trails and landscape protection.
3. Further changes are planned for the Henley Down land, promoted through private plan change 44. PC 44 proposes to increase the diversity and density of housing choice, provide for new areas of low density and rural residential development and the establishment of an area for education and innovation, along with a new primary road connection onto State Highway 6 at Woolshed Road.
4. Jacks Point has worked together with the Council on the formulation of a new Jacks Point Zone, including the design of a single structure plan for the wider Jacks Point area, drafting new and updated provisions, section 32 reports, specialist landscape reports, consultation and other background investigations.
5. This submission to the PDP is in general support of the Jacks Point Zone, the single structure plan and related provisions that seek to support an integrated settlement at Jacks Point.
6. In addition this submission seeks to make a small number of minor amendments to the structure plan and related provisions. The nature of these are detailed in the attached table.

SECTION B: REASONS FOR, AND MATTERS RAISED IN, SUBMISSION

Overview of relief sought

7. This submission does not seek to address any of the higher order provisions of the PDP or any of the district wide chapters, including Chapter 3 Strategic Directions, Chapter 6 Landscapes or Chapter 27 Subdivision. Submissions on these chapters are being advanced through the separate submission lodged by Darby Planning LP, an entity related to Jacks Point.
8. A number of small changes are sought to the objectives, policies and rules of Chapter 41 Jacks Point Zone and Chapter 27 Subdivision. These changes are proposed in order to improve the effectiveness and efficiency of the methods in achieving the relevant objectives of the plan and to also address internal inconsistencies.

9. The specific changes sought to the PDP provisions are detailed within Section C of this submission.
10. Jacks Point seeks amendments to the plan provisions to achieve the following objectives:
 - (a) To amend the default status of subdivision undertaken within the Jacks Point Zone, which complies within the relevant standards and location specific provisions, to be controlled.
 - (b) To amend the structure plan to refine the areas of particular activity areas in a manner that better reflects established land use activities, topography and landscape and amenity values.
 - (c) To make a number of minor corrections, edits, deletions or insertions as necessary to clarify the status of activities, cross references to related rules or intended meaning.
 - (d) To provide a consistent approach to methods developed for the management of access to the State Highway under Plan Change 44.
11. Jacks Point supports the following general changes proposed within the Jacks Point Zone:
 - (a) The formulation of a single structure plan to provide an integrated basis for the spatial layout of development across the wider Coneburn area together with the removal of the requirement to prepare and implement Outline Development Plans.
 - (b) The addition of new and amended activity areas on the structure plan, including the Education Innovation Campus and Education Activity Areas, the new residential activities areas, the areas of farm preserve and conservation lots.
 - (c) The additional and redrafted objective and policies for the zone seeking to provide greater clarity on the outcomes expected from the Zone and the measures to integrate management of its natural and physical resources.
 - (d) The removal of controlled activity status across all building and introduction of new rules controlling the bulk and location of buildings.
 - (e) The introduction of a new density rule controlling average density within the residential activity areas, to provide greater certainty and as a replacement to the density master plan and outline development plan.

Subdivision

12. Whilst the district wide submission by Darby Planning LP addresses the subdivision chapter generally, Jacks Point seeks to specially address status of subdivision within the Jacks Point Zone as this departs from the default discretionary activity status adopted by the PDP.
13. The status of subdivision within the Jacks Point Zone defaults to a restricted discretionary activity under Rule 27.4.3 because subdivision needs to be undertaken in accordance with a structure plan or spatial layout plan identified in the District Plan.
14. Under the operative District Plan, the default status for subdivision is controlled, provided relevant standards are met. Jacks Point submits that the default status for subdivision within the Jacks Point Zone should remain as controlled and not restricted discretionary, as proposed.
15. The general reasons for seeking this relief, are as follows:
 - (a) There has been no demonstrable need for a change from the status quo. The Council's section 32 has failed to establish the resource management issue that requires an elevation in status to restricted discretionary.

- (b) Controlled activity status certainty for landowners, residents, developers and purchasers that resource consent will be granted, subject to the achieving appropriate standards of design, servicing, access, etc.
 - (c) The existing structure provides additional site and zone standards that elevate status to restricted discretionary and non-complying (respectively) for any particular aspect of subdivision activities failing to meet those standards. This framework of listed activities with tiers of standards is an effective and efficient framework providing targeted assessment of the relevant issues.
 - (d) In addition, the proposed subdivision provision have failed to provide for minor forms of subdivision, including boundary adjustment have been also removed from the subdivision chapter and this creates further uncertainty over proposal with typically very little to no adverse effects on the environment.
16. For these reasons, Jacks Point seeks to have the provisions of the subdivision chapter withdrawn and replaced with the operative plan provisions from Chapter 15.
17. Alternatively, Jacks Point seeks to modify the rules contained within Chapter 27 Subdivision and Development of the PDP to modify Rule 27.4.1 in the manner described within Section C, so that the status of subdivision which complies with the relevant standards is a controlled activity, rather than discretionary (unrestricted).
18. Controlled activity status for subdivision together with appropriate standards relating to lot sizes and servicing infrastructure is considered this the most appropriate method to implement the objectives of the PDP having regard to their effectiveness and efficiency.

Structure Plan changes

19. Two minor changes are proposed to the Structure Plan. These changes are to modify the boundaries of Activity Area R(JP)-2A and V(JP). For the Village, the boundary of the Activity Area has been modified to better line up with land tenure and for Activity Area R(JP)-2A the boundary of this pod has been amended to better relate to the adjoining R(HD)-E Activity Area.

Further and Consequential Relief

20. Jacks Point seeks to make any similar, alternative and/or consequential relief that may be necessary or appropriate to address the matters raised in this submission or the specific relief requested in this submission.

SECTION C: SPECIFIC SUBMISSIONS TO THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Specific Provision	Submission	Decisions Sought [New text shown <i><u>underlined bold italics</u></i> and deleted text shown as <i>italic strike-through</i>]
Chapter 27 Subdivision		
Rule 27.4.2 a The following shall be non-complying activities	<p>Support in part</p> <p>Jacks Point generally supports Rule 27.4.2 a, where it exempts Jacks Point from the default position of non-complying activity status. An addition is sought to insert restricted discretionary activities to more correctly reflect the status of the location specific rules 27.8.9.1 and 27.8.9.2 which trigger discretionary and restricted discretionary activates status respectively.</p>	<p>Amend Rule 27.4.2,as follows:</p> <p><i>The following shall be non-complying activities:</i></p> <p><i>a Subdivision that does not comply with the standards in Part 27.5 and location specific standards in part 27.8. Except within the following zone where any non-compliance shall be a <u>restricted discretionary or discretionary activity</u>.</i></p> <ul style="list-style-type: none"> • <i>Jacks Point Zone</i>
Rule 27.4.1 All subdivision activities are discretionary activities, except other stated	<p>Oppose</p> <p>Rule 27.4.1 is opposed for the general reasons expressed above. Changes are sought to this rule to ensure subdivision that complies with the relevant standards remains as a controlled activity.</p>	<p>Amend Rule 27.4.1, as follows:</p> <p><i>All subdivision activities are discretionary <u>controlled</u> activities, except <u>as otherwise stated</u>:</i></p> <p><i><u>Council's control is limited to:</u></i></p> <ul style="list-style-type: none"> • <i><u>Lot sizes, averages and dimensions</u></i> • <i><u>Subdivision design</u></i> • <i><u>Property access</u></i> • <i><u>Esplanade provision</u></i> • <i><u>Natural hazards</u></i> • <i><u>Fire fighting water supply</u></i> • <i><u>Water supply</u></i> • <i><u>Stormwater disposal</u></i> • <i><u>Sewage treatment and disposal</u></i> • <i><u>Energy supply and telecommunications</u></i>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]										
		<ul style="list-style-type: none"> • <u><i>Open space and recreation</i></u> • <u><i>Easements</i></u> • <u><i>The nature, scale and adequacy of environmental protection measures associated with earthworks</i></u> 										
New Rule 27.5.5 Boundary Adjustments	A new rule is sought to be inserted to enable boundary adjustments to be undertaken as a controlled activity. Boundary adjustments within the Jacks Point Zone is an effective and efficient way to retain a separate rule to enable this form of subdivision.	<p>Insert new Rule 27.5.5 Boundary adjustments, as follows:</p> <p><u><i>Where there are two or more existing lots which have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</i></u></p> <p><u><i>(i) the building platform is retained.</i></u></p> <p><u><i>(ii) no additional separately saleable lots are created.</i></u></p> <p><u><i>(iii) the areas of the resultant lots comply with the minimum lot size requirement for the zone.</i></u></p>										
Rule 27.5.1 Lot Size table	<p>Support in Part</p> <p>Jacks Point generally supports Rule 27.5.1 and the Lot Size table as it relates to the Jacks Point Zone. A minor correction is sought to clarify that it is “all other activity areas” which are required to comply with the average density requirements set out in Rule 41.5.8.</p>	<p>Amend Rule 27.5.1 Lot Size Table for the Jacks Point Zone, as follows:</p> <table border="1" data-bbox="1319 1027 2170 1399"> <thead> <tr> <th data-bbox="1319 1027 1469 1091">Zone</th> <th data-bbox="1469 1027 1809 1091"></th> <th data-bbox="1809 1027 2170 1091">Minimum Lot Area</th> </tr> </thead> <tbody> <tr> <td data-bbox="1319 1091 1469 1399" rowspan="3">Jacks Point</td> <td data-bbox="1469 1091 1809 1139"><i>Residential Activity Areas</i></td> <td data-bbox="1809 1091 2170 1139"><i>380m²</i></td> </tr> <tr> <td data-bbox="1469 1139 1809 1251"><i>FP-1 Activity Area</i></td> <td data-bbox="1809 1139 2170 1251"><i>4000m²</i></td> </tr> <tr> <td data-bbox="1469 1251 1809 1399"><i>FP-2 Activity Area</i></td> <td data-bbox="1809 1251 2170 1399"><i>Average 2ha</i> <i>2 hectares</i></td> </tr> </tbody> </table>	Zone		Minimum Lot Area	Jacks Point	<i>Residential Activity Areas</i>	<i>380m²</i>	<i>FP-1 Activity Area</i>	<i>4000m²</i>	<i>FP-2 Activity Area</i>	<i>Average 2ha</i> <i>2 hectares</i>
Zone		Minimum Lot Area										
Jacks Point	<i>Residential Activity Areas</i>	<i>380m²</i>										
	<i>FP-1 Activity Area</i>	<i>4000m²</i>										
	<i>FP-2 Activity Area</i>	<i>Average 2ha</i> <i>2 hectares</i>										

Specific Provision	Submission	Decisions Sought [New text shown <u><i></i></u> and deleted text shown as <i></i>]			
				<u>All other Activity Areas</u>	Average 40ha Subdivision shall comply with the average density requirements set out in Rule 41.5.8.
27.7 Location Specific objectives, policies and provisions 27.7.14 Jacks Point	Support in Part Jacks Point generally supports the location specific provisions identified within and following from Objective 27.7.14. However, to assist in understanding the structure of the provisions and the matters of discretion of subdivision, a heading should be inserted after Policy 27.7.14.1 stating “Matters of Discretion for subdivision within the Jacks Point Zone”.	<ol style="list-style-type: none"> 1. Insert a heading below Policy 27.7.14.1, as follows: <u>27.14.2 Matters of discretion for subdivision within the Jacks Point Zone</u> 2. Renumber subsequent rules and provisions; and 			
Rule 27.7.14.3 R(HD) Activity Areas, matters of discretion	Support in Part Rule 27.7.14.3 is generally supported, however Jacks Point requests it be amended to refer to provision 27.7.14.2 stated within the parenthesis on the first line. Provisions 27.7.14.2 are the general matters of discretion for subdivision within the Jacks Point Zone.	Amend Rule 27.7.14.3, as follows: <i>In addition to above (provisions 27.7.14.12) within the R(HD) Activity Areas</i>			
Rule 27.8.9.2 Jacks Point Zone Conservation Lots	Support in Part Jacks Point supports Rule 27.8.9.2 as it provides for conservation lot subdivision within Activity Area FP-1. Two minor corrections are sought to clarify restricted	Amend Rule 27.8.9.2, as follows: <i>Jacks Point Zone Conservation Lots - Subdivision failing to comply with <u>this rule</u> shall be a restricted discretionary activity.</i>			

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	<p>discretionary activity status as being triggered in relation to “this” rule. A further amendment is also sought to delete “all of the following” from the restrictions on discretion. Jacks Point considers that the additional text could act to potentially undermine the value in restricting discretion.</p>	<p>...</p> <p><i>Discretion is restricted to all of the following:</i></p> <ul style="list-style-type: none"> • <i>The visibility of future development from State Highway 6 and Lake Wakatipu.</i> • <i>Traffic, access.</i> • <i>Maintenance or enhancement of nature conservation values.</i> • <i>Creation of open space and infrastructure.</i>

Chapter 36 Noise

Rule 36.5.3 (Table 2)	Support in Part	Amend Rule 36.5.3																			
	<p>The proposed noise provisions for Jacks Point apply a single standard across all activities areas. It is submitted that within areas such as the Jacks Point Village, the nature of the visitor accommodation, restaurants and cafes could be unduly restricted by a night time standard of 8:00pm.</p> <p>Sound within the Village and EIC Activity Areas are sought to be subject of separate assessment and standards, reflecting the nature of the anticipated environment. An amendment is sought to exempt sound from within the these two activity areas with the creation of a new and more appropriate standard for the commercial</p>	<table border="1" data-bbox="1258 887 2168 1193"> <thead> <tr> <th rowspan="2">Table 2</th> <th colspan="4">General Standards</th> <th rowspan="2">Non-compliance Status</th> </tr> <tr> <th>Activity or sound source</th> <th>Assessment location</th> <th>Time</th> <th>Noise Limits</th> </tr> </thead> <tbody> <tr> <td rowspan="2">36.5.3</td> <td rowspan="2">... Jacks Point Resort Zone, <u><i>except within the Jacks Point Village and EIC Activity Areas</i></u> (see also 36.5.17)</td> <td rowspan="2">At any point within the Residencies/ Residential Activity Areas</td> <td>0800h to 2000h</td> <td>50 dB L <small>Aeq(15 min)</small></td> <td>NC</td> </tr> <tr> <td>2000h to 0800h</td> <td>40 dB L <small>Aeq(15 min)</small> 75 dB L <small>AFmax</small></td> <td>NC</td> </tr> </tbody> </table>	Table 2	General Standards				Non-compliance Status	Activity or sound source	Assessment location	Time	Noise Limits	36.5.3	... Jacks Point Resort Zone, <u><i>except within the Jacks Point Village and EIC Activity Areas</i></u> (see also 36.5.17)	At any point within the Residencies/ Residential Activity Areas	0800h to 2000h	50 dB L <small>Aeq(15 min)</small>	NC	2000h to 0800h	40 dB L <small>Aeq(15 min)</small> 75 dB L <small>AFmax</small>	NC
Table 2	General Standards				Non-compliance Status																
	Activity or sound source	Assessment location	Time	Noise Limits																	
36.5.3	... Jacks Point Resort Zone, <u><i>except within the Jacks Point Village and EIC Activity Areas</i></u> (see also 36.5.17)	At any point within the Residencies/ Residential Activity Areas	0800h to 2000h	50 dB L <small>Aeq(15 min)</small>	NC																
			2000h to 0800h	40 dB L <small>Aeq(15 min)</small> 75 dB L <small>AFmax</small>	NC																

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]																						
	overlay is subject to the addition of a further rule (outlined below).																							
New Rule 36.5.3.1	A new standard for sound is sought to be created to recognise and provide for commercial and other entertainment activities located within the Village and EIC Activity areas.	<p>Insert a new Rule 36.5.3.1, as follows:</p> <table border="1" data-bbox="1258 491 2172 933"> <thead> <tr> <th data-bbox="1258 491 1373 628" rowspan="2">Table 2</th> <th colspan="4" data-bbox="1373 491 2018 523">General Standards</th> <th data-bbox="2018 491 2172 628" rowspan="2">Non-compliance Status</th> </tr> <tr> <th data-bbox="1373 523 1615 628">Activity or sound source</th> <th data-bbox="1615 523 1787 628">Assessment location</th> <th data-bbox="1787 523 1904 628">Time</th> <th data-bbox="1904 523 2018 628">Noise Limits</th> </tr> </thead> <tbody> <tr> <td data-bbox="1258 628 1373 692"><u>36.5.3.1</u></td> <td data-bbox="1373 628 1615 692"><u>Jacks Point Village and EIC Activity Areas of the Jacks Point Zone</u></td> <td data-bbox="1615 628 1787 692"><u>At any point within the Residencies/ Residential Activity Areas</u></td> <td data-bbox="1787 628 1904 692"><u>0800h to 2200h</u></td> <td data-bbox="1904 628 2018 692"><u>50 dB L</u> <small>Aeq(15 min)</small></td> <td data-bbox="2018 628 2172 692"><u>RD</u></td> </tr> <tr> <td></td> <td></td> <td></td> <td data-bbox="1787 692 1904 756"><u>2200h to 0800h</u></td> <td data-bbox="1904 692 2018 756"><u>40 dB L</u> <small>Aeq(15 min)</small> <u>75 dB L</u> <small>AFmax</small></td> <td data-bbox="2018 692 2172 933"><u>RD</u> <u>Discretion is restricted to the extent of effects of noise generated on adjoining zones.</u></td> </tr> </tbody> </table>	Table 2	General Standards				Non-compliance Status	Activity or sound source	Assessment location	Time	Noise Limits	<u>36.5.3.1</u>	<u>Jacks Point Village and EIC Activity Areas of the Jacks Point Zone</u>	<u>At any point within the Residencies/ Residential Activity Areas</u>	<u>0800h to 2200h</u>	<u>50 dB L</u> <small>Aeq(15 min)</small>	<u>RD</u>				<u>2200h to 0800h</u>	<u>40 dB L</u> <small>Aeq(15 min)</small> <u>75 dB L</u> <small>AFmax</small>	<u>RD</u> <u>Discretion is restricted to the extent of effects of noise generated on adjoining zones.</u>
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Chapter 41 Jacks Point Zone																								
All rules listed matters of restricted discretion.	<p>Support in Part</p> <p>Jacks Point generally supports restricted discretionary activity status throughout Chapter 41. However, it seeks to amend the introductory text used to frame the restriction of discretion where it includes the text “<i>all of the following</i>”. Jacks Point considers this could be interpreted to widen discretion and undermining the value in have a clear</p>	Amend all rules where matters of discretion are listed to delete the phrase “to all of the following”, from the statement “Discretion is restricted to”.																						

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	statement of matters to which discretion is reserved. For this reasons it seeks to have this text removed.	
Rule 41.4.9 Structure Plan Activities	<p>Support in Part</p> <p>Jacks Point seeks to include within the E Activity Area the provision of Health Care activities and amendments to Rule 41.4.9.4 are sought to clarify this.</p>	<p>Amend Rule 41.4.9.4 Structure Plan – Activities, as follows:</p> <p><i>Education <u>and Health Care Precinct (EH)</u> - the use of this area is restricted to Education, Health Care and Day Care Facilities.</i></p>
Rule 41.5.4.1 Volume of Earthworks	<p>Support in Part</p> <p>Further earthworks are proposed within the Village Activity Area to expand and change the shape of Lake Tewa and the proposed maximum of 500 m³ is unrealistic for this work.</p>	<p>Amend Rule 41.5.4.1 Volume of Earthworks, to shift the Village Activity Area out of the 500 m³ band to “no maximum”.</p>
Rule 41.5.4.5 Water bodies	<p>Support in Part</p> <p>Exemptions are sought to these rules to enable further changes to the shape of Lake Tewa. Lake Tewa is entirely man made and lake and such changes do not impact on the natural character of any natural lake, river or other water body.</p>	<p>Amend Rule 41.5.4.5 Water bodies, as follows:</p> <p><i>a. Earthworks within 7m of the bed of any water body shall not exceed 20m³ in total volume, <u>except any man made water body (e.g. Lake Tewa), within one consecutive 12 month period.</u></i></p> <p><i>b. Any material associated with earthworks activity shall not be positioned within 7m of the bed of any water body, <u>except any man made water body (e.g. Lake Tewa)</u> or where it may dam, divert or contaminate water.</i></p> <p><i>c. Earthworks shall not:</i></p> <ul style="list-style-type: none"> <i>• cause artificial drainage of any groundwater aquifer;</i> <i>• cause temporary ponding of any surface water.</i>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i>]
<p>Rule 41.5.6 Access to the State Highway</p>	<p>Support in Part</p> <p>Jacks Point generally supports Rule 41.5.6 relating to access onto State Highway 6 as being appropriate for the sustainable management of the road network and to provide secondary access to the Jacks Point Zone. Jacks Point proposes a number of changes to this rule to reflect the latest position agreed to with the NZTA as part of PC445, in particular to provide clarification around the use of Traffic Management plans to manage construction traffic and the timing of when the new Woolshed road intersection is required. These changes are considered to positively support and clarify the existing rule. Advisory notes are also proposed to assist in the interpretation of these particular rules because of the nature of the external process (i.e. non-RMA) to approve the intersection design and to also manage construction traffic.</p>	<p>Amend Rules 41.5.6.1 and 41.5.6.2, as follows:</p> <p>41.5.6.1 <i>Access from State Highway 6 shall be only at the intersections at Maori Jack Road and Woolshed Road, as shown on the Structure Plan.</i></p> <p>41.5.6.2 <u><i>The Woolshed Road access shall not be used until an amended design for that road's intersection with State Highway 6 has been upgraded, completed and available for use, except as provided for through the approval of a Traffic Management Plan by the NZ Transport Agency (refer Advisory Note below</i></u></p> <p>41.5.6.3 <u><i>No more than 500300 residential units/titles or 2,400 vehicle movements per day (weekly average), whichever is the lesser, may not be exceeded may be built within the EIC, R(HD) and R(SH-HD) Activity Areas without until the Woolshed Road intersection upgrade is being completed and available for use.</i></u></p> <p><i>Discretion is restricted to the safe and efficient functioning of the road network.</i></p> <p><u><i>Advisory Notes:</i></u></p> <p>i. <u><i>A 'Traffic Management Plan' is required to be submitted to the NZ Transport Agency from any person/s using Woolshed Road in relation to construction within the Jacks Point Resort Zone</i></u></p> <p>ii. <u><i>The upgrade of the intersection of Woolshed Road and State Highway 6 will require approval from the NZ Transport Agency. The expectation of the NZ Transport Agency is that the existing crossing points CP60, CP62 and CP63 will be</i></u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u>underlined bold italics</u> and deleted text shown as <i>italic strike-through</i>]
		<u><i>permanently and physically closed when that intersection upgrade is completed.</i></u>
41.5.12 Building Height	<p>Support in Part</p> <p>Changes are sought to enable building height within the Jacks Point Village Activity up to 12m. An additional 2m of height would be sufficient to enable four level buildings within the village. This increase is proposed within the central part of the zone with least visual impact from beyond the zone and will make an efficient use of the available land resource.</p>	<p>Amend Rule 41.5.12.2 Building Height, as follows:</p> <p><i>The maximum height of buildings shall be:</i></p> <ul style="list-style-type: none"> a. <u><i>Jacks Point Village Activity Area 12 m</i></u> b. <u><i>All other Village (V) Activity Areas 10m</i></u> c. ...
41.5.19 Wetlands	<p>Support in Part</p> <p>This rule is inconsistent with the Structure Plan Rule 41.4.9.9 where some limited development is anticipated to provide for the construction of board walks around the main wetland located within the Hanley Downs area, and also to undertake ecological enhancement, which may include landscape planting. Because the positive nature of these changes it is considered there will be no adverse effects from amending the rule to reflect these outcomes.</p>	<p>Amen Rule 41.5.19 Wetlands, as follows:</p> <p><u><i>There shall be no development, landscaping and/or earthworks within 7 metres of any Wetland area identified on the Structure Plan, except to enable development of pedestrian access (including boardwalks), the erection of fences to control stock or other structures related to the protection of these areas, to undertake ecological enhancement, including the removal of plant pests.</i></u></p>
41.6 Non Notification of Applications	<p>Support in Part</p> <p>Jacks Point generally supports the inclusion of a non-notification clause within the zone as a means of providing certainty around the resource consent process. However, Jacks Point considers that provisions 41.6.2 does is</p>	<p>Amend Provision 41.6.2, as follows:</p> <p><u><i>Any application for resource consent for the following restricted discretionary activities shall be considered without public notification</i></u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <i>italic strike-through</i>]
	<p>internally inconsistent in dealing with affected persons. The clause provides for service to persons considered to be adversely affected, implying that would be a judgment to be made by the Council. Jacks Point supports that approach and considers the use of “shall” in relation to service to persons conflicts with the discretion being conferred later in the clause. On this basis, Jacks Points seeks to replace the “shall” with “may” to clarify the intended function of the provision.</p>	<p><i>but notice shall <u>may</u> be served on those persons considered to be adversely affected if the written approval has not been obtained</i></p>
41.7 Structure Plan	<p>Support in Part</p> <p>Jacks Point generally supports the structure plan contained within provision 4.7 as the most appropriate means to provide for the spatial layout of development across the Jacks Point Zone. For the general reasons expressed in this submission, Jacks Point seeks to replace the Structure Plan with a revised version that incorporates particular changes to the boundaries of Neighbourhood 2a and the Jacks Point Village.</p>	<p>Replace 41.7 Structure Plan with the revised Structure Plan contained within Appendix 1 to this submission.</p>

APPENDIX 1
Proposed Jacks Point Zone structure Plan

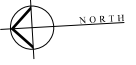
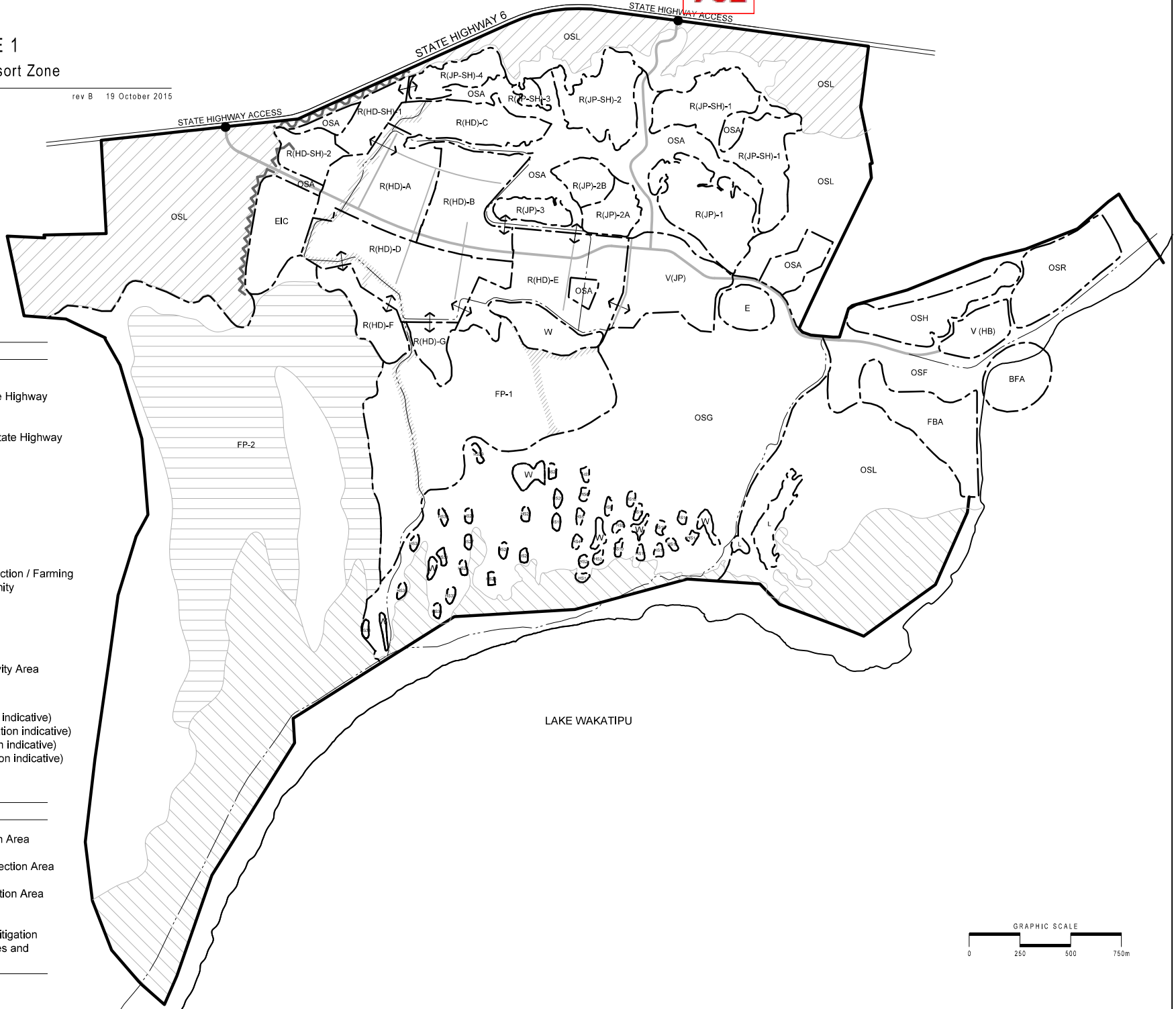


FIGURE 1
Jacks Point Resort Zone

scale 1:25,000 (A4), 1:12,500 (A2) rev B 19 October 2015



- KEY**
- R(JP) Residential Jacks Point
 - R(JP-SH) Residential Jacks Point - State Highway
 - V(JP) Village Jacks Point
 - R(HD) Residential Hanley Downs
 - R(HD-SH) Residential Hanley Downs - State Highway

 - EIC Education Innovation Campus
 - E Education
 - L Lodge
 - HS Preserve Homesites
 - FP Farm / Preserve

 - W Wetland
 - OSG Open Space Golf
 - OSL Open Space Landscape Protection / Farming
 - OSA Open Space Residential Amenity

 - V(HB) Village Homestead Bay
 - OSH Open Space Horticulture
 - OSR Open Space Residential
 - OSF Open Space Foreshore
 - FBA Farm Buildings and Craft Activity Area
 - BFA Boating Facilities Area

 - Activity Area
 - - - Public Access Route (location indicative)
 - Secondary Road Access (location indicative)
 - Primary Road Access (location indicative)
 - ↔ Key Road Connections (location indicative)

 - Open Space

- OVERLAYS**
- Highway Landscape Protection Area
 - Peninsula Hill Landscape Protection Area
 - Lake Shore Landscape Protection Area
 - State Highway Mitigation
 - Flood Bank / State Highway Mitigation
 - Tablelands (includes Homesites and Wetlands within shaded area)



**SUBMISSION ON THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN
UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

To: Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Submitter: Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited

C/- Boffa Miskell Ltd
PO Box 110
CHRISTCHURCH

Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited ("Jacks Point") makes the submissions on the Proposed Queenstown Lakes District Plan ("PDP") set out in the **attached** document, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

Jacks Point confirms its submission does not relate to trade competition or the effects of trade competition.

Jacks Point would like to be heard in support of its submission.

If other persons make a similar submission then Jacks Point would consider presenting joint evidence at the time of the hearing.



Chris Ferguson

For and behalf of Jacks Point Residential No.2 Ltd, Jacks Point Village Holdings Ltd, Jacks Point Developments Limited, Jacks Point Land Limited, Jacks Point Land No. 2 Limited, Jacks Point Management Limited, Henley Downs Land Holdings Ltd, Henley Downs Farms Holdings Ltd, Coneburn Preserve Holdings Limited, Willow Pond Farm Limited, including on behalf of their related or associated developer and owner entities with interests in Jacks Point.

24th day of November 2015

OUTLINE OF SUBMISSION

Background

1. Jacks Point lodged a primary submission to the PDP, dated 23 October 2015 addressing various matters relating to the subdivision, use and development of the land within the Jacks Point Zone.
2. Following lodgement of this submission, Jacks Point has reviewed the operation of Rule 41.5.8 Density, which it seeks to have corrected through this late submission. The original (23 October 2015) submission did not submit seeking changes to this rule.
3. The relief sought through this submission affects only the Jacks Point area of the Jacks Point Zone.

Relief sought

4. The specific changes sought to the PDP provisions are detailed below.
 - (a) Amend Rule 41.5.8 Density, as follows:

41.5.8.1 *The average density of residential units within each of the Residential Activity Areas shall be as follows:*

<i>R(JP) – 1</i>	<i>13–18 <u>13.08 – 18.67</u> per Ha</i>
<i>R(JP) – 2A</i>	<i>13–33 <u>13.62 – 33.33</u> per Ha</i>
<i>R(JP) – 2B</i>	<i>14–15 <u>14.04 – 14.85</u> per Ha</i>
<i>R(JP) – 3</i>	<i>14 <u>14.18</u> per Ha</i>
<i>R(JP-SH) – 1</i>	<i>10 <u>9.64</u> per Ha</i>
<i>R(JP-SH) – 2</i>	<i>9 <u>8.85</u> per Ha</i>
<i>R(JP-SH) – 3</i>	<i>5 <u>4.62</u> per Ha</i>
<i>R(JP-SH) – 4</i>	<i>5–12 <u>4.85 – 26.61</u> per Ha</i>
<i>R(HD-SH) – 1</i>	<i>12 – 22 per Ha</i>
<i>R(HD-SH) – 2</i>	<i>2 – 10 per Ha</i>
<i>R(HD) - A</i>	<i>17 – 26 per Ha</i>
<i>R(HD) – B</i>	<i>17 – 26 per Ha</i>
<i>R(HD) - C</i>	<i>15 – 22 per Ha</i>
<i>R(HD) - D</i>	<i>17 – 26 per Ha</i>
<i>R(HD) - E</i>	<i>25 – 45 per Ha</i>
<i>R(HD) - F</i>	<i>2 – 10 per Ha</i>
<i>R(HD) – G</i>	<i>2 – 10 per Ha</i>

Density shall be calculated on the net area of land available for development and excludes land vested or held as reserve, open space, public access routes or roading and excludes sites used for non-residential activities. Within the Residential Areas of Henley Downs, if part of an Activity Area is to be developed or subdivided, compliance must be achieved within that part and measured cumulatively with any preceding subdivision or development which has occurred with that Activity Area. Within the Jacks Point Residential Activity Areas, density shall be calculated and applied to the net area of land across the whole Activity Area.

Reasons for and matters raised in the submission

5. The background to the creation of the density rule is from the broader move away from the use of the Outline Development Plan to a more specific suite of rules to control the use of land in a more effective and efficient way.
6. The principles used to formulate the density figures in Rule 41.5.8 were:
 - (a) To reflect the density of development already approved within the existing Jacks Point Residential Areas through the current version of the Density Master Plan (part of the ODP), with the exception of the following:
 - (i) Any adjustments needed to density arising from areas of land proposed for the expansion of an existing residential activity area; and
 - (ii) The deliberate increase in densities proposed for the current undeveloped neighbourhoods of R(JP) – 2A and R(JP-SH) – 4.
 - (b) Express density on the basis of net areas of land available for development, as opposed to the operative District Plan’s use of gross density across all Residential Activity Areas (10 – 12 hectares).
7. In the process of converting the gross density figures from the operative Density Master Plan, three calculation errors occurred that require remedying:
 - a. The notified version of the Density Rule rounded the average density to the nearest whole number. This has resulted in more and less development than anticipated for with all of the Jacks Point Residential Activity Areas. To correct this, it is proposed to specify density to the nearest two decimal places.
 - b. Within Neighbourhood 7 (R(JP-SH) – 4) density was incorrectly calculated on the basis of the entire (gross) area of land within this pod which would provide for a much lower density of development than intended (12.13 units/ha). Calculating density on the basis of the net area of land, excluding roads and reserves, the maximum density would be 26.61 units per hectare. This change will bring the density in line with the current approved version of the Density Master Plan.
 - c. In capturing the capacity for development within the existing residential activity areas, any “Comprehensive” (multiple unit development) sites that contained one existing unit were counted as only one unit. This is also incorrect as Comprehensive development under the operative ODP provided for two residential units and the figures have been updated to reflect this. This has resulted in changes to the upper density range for R(JP) – 1.

Further and Consequential Relief

8. Jacks Point seeks to make any similar, alternative and/or consequential relief that may be necessary or appropriate to address the matters raised in this submission or the specific relief requested in this submission.

Further Submission on Queenstown Lakes Proposed District Plan 2015 - Stage 1

Clause 8 of the First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council
By email: services@qldc.govt.nz

Submitter: **"Jacks Point" (Submitter number 762 and 856)**

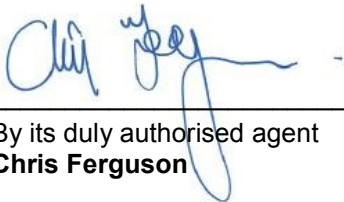
Jacks Point Residential No. 2 Limited
Jacks Point Village Holdings Limited
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Jacks Point Land Limited
Jacks Point Land No. 2 Limited
Jacks Point Management Limited
Henley Downs Land Holdings Ltd
Henley Downs Farm Holdings Ltd
Coneburn Preserve Holdings Limited
Willow Pond Farm Limited

Attention: Chris Ferguson, Planner
Phone: (03) 353 7568
Mobile: 021 907 773
Email: Chris.Ferguson@boffamiskell.co.nz

1. This is a further submission in support of/ in opposition to submissions on the Proposed District Plan – Stage 1.
2. The submitter is:
 - (a) A person who has an interest in the proposal that is greater than the interest the general public has.
 - (i) The persons/ organisations identified above all have interests in the Jacks Point Zone ("**JPZ**") as identified in the Proposed Plan greater than that of the general public due to the various property interests owned and associated with the submitters.
 - (ii) A number of submissions have been received by the Queenstown Lakes District Council on the proposed provisions of the JPZ. . These submissions, together with the Proposed Plan together may have significant implications on the development of the JPZ.
3. The submitter supports or opposes the submissions as detailed in the table below.
4. The reasons for support or opposition of each submission are specified in the table below, however the reasons for such further submission are summarised as follows:
 - (a) Detailed submissions were provided by the submitter in submissions numbers 762 and 856 (Jacks Point). The reasons for those submissions are adopted by this further submission as the reason for this further submission. In summary the reason for this further submission is that:
 - (i) Chapters 41 and Chapter 27 as notified are generally appropriate to give effect to the higher order provisions of the PDP, with minor changes detailed in submissions

762 and 856 in order to improve the efficiency and effectiveness of the methods used to achieve relevant objectives and policies, and to address internal inconsistencies.

- (ii) To the extent that the submissions listed below are consistent with submissions 762 and 856 they are supported. To the extent they are inconsistent with submissions 762 and 856 they are opposed on the basis they will not assist the development of the JPZ in an efficient and effective manner.
5. A copy of this submission has been served on all submitters identified.
 6. I wish to be heard in support of my submission.
 7. I will consider presenting a joint case with others presenting similar submissions.



By its duly authorised agent
Chris Ferguson

For and behalf of:

Jacks Point Residential No. 2 Limited
Jacks Point Village Holdings Limited
Jacks Point Developments Limited
Jacks Point Land Limited
Jacks Point Land No. 2 Limited
Jacks Point management Limited
Henley Downs Land Holdings Ltd
Henley Downs Farm Holdings Ltd
Coneburn Preserve Holdings Limited
Willow Pond Farm Limited

18th day of December 2015

FURTHER SUBMISSIONS

Submission (number/ name/ address)	Support/ Oppose	Provision(s)	Reasons	Decision sought
<p><u>131</u> Joanna & Simon Taverner</p> <p>47 McChesney Road, Arthurs Point, Queenstown, 9371, New Zealand (jo_dey@hotmail.com)</p>	Oppose	<p>41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan</p>	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<p><u>178</u> Trustee for JH Dowell Trust</p> <p>PO Box 302860, North Harbour, North Shore City, 0751, New Zealand (hamish.d@daypoint.co.nz)</p>	Oppose	<p>41 Jacks Point Zone 41.2.1.26 41.4.9 41.7 Structure Plan</p>	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<p><u>185</u> James & Elisabeth Ford</p> <p>4 Kinross Lane, Jacks Point, Queenstown, 9300, New Zealand (jfordpcs@gmail.com)</p>	Oppose	<p>41 Jacks Point Zone Map 13 - Gibbston Valley Cecil Peak and Wye Creek (Insets)</p>	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<p><u>195</u> Alexander Schrantz</p> <p>House A1, 6 Mount Davis Road, Pokfulam, Hong Kong, 0000, Hong Kong</p>	Oppose	<p>41 Jacks Point Zone</p>	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.

(alex_schranz@hotmail.com)			efficient and effective development of the JPZ.	
<u>207</u> Julie & William Jamieson 9/67 Andrews Road, Queenstown, 9300, New Zealand (julie.jamieson@xtra.co.nz)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>246</u> Amy Bayliss 2B Amber Close, RD 1, Queenstown, 9371, New Zealand (amybayliss@gmail.com)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>259</u> Duncan & Sheena Ashford & Ashford-Tait PO Box 2579, Wakatipu, Queenstown, 9349, New Zealand (duncanandsheena@mac.com)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>284</u> Maria & Matthew Thomson 12 Bretby Court, Jacks Point, Queenstown, 9371, New Zealand (thomsonplastering@xtra.co.nz)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>316</u> Karen Page	Oppose	41 Jacks Point Zone 41.2.1.26, 41.4.9	To the extent that the submission opposes the JPZ as notified, and is	To the extent that the submission opposes the JPZ as notified, and is

PO Box 46, Queenstown, 9300, NZ (karen_page1@hotmail.co m)		41.7 Structure Plan	inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	inconsistent with submissions 762 and 856, disallow the submission.
<u>342</u> Scope Resources and Southern Beaver Ltd Attn: Nick Geddes Clark Fortune McDonald & Associates , PO Box 553, Queenstown, 9348, New Zealand (ngeddes@cfma.co.nz)	Oppose	41 Jacks Point Zone	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>361</u> Grant Hylton Hensman, Sharyn Hensman & Bruce Herbert Robertson, Scope Resources Ltd, Granty Hylton Hensman & Noel Thomas van Wichen, Trojan Holdings Ltd Mactodd, PO Box 653 , Queenstown, Queenstown, 9348, New Zealand (jmacdonald@mactodd.co. nz)	Oppose	Chapter 11 Map 13	The rezoning of Rural General to Industrial as requested is opposed on the basis that it will have cumulative adverse effects on landscape and visual values, and the character of the area.	Disallow the submission.
<u>383</u> Queenstown Lakes District Council submission points 383.176 Private Bag 50072, Queenstown, 9348, New Zealand (mayor@qldc.govt.nz)	Oppose	41.4 Zone purpose 41.4.3 41.4.4	The submitter supports the concept of enabling external design guidelines and instruments, but proposes the references to those guidelines and instruments needs clarification rather than wholesale	Allow the submission point subject to clarifying wording.

			deletion and to that extent the submission is opposed.	
Submission point 383.177	Support	41.5.8.2	It is agreed the provision is unclear and requires amendment.	Allow the submission point.
Submission point 383.178	Support	41.5.13.1	The amendment improves the mitigation of effects of lighting.	Allow the submission point
<u>540</u> Clive and Sally Geddes clivegeddes@xtra.co.nz	Oppose	Chapter 41 in its entirety	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>547</u> J M Smith, Bravo Trustee Company Limited & S A Freeman Southern Planning Group, PO Box 1081, Queenstown, 9348, New Zealand (scott@southernplanning.co.nz)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>567</u> Wild Grass Partnership, Wild Grass Investments No 1 Limited & Horizons Investment Trust Southern Planning Group, PO Box 1081, Queenstown, 9348, New Zealand (scott@southernplanning.co.nz)	Support	41 Jacks Point Zone, 41.2 Objectives and Policies, 41.2.1 Objective 1, 41.4.3.1, 41.4.4.1, 41.4.8, 41.4.9, 41.4.9.6, 41.5.4, 41.5.12, 41.7 Structure Plan, Map 13 - Gibbston Valley, Cecil Peak and Wye Creek	To the extent that the submission can integrate with the JPZ as notified, and is consistent with the principles of the Coneburn Study and submissions 762 and 856, the submission is supported.	To the extent that the submission can integrate with the JPZ as notified, and is consistent with submissions 762 and 856 and addresses landscape, open space and amenity values, allow the submission.
<u>567</u> Wild Grass Partnership, Wild Grass	Support	27 Subdivision and Development, 27.1 Purpose	To the extent that the submission can integrate with the provisions of	To the extent that the submission can integrate with the JPZ as

Investments No 1 Limited & Horizons Investment Trust Southern Planning Group, PO Box 1081, Queenstown, 9348, New Zealand (scott@southernplanning.co.nz)		27.2 Objectives and Policies – district wide, 27.2.1.1, 27.4 Rules - Subdivision, 27.4.1 Discretionary activities, 27.5 Rules - Standards for Subdivision Activities,	chapter 27 as they relate to JPZ as notified, and is consistent with submissions 762 and 856 and addresses landscape, open space and amenity values, the submission is supported.	notified and addresses landscape, open space and amenity values, and is consistent with submissions 762 and 856, allow the submission.
<u>576</u> Neville Andrews PO Box 2316, Wakatipu, 9349, New Zealand (neandrews1@gmail.com)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>582</u> Tony & Bev Moran 139 Mabers Road, Kaiapoi RD2, 7692, New Zealand (tonyandbev@xtra.co.nz)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>601</u> Tim & Paula Williams 31 Avalon Crescent, Queenstown, 9300, New Zealand (tim@southernplanning.co.nz)	Oppose	41 Jacks Point Zone, 41.2 Objectives and Policies, 41.4 Rules – Activities, 41.4.1, 41.5 Rules - Standards, 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>603</u> Alpine Trust	Oppose	41 Jacks Point Zone, 41.4 Rules – Activities	To the extent that the submission opposes the JPZ as notified, and is	To the extent that the submission opposes the JPZ as notified, and is

PO Box 2160, Queenstown, 9349, New Zealand			inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	inconsistent with submissions 762 and 856, disallow the submission.
605 Margaret Joans Williams 79H Kelmarna Avenue, Herne Bay, Auckland, 1011, New Zealand	Oppose	41 Jacks Point Zone, 41.2.1.26	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
632 RCL Queenstown Pty Ltd, RCL Henley Downs Ltd, RCL Jacks John Edmonds + Associates Ltd, PO Box 95, Queenstown, 9348, New Zealand (reception@jea.co.nz)	Oppose	28.3 Objectives and Policies, 3.2.5 Goal 5, 6.3 Objectives and Policies, 41 Jacks Point Zone, 41.1 Zone Purpose, 41.2.1.13, 41.3 Other Provisions and Rules, 41.4.6.1, 41.4.9, 41.4.9.1, 41.5.2.9, 41.5.3.3, 41.5.4.1, 41.5.4.2, 41.5.5.1, 41.5.5.2, 41.5.5.4, 41.5.7.2, 41.5.12, 41.5.12.2, 41.5.12.4, 41.5.15, 41.5.15.2, 37 Designations, 27 Subdivision and Development, 27.2.1 Objective 1, 27.2.1.1, 27.2.1.2, 27.2.1.3, 27.2.1.4, 27.2.1.5, 27.2.1.6, 27.2.1.7, 27.2.2 Objective 2, 27.2.2.1, 27.2.2.3, 27.2.2.4, 27.2.2.5, 27.2.2.6, 27.2.2.8, 27.2.2.9, 27.2.3 Objective 3, 27.2.3.2, 27.2.4	To the extent that the submission may inadvertently oppose the JPZ as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, the submission is opposed as it will not enable the efficient and effective development of the JPZ land in respect of which Jacks Point has an interest.	To the extent that the submission may inadvertently oppose the JPZ as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, disallow the submission.

		<p>Objective 4, 27.2.4.1, 27.2.4.2, 27.2.4.3, 27.2.4.4, 27.2.4.5, 27.2.4.6, 27.2.5</p> <p>Objective 5, 27.2.5.1, 27.2.5.2, 27.2.5.3, 27.2.5.4, 27.2.5.5, 27.2.5.7, 27.2.5.8, 27.2.5.9, 27.2.5.10., 27.2.5.11, 27.2.5.13, 27.2.5.14, 27.2.5.16, 27.2.5.17, 27.2.5.18, 27.2.6</p> <p>Objective 6, 27.2.6.1, 27.2.6.2, 27.2.7</p> <p>Objective 7, 27.2.7.1, 27.2.7.2, 27.2.8</p> <p>Objective 8, 27.2.8.1, 27.2.8.2, 27.4.2</p> <p>Non-complying activities:, 27.4.3</p> <p>Restricted Discretionary activities:, 27.7.14</p> <p>Objective - Jacks Point Zone, 27.7.14.5, 27.7.14.7, 27.7.14.8, 36.5.3,</p>		
	<p>Oppose</p>	<p>Structure Plan</p>	<p>To the extent that changes to the Structure Plan may inadvertently affect land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, the submission is opposed as it will not enable the efficient and effective development of the JPZ land in respect of which Jacks Point has an interest.</p> <p>To the extent that the submission seeks changes to the Structure Plan that will result in a reduction in</p>	<p>To the extent that the Structure Plan is inconsistent with that as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, disallow the change to the Structure Plan.</p> <p>Refine the area of open space adjoining the wetland area.</p>

			<p>open space in relation to land in which the submitter Jacks Point has an interest, the submission is opposed.</p> <p>The submitter also wishes to clarify that the part of the indicative track alignment shown on the structure plan in R(HD)-E should be relocated to the property north and east of the legal road and along the road before turning into R(HD)-D to provide practical recreation linkages.</p>	
<p><u>645</u> Christine Cunningham 4 Main Street, Matura, 9712, New Zealand (Chris.s.cunningham@gmail.com)</p>	Oppose	<p>41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.</p>
<p><u>647</u> Scott Sanders 8 Point Road, Monaco, Nelson, 7011, New Zealand</p>	Oppose	<p>41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.</p>
<p><u>735</u> Russell Tilsley & Joanne Ruthven 1 Reading Court, Jacks Point, Queenstown, 9371, New Zealand (russ@fetchnz.com)</p>	Oppose	<p>41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.</p>	<p>To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.</p>

<u>770</u> Fiordland Tablelands Limited (clivegeddes@xtra.co.nz)	Oppose	41 Jacks Point Zone, 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>787</u> Westenberg Family Trust 49 Te Karaka Drive, Te Puna , 3174, New Zealand (westenbergs@gmail.com)	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities 41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.
<u>789</u> Vivo Capital Limited PO Box 77-037, Mt Albert, Auckland, 1350, New Zealand (robert@robertmakgill.com)	Oppose	41 Jacks Point Zone, 41.2 Objectives and Policies, 41.4 Rules – Activities, 41.5 Rules - Standards, 41.7 Structure Plan	The expansion of the JPZ and increased scale of development is opposed as it will reduce open space, detract from landscape values and put increased pressure on infrastructure. To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, the submission is opposed as it will not enable the efficient and effective development of the JPZ.	To the extent that the submission opposes the JPZ as notified, is inconsistent with submissions 762 and 856 and reduces open space and landscape values, disallow the submission.
<u>802</u> Harris-Wingrove Trust PO Box 2813, Queenstown, 9371, New	Oppose	41 Jacks Point Zone 41.1 Zone Purpose 41.2.1 Objective 1 41.4 Rules – Activities	To the extent that the submission opposes the JPZ as notified, in a manner otherwise inconsistent with submissions 762 and 856, the	To the extent that the submission opposes the JPZ as notified, and is inconsistent with submissions 762 and 856, disallow the submission.

Zealand (anne.harris@hwge.biz)		41.4.1, 41.4.9, 41.5 Rules Standards, 41.5.12 41.7 Structure Plan	submission is opposed as it will not enable the efficient and effective development of the JPZ.	
855 RCL Queenstown Pty Ltd, RCL Henley Down Ltd, RCL Jacks Point Ltd (RCL John Edmonds + Associates Ltd, PO Box 95, Queenstown, 9348, New Zealand (reception@jea.co.nz)	Oppose	41 Jacks Point Zone	To the extent that the submission may inadvertently oppose the JPZ as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, the submission is opposed as it will not enable the efficient and effective development of the JPZ land in respect of which Jacks Point has an interest.	To the extent that the submission may inadvertently oppose the JPZ as notified as it affects land in which the submitter Jacks Point has an interest, and is inconsistent with submissions 762 and 856 in relation to land in which the submitter Jacks Point has an interest, disallow the submission.

Appendix E - A copy of the relevant parts of the decision

3 STRATEGIC DIRECTION



3.1 Purpose

This chapter sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the Queenstown Lakes District's special qualities:

- a. dramatic alpine landscapes free of inappropriate development;
- b. clean air and pristine water;
- c. vibrant and compact town centres;
- d. compact and connected settlements that encourage public transport, biking and walking;
- e. diverse, resilient, inclusive and connected communities;
- f. a district providing a variety of lifestyle choices;
- g. an innovative and diversifying economy based around a strong visitor industry;
- h. a unique and distinctive heritage;
- i. distinctive Ngāi Tahu values, rights and interests.

The following issues need to be addressed to enable the retention of these special qualities:

- a. Issue 1: Economic prosperity and equity, including strong and robust town centres, requires economic diversification to enable the social and economic wellbeing of people and communities.
- b. Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes.
- c. Issue 3: High growth rates can challenge the qualities that people value in their communities.
- d. Issue 4: The District's natural environment, particularly its outstanding landscapes, has intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic value to the District.
- e. Issue 5: The design of developments and environments can either promote or weaken safety, health and social, economic and cultural wellbeing.
- f. Issue 6: Tangata Whenua status and values require recognition in the District Plan.

This chapter sets out the District Plan's strategic Objectives and Policies addressing these issues. High level objectives are elaborated on by more detailed objectives. Where these more detailed objectives relate to more than one higher level objective, this is noted in brackets after the objective. Because many of the policies in Chapter 3 implement more than one objective, they are grouped, and the relationship between individual policies and the relevant strategic objective(s) identified in brackets following each policy. The objectives and policies in this chapter are further elaborated on in Chapters 4 – 6. The principal role of Chapters 3 - 6 collectively is to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan. In addition, they also provide guidance on what those more detailed provisions are seeking to achieve and are accordingly relevant to decisions made in the implementation of the Plan.

- 3.2.1 The development of a prosperous, resilient and equitable economy in the District. (addresses Issue 1)
- 3.2.1.1 The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.
 - 3.2.1.2 The Queenstown and Wanaka town centres¹ are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.
 - 3.2.1.3 The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.
 - 3.2.1.4 The key function of the commercial core of Three Parks is focused on large format retail development.
 - 3.2.1.5 Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres², Frankton and Three Parks, are sustained.
 - 3.2.1.6 Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.
 - 3.2.1.7 Agricultural land uses consistent with the maintenance of the character of rural landscapes and significant nature conservation values are enabled. (also elaborates on SO 3.2.4 and 3.2.5 following)
 - 3.2.1.8 Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained. (also elaborates on S.O.3.2.5 following)
 - 3.2.1.9 Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment. (also elaborates on S.O. 3.2.2 following)

¹ Defined by the extent of the Town Centre Zone in each case

² Defined by the extent of the Town Centre Zone in each case

3.2.2 Urban growth is managed in a strategic and integrated manner. (addresses Issue 2)

3.2.2.1 Urban development occurs in a logical manner so as to:

- a. promote a compact, well designed and integrated urban form;
- b. build on historical urban settlement patterns;
- c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;
- d. minimise the natural hazard risk, taking into account the predicted effects of climate change;
- e. protect the District's rural landscapes from sporadic and sprawling development;
- f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;
- g. contain a high quality network of open spaces and community facilities; and.
- h. be integrated with existing, and planned future, infrastructure.

(also elaborates on S.O. 3.2.3, 3.2.5 and 3.2.6 following)

3.2.3 A quality built environment taking into account the character of individual communities. (addresses Issues 3 and 5)

3.2.3.1 The District's important historic heritage values are protected by ensuring development is sympathetic to those values.

3.2.4 The distinctive natural environments and ecosystems of the District are protected. (addresses Issue 4)

3.2.4.1 Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.

3.2.4.2 The spread of wilding exotic vegetation is avoided.

3.2.4.3 The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved or enhanced.

3.2.4.4 The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.

3.2.4.5 Public access to the natural environment is maintained or enhanced.

-
- 3.2.5 The retention of the District's distinctive landscapes. (addresses Issues 2 and 4)
- 3.2.5.1 The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.
 - 3.2.5.2 The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.
-
- 3.2.6 The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety. (addresses Issues 1 and 6)
-
- 3.2.7 The partnership between Council and Ngāi Tahu is nurtured. (addresses Issue 6).
- 3.2.7.1 Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wahi tupuna, are protected.
 - 3.2.7.2 The expression of kaitiakitanga is enabled by providing for meaningful collaboration with Ngāi Tahu in resource management decision making and implementation.

3.3 Strategic Policies

Visitor Industry

- 3.3.1 Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone. (relevant to S.O. 3.2.1.1 and 3.2.1.2)

Town Centres and other Commercial and Industrial Areas

- 3.3.2 Provide a planning framework for the Queenstown and Wanaka town centres that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths. (relevant to S.O. 3.2.1.2)

- 3.3.3 Avoid commercial zoning that could undermine the role of the Queenstown and Wanaka town centres as the primary focus for the District's economic activity. (relevant to S.O. 3.2.1.2)
- 3.3.4 Provide a planning framework for the Frankton urban area that facilitates the integration of the various development nodes. (relevant to S.O. 3.2.1.3)
- 3.3.5 Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District. (relevant to S.O. 3.2.1.3)
- 3.3.6 Avoid additional commercial zoning that will undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will undermine increasing integration between those areas and the industrial and residential areas of Frankton. (relevant to S.O. 3.2.1.3)
- 3.3.7 Provide a planning framework for the commercial core of Three Parks that enables large format retail development. (relevant to S.O. 3.2.1.4)
- 3.3.8 Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities. (relevant to S.O. 3.2.1.3 and 3.2.1.5)
- 3.3.9 Support the role township commercial precincts and local shopping centres fulfil in serving local needs by enabling commercial development that is appropriately sized for that purpose. (relevant to S.O. 3.2.1.5)
- 3.3.10 Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton and Three Parks fulfil. (relevant to S.O. 3.2.1.5)
- 3.3.11 Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification. (relevant to S.O. 3.2.1.1, 3.2.1.2, 3.2.1.5, 3.2.1.6 and 3.2.1.9)

Climate Change

- 3.3.12 Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change.

Urban Development

- 3.3.13 Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Wanaka and Lake Hawea Township. (relevant to S.O. 3.2.2.1)
- 3.3.14 Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs. (relevant to S.O. 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2)
- 3.3.15 Locate urban development of the settlements where no UGB is provided within the land zoned for that purpose. (relevant to S.O. 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2)

Heritage

- 3.3.16 Identify heritage items and ensure they are protected from inappropriate development. (relevant to S.O. 3.2.2.1, and 3.2.3.1)

Natural Environment

- 3.3.17 Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, as Significant Natural Areas on the District Plan maps (SNAs). (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.4.3 and 3.2.4.4)
- 3.3.18 Protect SNAs from significant adverse effects and ensure enhanced indigenous biodiversity outcomes to the extent that other adverse effects on SNAs cannot be avoided or remedied. (relevant to S.O. 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.1.2, 3.2.4.3 and 3.2.4.4)
- 3.3.19 Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced. (relevant to S.O. 3.2.1.8, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2)

Rural Activities

- 3.3.20 Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes. (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)
- 3.3.21 Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values. (relevant to S.O. 3.2.1.1, 3.2.1.8, 3.2.5.1 and 3.2.5.2)
- 3.3.22 Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for rural living developments. (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)
- 3.3.23 Identify areas on the District Plan maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas. (relevant to S.O. 3.2.1.8 and 3.2.5.2)
- 3.3.24 Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character. (relevant to S.O. 3.2.1.8, 3.2.5.1 and 3.2.5.2)
- 3.3.25 Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (relevant to S.O. 3.2.1.8, 3.2.1.9 3.2.5.1 and 3.2.5.2)
- 3.3.26 That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District. (relevant to S.O. 3.2.1.8, 3.2.4.1 and 3.2.4.3)
- 3.3.27 Prohibit the planting of identified exotic vegetation with the potential to spread and naturalise unless spread can be acceptably managed for the life of the planting. (relevant to S.O.3.2.4.2)
- 3.3.28 Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development. (relevant to S.O.3.2.4.6)

Landscapes

- 3.3.29 Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps. (relevant to S.O.3.2.5.1)
- 3.3.30 Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration. (relevant to S.O.3.2.5.1)
- 3.3.31 Identify the District's Rural Character Landscapes on the District Plan maps. (relevant to S.O.3.2.5.2)
- 3.3.32 Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded. (relevant to S.O. 3.2.19 and 3.2.5.2)

Cultural Environment

- 3.3.33 Avoid significant adverse effects on wāhi tūpuna within the District. (relevant to S.O.3.2.7.1)
- 3.3.34 Avoid remedy or mitigate other adverse effects on wāhi tūpuna within the District. (relevant to S.O.3.2.7.1)
- 3.3.35 Manage wāhi tūpuna within the District, including taonga species and habitats, in a culturally appropriate manner through early consultation and involvement of relevant iwi or hapū. (relevant to S.O.3.2.7.1 and 3.2.7.2)

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan
Report 3
Report and Recommendations of Independent Commissioners Regarding
Chapter 3, Chapter 4 and Chapter 6

Commissioners

Denis Nugent (Chair)

Lyal Cocks

Cath Gilmour

Trevor Robinson

Mark St Clair

PART B - CHAPTER 3

2. OVERVIEW/HIGHER LEVEL PROVISIONS

66. As notified, Chapter 3 contained a Statement of Purpose (in 3.1) and then seven subsections (3.2.1-3.2.7 inclusive) each with its own “goal”, one or more objectives under the specified goal and in most but not all cases, one or more policies to achieve the stated objective. The specified goals are as follows:

- “3.2.1 Goal Develop a prosperous, resilient and equitable economy;*
- 3.2.2 Goal The strategic and integrated management of urban growth;*
- 3.2.3 Goal A quality built environment taking into account the character of individual communities;*
- 3.2.4 Goal The protection of our natural environment and ecosystems;*
- 3.2.5 Goal Our distinctive landscapes are protected from inappropriate development;*
- 3.2.6 Goal Enable a safe and healthy community that is strong, diverse and inclusive for all people.*
- 3.2.7 Goal Council will act in accordance with the principles of the Treaty of Waitangi and in partnership with Ngāi Tahu.”*

67. The initial question which requires determination is whether there should be a strategic chapter at all. UCES¹²⁵ sought that some aspects be shifted out of Chapter 3 into other chapters, but otherwise that the entire chapter should be deleted. We note in passing that in terms of collective scope, this submission would put virtually all relief between Chapter 3 as notified and having no strategic chapter, within scope.

68. As Mr Haworth explained it to us, the UCES submission forms part of a more general position on the part of the Society that, with some specified changes, the format and context of the ODP should remain unchanged. At the core of his argument, Mr Haworth contended that the ODP was generally working well and should simply be rolled over, certainly as regards the management of the rural issues of interest to UCES. He appeared to put this in part on the basis of the character of the PDP process as a review of the ODP and in part on his own, and UCES’s, experience of the ODP in operation. He referred specifically, however, to a Council’s monitoring report¹²⁶, quoting it to the effect that “*Council should consider carefully before setting about any comprehensive overhaul*”.

69. We note that the quotations Mr Haworth extracted from the 2009 monitoring report were somewhat selective. He omitted mention of what was described¹²⁷ as the major qualification, a concern that the Plan may not be effective in avoiding cumulative adverse effects on the landscape and in preventing urban style expansion in some areas.

70. Nor do we think there is anything in this being a ‘review’ of the ODP. The discretion conferred by section 79 is wide, and in this case the Council has considered whether changes are required and determined that a different approach, employing a greater degree of strategic direction, is needed. That said, where submissions (such as those of UCES) seek reversion to the

¹²⁵ Submission 145: Opposed in FS1162, FS1254, FS1313

¹²⁶ District Plan Monitoring Report: Monitoring the Effectiveness and Efficiency of the Rural General Zone, QLDC April 2009

¹²⁷ At page 3

structure and/or content of the ODP, section 32 requires that we consider that as a possible alternative to be recommended.

71. In that regard, Mr Haworth also drew attention to the increased complexity of management of rural subdivision and development which, under the PDP as notified, is split between Chapter 3, Chapter 6 and Chapter 21. He also criticised the content of those provisions which provided, as he saw it, a weakening of the ability to protect landscape values in the rural environment, but we regard that as a different point, which needs to be addressed in relation to the provisions of the respective chapters.
72. While there is much that can be learned from the decisions that gave rise to the ODP, equally, it needs to be recognised that those decisions are now more than 15 years old. The evidence of the Council on the extent of growth in the District over that period is clear. While the Environment Court remarked on those trends in its 1999 decision, particularly in the Wakatipu Basin, the District is now significantly further along the continuum towards an optimal level of development (some might say it is already sub-optimal in some locations). Mr Haworth himself contended that there is more pressure on the ONLs of the District.
73. Case law has also advanced. The Supreme Court's decision in *King Salmon* in particular, provides us with guidance that was not available to the Environment Court in 1999.
74. Lastly, the jurisdiction of the Environment Court was constrained by the document that was the result of Council decisions, and the scope of the appeals before it. We do not know if the Environment Court would have entertained a strategic directions chapter in 1999. It does not appear to have had that option available to it, and the Court's decisions do not record any party as having sought that outcome.
75. We also accept Mr Paetz's evidence that there is a need for a greater level of strategic direction than the ODP provided to address the challenging issues faced by the District¹²⁸.
76. In summary, we do not recommend complete deletion of Chapter 3 as sought by UCES. While, as will be seen from the discussion following, there are a number of aspects of Chapter 3 that might be pared back, we think there is value in stating strategic objectives and policies that might be fleshed out by the balance of the PDP. Put in section 32 terms, we believe that this is the most appropriate way to achieve the purpose of the Act in this District at this time. Similarly, while we do not recommend complete substitution of the ODP for the existing strategic chapters, there are aspects of the ODP that can usefully be incorporated into the strategic chapters (including Chapter 3). We discuss which aspects in the body of our report.
77. If Chapter 3 is to be retained, as we would recommend, the next question is whether its structuring is appropriate. Queenstown Park Limited¹²⁹ sought that the strategic direction section be revised "*so that the objectives and policies are effects based, and provide a forward focussed, strategic management approach*". Those two elements might arguably be seen as mutually contradictory, but the second half of that relief supports a view that we would agree with, that there needs to be a focus on whether what is provided is indeed forward looking and genuinely '*strategic*'. Put another way, the guidance it provides needs to be pitched at a high level, and not focus on minutiae.

¹²⁸ Most of the other planners who gave evidence appeared to take the desirability of having one or more 'strategic' chapters as a given. Mr Tim Williams, however, explicitly supported the concept of having higher order provisions (at paragraph 10 of his evidence).

¹²⁹ Submission 806

78. In terms of general structuring, the submission of Real Journeys Limited¹³⁰ that provisions should be deleted where they duplicate or repeat other provisions might be noted. We agree that where provisions are duplicated, that duplication should generally be removed. The challenge is of course to identify where that has occurred.
79. The telecommunication companies¹³¹ sought that the relationship of the goals, objectives and policies with the other Chapters of the Plan be defined and that the goals be deleted but retained as titles. Another variation on the same theme was provided by Darby Planning LP¹³², which sought that the goals be deleted and incorporated into the relevant objective.
80. Remarkables Park Limited¹³³ and Queenstown Park Limited¹³⁴ also sought deletion of the goal statements *“to remove confusion as to their status and relationship to objectives and policies”*.
81. We think that the starting point when looking at the structuring of Chapter 3, both internally and with respect to the balance of the PDP, is to decide what the goals are, and what purpose they serve. When counsel for the Council opened the hearing on 7 March 2016, he suggested that the goals were a mixture of objectives and issues, or alternatively a mixture of issues and anticipated environmental results. Consistent with that view, in his reply evidence, Mr Paetz stated:
- “The goals are more than the description of an issue, having the aspirational nature of an objective.”*
82. He opposed, however, relabelling them as objectives as that would potentially create structural confusion with objectives sitting under objectives. In Mr Paetz’s view, the use of the term *“goal”* is commonly understood by lay people and he saw no particular problem with retaining them as is.
83. We do not concur.
84. As Mr Paetz noted, lay people have a reasonably clear understanding what a goal is. However, as counsel for Darby Planning LP pointed out to us, that understanding is that a goal is an objective (and vice versa)¹³⁵. It is inherently unsatisfactory to have quasi-objectives with no certainty as their role in the implementation of the PDP. Objectives have a particular role in a District Plan. Other provisions are tested under section 32 as to whether they are the most appropriate way to achieve the objectives. As Mr Chris Ferguson¹³⁶ noted, they also have a particular legal significance under section 104D of the Act. Accordingly, it is important to know what is an objective and what is not. We recommend that the goals not remain stated as *‘goals’*.

¹³⁰ Submission 621

¹³¹ Submissions 179, 191, 781: Opposed in FS1132; Supported in FS1121

¹³² Submission 608: Opposed in FS1034

¹³³ Submission 807

¹³⁴ Submission 806

¹³⁵ *Ngati Kahungunu Iwi Inc v Hawkes Bay Regional Council* [2015] NZEnvC50 at [42] citing the Concise Oxford Dictionary

¹³⁶ Planning witness appearing for Darby Planning LP, Soho Ski Area Ltd, Treble Cove Investors, Hansen Family Partnership

85. There appear to be at least four alternative options. They could be deleted or alternatively converted to titles for the respective subsections, as the telecommunication submitters suggest. The problem with the goals framed as titles is that they would then add little value and would not reflect the process by which the objectives and policies were developed, which as we understand it from the evidence of Council, reflected those goals.
86. That would be still more the case if they were simply deleted, as Remarkables Park Ltd and Queenstown Park Ltd seek.
87. They could be incorporated into the objectives, as Darby Planning LP suggests. That would preserve the work that went into their formulation, but the submission does not identify how exactly the objectives should be revised to achieve that result¹³⁷.
88. Logically there are two ways in which the goals might be incorporated into the objectives. The first is if the wording of the goals were melded with that of the existing objectives. We see considerable difficulties with that course. On some topics, there are a number of objectives that relate back to a single goal. In other cases, a single objective is related to more than one goal. It is not clear to us how the exercise could be undertaken without considerable duplication, and possibly an unsatisfactory level of confusion.
89. The alternative is to reframe the ‘goals’ as higher-level objectives, each with one or more focused objectives explicitly stated to be expanding on the higher-level objective. This avoids the problem of excessive duplication noted above, and the fact that some of the existing objectives relate back to more than one ‘goal’ can be addressed by appropriate cross-referencing. It also addresses the problem Mr Paetz identified of potential confusion with objectives under objectives. We recommend this approach be adopted and Chapter 3 be restructured accordingly. We will discuss the wording of each goal/higher-level objective below.
90. One problem of expressing the goals as higher-level objectives is that they fail to express the issues the strategic objectives seek to address¹³⁸. The result is something of a leap in logic; the high-level objectives come ‘out of the blue’ with little connection back to the special qualities identified in section 3.1.
91. The reality is, as the section 32 report for this aspect of the Plan makes clear¹³⁹, that the ‘goals’ were themselves derived from a series of issues, worded as follows:
- “1. Economic prosperity and equity, including strong and robust town centres;
 2. Growth pressures impacting on the functionality and sustainability of urban areas, and risking detracting from rural landscapes;
 3. High growth rates can challenge the qualities that people value in their communities;
 4. Quality of the natural environment and ecosystems;
 5. The District’s outstanding landscapes offer both significant intrinsic and economic value for the District and are potentially at threat of degradation given the District’s high rates of growth;
 6. While median household incomes in the District are relatively high, there is significant variation in economic wellbeing. Many residents earn relatively low wages, and the cost of living in the district is high – housing costs, heating in winter, and transport. This affects the social and

¹³⁷ Mr Chris Ferguson, giving planning evidence on the point, supported this relief (see his paragraph 109) but similarly did not provide us with revised objectives illustrating how this might be done.

¹³⁸ A role both counsel for the Council and Mr Paetz identified, the goals as having, as above.

¹³⁹ Section 32 Evaluation Report – Strategic Direction at pages 5-11

economic wellbeing of some existing residents and also reduces the economic competitiveness of the District and its ability to maximise productivity. The design of developments and environments can either promote or deter safety and health and fitness.

7. *Tangata whenua status and values require recognition in the District Plan, both intrinsically in the spirit of partnership (Treaty of Waitangi), but also under Statutes;*"

92. These issues have their faults. There is an undesirable level of duplication between them. The fourth issue is not framed as an issue. The sixth issue is in fact two discrete points, the first of which, as well as being extremely discursive, is actually an aspect of the first issue.
93. Even given these various faults, however, we consider a modified version of the section 32 report issues would add value as part of the background information in Section 3.1, explaining the link between the special qualities it identifies and the objectives set out in Section 3.2. Unlike the objectives, the issues have no legal status or significance and we regard them as merely clarifying the revised higher-level objectives by capturing part of what was previously stated in the 'goals'.
94. We will revert to how the 'issues' might be expressed in the context of our more detailed discussion of Section 3.1.
95. More generally in relation to the structuring of Chapter 3, we have formed the view that the overlaps between goals, and the separation of each subsection of Chapter 3 into a goal, followed by one or more objectives, with many of those objectives in turn having policies specific to that objective, has created a significant level of duplication across the chapter. In our view, this duplication needs to be addressed.
96. We are also concerned that there has been a lack of rigour in what has been regarded as 'strategic', which has in turn invited suggestions from some submitters that Chapter 3 ought to be expanded still further ¹⁴⁰.
97. We recommend that the best way to approach the matter is to collect together the strategic objectives in one section and the strategic policies in a separate section of Chapter 3. Objectives and policies duplicating one another are then no longer required and can be deleted.
98. It is recognised that it is still important to retain the link between objectives and policies, but this can be done by insertion of internal cross referencing. As previously discussed, we consider it is helpful to set out the issues that have generated the higher-level objectives, and we suggest a similar cross referencing approach to the links between the issues and the higher-level objectives. The revised PDP Chapter 3 attached to this report shows how we suggest this might best be done.
99. We also concur with the suggestion in the telecommunication submissions that there is a need for clarification as to the relationship between Chapter 3 and the balance of the PDP initially, and then the relationship of Part Two¹⁴¹ with the balance of the Plan. The apparent intent (as set out in Mr Paetz's Section 42A Report) is that they should operate as a hierarchy with

¹⁴⁰ Counsel for DJ and EJ Cassells, Bulling Family and M Lynch and Friends of Wakatipu Gardens and Reserves for instance suggested to us that this was required to provide balance

¹⁴¹ Comprising Chapters 3-6 inclusive

Chapter 3 at the apex, but the PDP does not actually say that. The potential confusion is enhanced by the fact that the ODP was drafted with the opposite intent¹⁴².

100. The last paragraph of Section 3.1 is the logical place for such guidance. Mr Chris Ferguson¹⁴³ suggested we might utilise a similar paragraph to that which the independent Hearing Panel for the Replacement Christchurch District Plan approved – stating explicitly that Chapter 3 has primacy over all other objectives and policies in the PDP, which must be consistent with it. That wording, however, reflected the unique process involved there, with the Strategic Directions Chapter released before finalisation of the balance of the Plan, and we think a more tailored position is required for the PDP to recognise that we are recommending revisions to the whole of Stage 1 of the PDP to achieve an integrated end product. Combining this concept with the need to explain the structure of the revised chapter, we recommend that it be amended to read as follows:

“This Chapter sets out the District Plan’s high-level objectives and policies addressing these issues. High level objectives are elaborated on by more detailed objectives. Where these more detailed objectives relate to more than one higher level objective, this is noted in brackets after the objective. Because many of the policies in Chapter 3 implement more than one objective, they are grouped, and the relationship between individual policies and the relevant strategic objective(s) identified in brackets following each policy. The objectives and policies are further elaborated on in Chapters 4-6. The principal role of Chapters 3-6 collectively is to provide the direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan. In addition, they also provide guidance on what those more detailed provisions are seeking to achieve, and are accordingly relevant to decisions made in the implementation of the Plan.”

2.1. Section 3.1 - Purpose

101. With the exception of clarification of the relationship between the different elements of Chapter 3 and the balance of the PDP, as above, the submissions seeking amendments to the Statement of Purpose in Section 3.1¹⁴⁴ appear to be seeking to incorporate their particular aspirations as to what might occur in future, rather than stating the special qualities the District currently has, which is what Section 3.1 sets out to do. Accordingly, we do not recommend any change to the balance of Section 3.1.
102. We note that the amendments sought in Submission 810 was withdrawn when the submitter appeared at the Stream 1A hearing.
103. To provide the link between the specified special qualities and the high-level objectives in Section 3.2, we recommend the issues set out in the section 32 report be amended.
104. As discussed above, the sixth issue is effectively two issues with the first part an overly discursive aspect of the first issue. Looking both at the first part of sixth issue and the explanation of it in the section 32 report, the key point being made is that not all residents are able to provide for their social economic wellbeing due to a low wage structure and a high cost of living. The concept of an equitable economy in the first issue captures some of those issues,

¹⁴² C180/99 at [126]

¹⁴³ Planning witness for Darby Planning LP

¹⁴⁴ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1299; and Submission 598: Supported in FS1287

but it also suggests a need to highlight both the need for greater diversification of the economy¹⁴⁵ and for enhanced social and economic prosperity.

105. The second, fourth and fifth issues refer variously to rural landscapes, the natural environment and outstanding landscapes. There is significant overlap between these elements. The outstanding landscapes of the District are generally rural landscapes. They are also part of the natural environment. The fourth issue also separates ecosystems from the natural environment when in reality, ecosystems are part of the natural environment. It is also not framed as an issue. Clearly outstanding landscapes require emphasis, given the national importance placed on their protection, but we recommend these three issues be collapsed into two.
106. Lastly, the reference to the reasons why Tangata Whenua status and values require recognition is unnecessary in the statement of an issue and can be deleted without losing the essential point.
107. In summary, we recommend that the following text be inserted into Section 3.1 to provide the linkage to the objectives and clarification we consider is necessary:
- a. *“Issue 1: Economic prosperity and equity, including strong and robust town centres, requires economic diversification to enable the social and economic wellbeing of people and communities.*
 - b. *Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes.*
 - c. *Issue 3: High growth rates can challenge the qualities that people value in their communities.*
 - d. *Issue 4: The District’s natural environment, particularly its outstanding landscapes, has intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic value to the District.*
 - e. *Issue 5: The design of developments and environments can either promote or weaken safety, health and social, economic and cultural wellbeing.*
 - f. *Issue 6: Tangata Whenua status and values require recognition in the District Plan.”*

2.2. Section 3.2.1 – Goal – Economic Development

108. The goal for this subsection is currently worded:

“Develop a prosperous, resilient and equitable economy”.

109. Submissions specifically on this first goal (apart from those supporting it in its current form) sought variously that it be amended by a specific reference to establishment of education and research facilities¹⁴⁶ and that the word *“equitable”* be deleted¹⁴⁷.
110. As part of UCES’s more general opposition to Chapter 3, Mr Haworth opposed Goal 1 on the basis that it was not required because the economy was already flourishing, and elevating recognition of the economy conflicted with the emphasis given to the importance of protecting the environment in a manner that is likely to threaten landscape protection.

¹⁴⁵ Submission 115 sought that the first goal refer specifically to establishment of education and research facilities to generate high end jobs which we regard as an example of economic diversification

¹⁴⁶ Submission 115

¹⁴⁷ Submission 806

111. Mr Paetz did not recommend any amendment to this goal.
112. The RPS contains no over-arching objective related to the economy that bears upon how this goal is expressed. We should note, however, Policy 1.1.2 of the Proposed RPS which reads:
- “Provide for the economic wellbeing of Otago’s people and communities by enabling the use and development of natural and physical resources only if the adverse effects of those activities on the environment can be managed to give effect to the objectives and policies of the Regional Policy Statement.”*
113. This is in the context of an objective¹⁴⁸ focussing on integrated management of resources to support the wellbeing of people and communities.
114. If the restructuring we have recommended is accepted, so that each goal is expressed as a high-level objective expanded by more focussed objectives, we believe that the concerns underlying the submissions on this goal would largely be addressed. Thus, if Goal 1 has what is currently Objective 3.2.1.3 under and expanding it, the Plan will recognise the diversification that Submission 115 seeks, albeit more generally than just with reference to education and research facilities.
115. Similarly, while we can understand the concern underlying Submission 806, that reference to equity could be read a number of different ways, provision of a series of more focused objectives to flesh out this goal assists in providing clarity.
116. We do not accept Mr Haworth’s contentions either that a high-level objective focussing on economic wellbeing is unnecessary or that it threatens environmental values, including landscape values. The evidence we heard, in particular from Mr Cole¹⁴⁹, indicates to us that economic prosperity (and social wellbeing) are not universally enjoyed in the District. We also intend to ensure that it is clear in the more detailed provisions expanding on this broad high-level objective that while important, economic objectives are not intended to be pursued without regard for the environment (reflecting the emphasis in the Proposed RPS quoted above).
117. In summary, therefore, the only amendments we recommend to the wording of Section 3.2.1 are to express it as an objective and to be clear that it is the economy of this district which is the focus, as follows:
- “The development of a prosperous, resilient and equitable economy in the District.”*
118. We consider a higher-level objective to this effect is the most appropriate way to achieve the purpose of the Act.

2.3. Section 3.2.1 – Objectives – Economic Development

119. As notified, Section 3.2.1 had five separate objectives. The first two (3.2.1.1 and 3.2.1.2) focus on the economic contribution of central business areas of Queenstown and Wanaka and the commercial and industrial areas outside those areas respectively. The other three objectives focus on broader aspects of the economy.

¹⁴⁸ Proposed RPS Objective 1.1

¹⁴⁹ For Queenstown Lakes Community Housing Trust.

120. A common feature of each of the objectives in Section 3.2.1 is that they commence with a verb: recognise, develop and sustain; enable; recognise; maintain and promote.
121. Nor is Section 3.2.1 alone in this. This appears to be the drafting style employed throughout Chapters 3, 4 and 6 (and beyond). Moreover, submitters have sought to fit in with that drafting style, with the result that almost without exception, the amendments sought by submitters to objectives would be framed in a similar way¹⁵⁰.
122. We identified at the outset an issue with objectives drafted in this way. Put simply, they are not objectives because they do not identify “*an end state of affairs to which the drafters of the document aspire*”¹⁵¹.
123. Rather, by commencing with a verb, they read more like a policy – a course of action¹⁵² (to achieve an objective).
124. We discussed the proper formulation of objectives initially with Mr Paetz and then with virtually every other planning witness who appeared in front of us. All agreed that a properly framed objective needed to state an environmental end point or outcome (consistent with the *Ngati Kahungunu* case just noted). At our request, Mr Paetz and his colleague Mr Barr (responsible for Chapter 6) produced revised objectives for Chapters 3, 4 and 6, reframing the notified objectives to state an environmental end point or outcome. Counsel for the Council filed a memorandum dated 18 March 2016 producing the objectives of Chapters 3, 4 and 6 reframed along the lines above. As previously noted, the Chair directed that the Council’s memorandum be circulated to all parties who had appeared before us (and those who were yet to do so) to provide an opportunity for comment.
125. We note that because the task undertaken by Mr Paetz and Mr Barr was merely to reframe the existing objectives in a manner that explicitly stated an environmental end point or outcome, rather than (as previously) just implying it, we do not regard this as a scope issue¹⁵³, or as necessitating (to the extent we accepted those amendments) extensive evaluation under section 32.
126. Similarly, to the extent that submitters sought changes to objectives, applying the drafting style of the notified plan, we do not regard it as a scope issue to reframe the relief sought so as to express objectives so that they identify an environmental end point or outcome. We have read all submissions seeking amendments to objectives on that basis.
127. As notified, Objective 3.2.1.1 read:
- “Recognise, develop and sustain the Queenstown and Wanaka central business areas as the hubs of New Zealand’s premier alpine resorts and the Districts economy.”*
128. The version of this objective ultimately recommended by Mr Paetz and attached to counsel’s 18 March 2016 Memorandum read:

¹⁵⁰ Submission 761 (Orfel Ltd) was a notable exception in this regard, noting that a number of Chapter 3 objectives are stated as policies, and seeking that they be reframed as aspirational outcomes to be achieved.

¹⁵¹ *Ngati Kahungunu Iwi Incorporated v Hawkes Bay Regional Council* [2015] NZEnvC50 at [42]

¹⁵² *Auckland Regional Council v North Shore City Council* CA29/95 at page 10

¹⁵³ Quite apart from the scope provided by Submission 761 for a number of the ‘*objectives*’ in issue.

“The Queenstown and Wanaka town centres are the hubs of New Zealand’s premier alpine resorts and the District’s economy.”

129. We think that substituting reference to Queenstown and Wanaka town centres is preferable to referring to their “*central business areas*” because of the lack of clarity as to the limits of what the latter might actually refer to. Although the evidence of Dr McDermott for the Council suggested that he had a broader focus, the advantage of referring to town centres is because the PDP maps identify the Town Centre zones in each case. Mr Paetz agreed that a footnote might usefully confirm that link, and we recommend insertion of a suitably worded footnote.
130. NZIA suggested that rather than referring to central business areas, the appropriate reference would be to the Queenstown and Wanaka waterfront. While that may arguably be an apt description for the central area of Queenstown, we do not think that it fits so well for Wanaka, whose town centre extends well up the hill along Ardmore Street and thus we do not recommend that change.
131. The focus of other submissions was not so much on the wording of this particular objective but rather on the fact that the focus on the Queenstown and Wanaka town centres failed to address the increasingly important role played by commercial and industrial development on the Frankton Flats¹⁵⁴, the role that the Three Parks commercial development is projected to have in Wanaka¹⁵⁵, and the role of the visitor industry in the District’s economy, facilities for which are not confined to the Queenstown and Wanaka town centres¹⁵⁶. In his Section 42A Report, Mr Paetz recognised that the first and third of these points were valid criticisms of the notified PDP and recommended amended objectives to address them.
132. Turning to the RPS to see what direction we get from its objectives, the focus is on a generally expressed promotion of sustainable management of the built environment¹⁵⁷ and of infrastructure¹⁵⁸. The policies relevant to these objectives are framed in terms of promoting and encouraging specified desirable outcomes¹⁵⁹, minimising adverse effects of urban development and settlement¹⁶⁰, and maintaining and enhancing quality of life¹⁶¹. As such, none of these provisions appear to bear upon the objectives in this part of the PDP, other than in a very general way.
133. The Proposed RPS gets closer to the point at issue with Objective 4.5 seeking effective integration of urban growth and development with adjoining urban environments (among other things). The policies supporting that objective do not provide any relevant guidance as to how this might be achieved. Policy 5.5.3, however, directs management of the distribution of commercial activities in larger urban areas “*to maintain the vibrancy of the central business district and support local commercial needs*” among other things by “*avoiding unplanned*

¹⁵⁴ E.g. Submission 238: Supported in FS1097 and FS1117; Opposed in FS1107, FS1157, FS1226, FS1239, FS1241, FS1242, FS1248, FS1249; Submission 806: Supported in FS1012; Submission 807

¹⁵⁵ Submission 249: Supported in FS1117

¹⁵⁶ E.g. Submission 615: Supported in FS1105, FS1137; Submission 621: Supported in FS1097, FS1117, FS1152, FS1333, FS1345; Submission 624; Submission 677; Supported in FS1097, FS1117; Opposed in FS1035, FS1074, FS1312, FS1364; Submission 716: Supported in FS1097, FS1117, FS1345

¹⁵⁷ RPS Objective 9.4.1

¹⁵⁸ RPS Objective 9.4.2

¹⁵⁹ RPS Policies 9.5.2 and 9.5.3

¹⁶⁰ RPS Policy 9.5.4

¹⁶¹ RPS Policy 9.5.5

extension of commercial activities that has significant adverse effects on the central business district and town centres.”

134. We read this policy as supporting the intent underlying this group of objectives, while leaving open how this might be planned.
135. Addressing each objective suggested by Mr Paetz in turn, the version of his recommended Frankton objective presented with his reply evidence reads:
- “The key mixed use function of the Frankton commercial area is enhanced, with better transport and urban design integration between Remarkables Park, Queenstown Airport, Five Mile and Frankton Corner”.*
136. This is an expansion from the version of the same objective recommended with Mr Paetz’s Section 42A Report reflecting a view (explained by Mr Paetz in this reply evidence¹⁶²) that the Frankton area should be viewed as one wider commercial locality, comprising a network of several nodes, with varying functions and scales.
137. Dr McDermott gave evidence for the Council, supporting separate identification of the Frankton area on the basis that its commercial facilities had quite a different role to the town centres of Wanaka and Queenstown and operated in a complimentary manner to those centres.
138. We also heard extensive evidence from QAC as to the importance of Queenstown Airport to the District’s economy¹⁶³.
139. We accept that Frankton plays too important a role in the economy of the District for its commercial areas to be classed in the ‘other’ category, as was effectively the case in the notified Chapter 3. We consider, however, that it is important to be clear on what that role is, and how it is different to that of the Queenstown and Wanaka town centres. That then determines whether a wider or narrower view of what parts of the Frankton area should be the focus of the objective.
140. The term Dr McDermott used to describe Frankton was “mixed use” and Mr Paetz recommended that that be how the Frankton area is described.
141. The problem we had with that recommendation was that it gives no sense of the extent of the ‘mix’ of uses. In particular, “mixed use” could easily be taken to overlap with the functions of the Queenstown town centre. Dr McDermott described the latter as being distinguished by the role it (and Wanaka town centre) plays in the visitor sector, both as destinations in their own right and then catering for visitors when they are there¹⁶⁴. By contrast, he described Frankton as largely catering for local needs although when he appeared at the hearing, he emphasised that local in this sense is relative, because of the role of the Frankton retail and industrial facilities in catering for a wider catchment than just the immediate Frankton area. While Dr McDermott took the view that that wider catchment might extend as far as Wanaka, his opinion in that regard did not appear to us to be based on any hard evidence. However, we accept that Frankton’s role is not limited to serving the immediate ‘local’ area.

¹⁶² At paragraph 5.7

¹⁶³ In particular, the evidence of Mr Mark Edghill

¹⁶⁴ Dr P McDermott, EIC at 2.1(c).

142. Mr Chris Ferguson suggested to us that because of the overlapping functions between commercial centres, referring to *“the wider Frankton commercial area”* confused the message¹⁶⁵.
143. Evidence we heard, in particular from the NZIA representatives, took the same point further, suggesting that Frankton’s importance to the community was not limited to its commercial and industrial facilities, and that it had an important role in the provision of educational, health and recreation facilities as well. We accept that point too. This evidence suggests a need to refer broadly to the wider Frankton area than just to specific nodes or elements, and to a broader range of community facilities.
144. The extent to which this objective should focus on integration was also a matter in contention. The representatives for QAC opposed reference to integration for reasons that were not entirely clear to us and when he reappeared on the final day of hearing, Mr Kyle giving evidence for QAC, said that he was ambivalent on the point.
145. For our part, we regard integration between the various commercial and industrial nodes of development on the Frankton Flats (including Queenstown Airport), and indeed its residential areas¹⁶⁶, as being important, but consider that this is better dealt with as a policy. We will come back to that.
146. In summary, we recommend that Mr Paetz’s suggested objective largely be accepted, but with the addition of specific reference to its focus on visitors, to provide a clearer distinction between the roles of Queenstown and Wanaka town centres and Frankton and Three Parks respectively.
147. Accordingly, we recommend that the wording of Objective 3.2.1.1 (renumbered 3.2.1.2 for reasons we will shortly explain) be amended so read:
- “The Queenstown and Wanaka town centres¹⁶⁷ are the hubs of New Zealand’s premier alpine visitor resorts and the District’s economy.”*
148. We further recommend that a new objective be added (numbered 3.2.1.3) as follows:
- “The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.”*
149. The case for recognition of the Three Parks commercial area is less clear. While, when the development is further advanced, it will be a significant element of the economy of the Upper Clutha Basin, that is not the case at present.
150. Mr Dippie appeared before us and made representations on behalf of Orchard Road Holdings Limited¹⁶⁸ and Willowridge Developments Limited¹⁶⁹ advocating recognition of Three Parks in the same way that the Frankton commercial areas were proposed (by Council staff) to be

¹⁶⁵ C Ferguson, EiC at paragraph 103

¹⁶⁶ A key issue for QAC is how Queenstown airport’s operations might appropriately be integrated with further residential development in the wider Frankton area

¹⁶⁷ Defined by the extent of the Town Centre Zone in each case.

¹⁶⁸ Submission 91/Further Submission 1013

¹⁶⁹ Submission 249/Further Submission 1012

recognised, but was reasonably non-specific as to exactly how that recognition might be framed.

151. Dr McDermott's evidence in this regard suffered from an evident unfamiliarity with the Wanaka commercial areas and was therefore not particularly helpful. However, we were assisted by Mr Kyle who, although giving evidence for QAC, had previously had a professional role assisting in the Three Parks development. In response to our query, he described the primary function of the Three Parks commercial area as being to provide more locally based shopping, including provision for big box retailing. He thought there was a clear parallel between the relationship between Frankton and Queenstown town centre.

152. Mr Paetz recommended in his reply evidence that the Three Parks area be recognised in its own objective as follows:

"The key function of the commercial core of the Three Parks Special Zone is sustained and enhanced, with a focus on large format retail development".

153. We do not regard it is appropriate for the objective related to Three Parks to provide for *"sustaining and enhancing"* of the function of the commercial part of the Three Parks area; that is more a policy issue. Similarly, saying that the Three Parks Commercial Area should be focussed on large format retail development leaves too much room, in our view, for subsidiary focusses which will erode the role of the Wanaka town centre. Lastly, referring to the Three Parks *'Special Zone'* does not take account of the possibility that there may not be a *'Special Zone'* in future.

154. Ultimately, though, we recommend that the Three Parks Commercial Area be recognised because it is projected to be a significant element of the economy of the Upper Clutha Basin over the planning period covered by the PDP.

155. To address the wording issues noted above, we recommend that the objective (numbered 3.2.1.4) be framed as follows:

"The key function of the commercial core of Three Parks is focussed on large format retail development".

156. The only submission seeking amendment to the notified Objective 3.2.1.3, sought that it be reworded as an aspirational outcome to be achieved, rather than as a policy¹⁷⁰. In his reply evidence, the version of this objective suggested by Mr Paetz (addressing this point) read:

"Development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities."

157. Although only an issue of emphasis, we see the environmental outcome as being related to the District's economic base. Development of enterprises contributing to economic diversity and employment are a means to that end.

158. Accordingly, we recommend that the objective (renumbered 3.2.1.6) be reframed as follows:

¹⁷⁰ Submission 761

“Diversification of the District’s economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.”

159. As already noted, a number of submissions raised the need for specific recognition of the visitor industry outside the Queenstown and Wanaka town centres.

160. The objective recommended by Mr Paetz in his reply evidence to address the failure of the notified plan to recognise the significance of the visitor industry to the District economy in this context was framed as follows:

“The significant socioeconomic benefits of tourism activities across the District are provided for and enabled.”

161. While we accept the need for an objective focused on the contribution of the visitor industry outside the Queenstown and Wanaka town centres to the District’s economy, including but not limited to employment, the phraseology of Mr Paetz’s suggested objective needs further work. Talking about the benefits being provided for does not identify a clear outcome. The objective needs to recognise the importance of the visitor industry without conveying the impression that provision for the visitor industry prevails over all other considerations irrespective of the design or location of the visitor industry facilities in question. Policy 5.3.1(e) of the Proposed RPS supports some qualification of recognition for visitor industry facilities – it provides for tourism activities located in rural areas *“that are of a nature and scale compatible with rural activities”*. Similarly, one would normally talk about enabling activities (that generate benefits) rather than enabling benefits. Benefits are realised. Lastly, we prefer to refer to the visitor industry rather than to tourism activities. Reference to tourism might be interpreted to exclude domestic visitors to the District. It also excludes people who visit for reasons other than tourism.

162. In summary, we recommend that a new objective be inserted worded as follows:

“The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.”

163. Given the importance of the visitor industry to the District’s economy and the fact that the other objectives addressing the economy are more narrowly focused, we recommend that it be inserted as the first objective (fleshing out the revised goal/higher-level objective stated in Section 3.2.1) and numbered 3.2.1.1.

164. Objective 3.2.1.2 was obviously developed to operate in conjunction with 3.2.1.1. As notified, it referred to the role played by commercial centres and industrial areas outside the Wanaka and Queenstown central business areas.

165. Many of the submissions on this objective were framed around the fact that as written, it would apply to the Frankton Flats commercial and industrial areas, and to the Three Parks commercial area. As such, if our recommendations as above are accepted, those submissions have effectively been overtaken, being addressed by insertion of specific objectives for those areas.

166. In Mr Paetz’s reply evidence, the version of this objective he recommended read:

“Enhance and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres and Frankton.”

167. Starting with two verbs, this still reads more like a policy than an objective. Mr Paetz’s suggested objective also fails to take account of his recommendation (which we accept) that the commercial area of Three Parks be the subject of a specific objective. Lastly, and as for renumbered Objective 3.2.1.2, it needs clarity as to the extent of the ‘town centres’.

168. Addressing these matters, we recommend that this objective (renumbered 3.2.1.5) be amended to read as follows:

“Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres¹⁷¹, Frankton, and Three Parks are sustained.”

169. Objective 3.2.1.4 as notified read:

“Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.”

170. This objective attracted a large number of submissions querying the reference to farming having a “strong productive value”¹⁷² with many of those submissions seeking that the objective refer to “traditional” land uses. Some submissions¹⁷³ sought that the objective be more overtly ‘enabling’. One submission¹⁷⁴ sought to generalise the objective so that it does not mention the nature of current uses, but rather focuses on enabling “tourism, employment, recreational, and residential based activities” and imports a test of “functional need to be located in rural areas.” Mr Carey Vivian, giving evidence both for this submitter and a further submitter opposing the submission¹⁷⁵, suggested to us that a ‘functional need’ test would ensure inappropriate diversification does not occur. Mr Chris Ferguson supported another submission¹⁷⁶ that suggested a functional need test¹⁷⁷, but did not comment on how that test should be interpreted. We are not satisfied that Mr Vivian’s confidence is well founded. As we will discuss later in this report in relation to suggestions that activities relying on the use of rural resources should be provided for, these seem to us to be somewhat elastic concepts, potentially applying to a wide range of activities.

171. Many submissions also sought deletion of the reference to a “sensitive” approach¹⁷⁸.

¹⁷¹ Defined by the extent of the Town Centre Zone in each case

¹⁷² See e.g. Submissions 343, 345, 375, 407, 437, 456, 513, 522, 532, 534, 535, 537, 696, 806, 807; Supported in FS1097, FS1192, FS1256, FS1286, FS1322; Opposed in FS1004, FS1068, FS1071, FS1120, FS1282, FS1322.

¹⁷³ E.g. Submission 621

¹⁷⁴ Submission 519; Supported in FS1015 and FS1097; Opposed in FS1356

¹⁷⁵ Further Submission 1356

¹⁷⁶ Submission 608-Darby Planning LP

¹⁷⁷ As part of a revised version of the objective that has similarities to that sought in Submission 519, but also some significant differences discussed further below.

¹⁷⁸ See e.g. Submissions 519, 598, 600, 791, 794, 806, 807; Supported in FS1015, FS1097, FS1209; Opposed in FS1034, FS1040, FS1356

172. Suggestions varied as to how potential adverse effects resulting from diversification of land uses might be addressed. One submitter¹⁷⁹ suggested adverse effects on the matters referred to be taken into account, or alternatively that an ‘*appropriate*’ approach be taken to adverse effects. Mr Vivian, giving planning evidence on the point, suggested as a third alternative, an ‘*effects-based*’ approach. Another submitter¹⁸⁰ suggested that potential adverse effects be avoided, remedied or mitigated. Mr Jeff Brown supported the latter revision in his planning evidence¹⁸¹, on the basis that he preferred the language of the Act. Yet another submission¹⁸², supported by the planning evidence of Mr Chris Ferguson, suggested that reference to adverse effects be omitted (in the context of a reframed objective that would recognise the value of the natural and physical resources of rural areas to enable specified activities and to accommodate a diverse range of activities).
173. By Mr Paetz’s reply evidence, he had arrived at the following recommended wording:
- “Diversification of land use in rural areas providing adverse effects on rural amenity, landscape character, healthy ecosystems and Ngai Tahu values, rights and interests are avoided, remedied or mitigated.”*
174. Looking to the RPS for direction, we note that Objective 5.4.1 identifies maintenance and enhancement of the primary production capacity of land resources as an element of sustainable management of those resources. Policy 5.5.2 is also relevant, promoting retention of the primary productive capacity of high class soils. We did not hear any evidence as to whether any, and if so, which, soils would meet this test in the District, but Policy 5.5.4 promotes diversification and use of the land resource to achieve sustainable land use and management systems. While generally expressed, the latter would seem to support the outcome the PDP objective identifies, at least in part.
175. The Proposed RPS focuses on the sufficiency of land being managed and protected for economic production¹⁸³. This is supported by policies providing, inter alia, for enabling of primary production and other activities supporting the rural economy and minimising the loss of significant soils¹⁸⁴. This also supports recognition of the primary sector.
176. We accept that the many submissions taking issue with the reference to the strong productive value of farming have a point, particularly in a District where the visitor industry makes such a large contribution to the economy, both generally and relative to the contribution made by the farming industry¹⁸⁵. Nor is it obvious why, if the effects-based tests in the objective are met, diversification of non-farming land uses is not a worthwhile outcome.
177. The alternative formulation of the objective suggested by Darby Planning LP, and supported by Mr Ferguson, would side-step many of the other issues submissions have focussed on, but ultimately, we take the view that stating rural resources are valued for various specified purposes does not sufficiently advance achievement of the purpose of the Act. Put simply, it invites the query: so what?

¹⁷⁹ Submission 519; Supported in FS1015 and FS1097; Opposed in FS1356

¹⁸⁰ Submission 806

¹⁸¹ At paragraph 4.7

¹⁸² Submission 608; Supported in FS1097, FS1117, FS1155, FS1158; Opposed in FS1034

¹⁸³ Proposed RPS, Objective 5.3

¹⁸⁴ Proposed RPS, Policy 5.3.1

¹⁸⁵ We note in particular the evidence of Mr Ben Farrell (on behalf of Real Journeys Ltd in relation to this point).

178. Reverting to Mr Paetz’s recommendation, in our view, it is desirable to be clear what the starting point is; diversification from what? Accordingly, we recommend the submissions seeking that reference be to traditional land uses in rural areas be accepted. Clearly farming is one such traditional land use and we see no issue with referring to that as an example. We do not accept that a ‘*functional need*’ test would add value, because of the lack of clarity as to what that might include.
179. We also agree that the reference in a notified objective to a sensitive approach requires amendment because it gives little clarity as to the effect of the sensitive approach on the nature and extent of adverse effects. We do not, however, recommend that reference be made to adverse effects being avoided, remedied or mitigated. For the reasons discussed above, this gives no guidance as to the desired level of adverse effects on the matters listed. The suggestions that the objective refer to adverse effects being taken into account, or that an appropriate approach be taken to them. would push it even further into the realm of meaninglessness¹⁸⁶. Those options are not recommended either.
180. Some submissions¹⁸⁷ sought to generalise the nature of the adverse effects required to be managed, deleting any reference to any particular category of effect.
181. In our view, part of the answer is to be clearer about the nature of adverse effects sought to be controlled, combined with being clear about the desired end result. We consider that rural amenity is better addressed through objectives related to activities in the rural environment more generally. Reference to healthy ecosystems in this context is, in our view, problematic. The health of the ecosystems does not necessarily equate with their significance. In addition, why are adverse effects on healthy ecosystems more worthy of protection from diversified land uses than unhealthy ecosystems? One would have thought it might be the reverse.
182. The PDP contains an existing definition of “nature conservation values”. When counsel for the Council opened the hearing, we queried the wording of this definition which incorporated policy elements and did not actually fit with the way the term had been used in the PDP. Counsel agreed that it needed amendment and in Mr Paetz’s reply evidence he suggested the following revised definition of nature conservation values:
- “The collective and interconnected intrinsic values of the indigenous flora and fauna, natural ecosystems and landscape.”*
183. We regard the inclusion of a generalised reference to landscape as expanding nature conservation values beyond their proper scope. Landscape is relevant to nature conservation values to the extent that it provides a habitat for indigenous flora and fauna and natural ecosystems, but not otherwise.
184. Objective 21.2.1 of the PDP refers to ecosystem services as a value deserving of some recognition. The term itself is defined in Chapter 2 as the resources and processes the environment provides. We regard it as helpful to make it clear that when natural ecosystems are referred to in the context of nature conservation values, the collective values of ecosystems include ecosystem services.

¹⁸⁶ As indeed would the further alternative suggested by Mr Vivian

¹⁸⁷ E.g. Submissions 806 and 807

185. Accordingly, we recommend to the Stream 10 Hearing Panel that the definition of nature conservation values be amended to read:

“The collective and interconnected intrinsic values of indigenous flora and fauna, natural ecosystems (including ecosystem services), and their habitats.”

186. Given this revised definition, nature conservation values is a concept which, in our view, could be utilised in this objective. However, given the breadth of the values captured by the definition, it would not be appropriate to refer to all nature conservation values. Some qualitative test is required; in this context, we recommend that the focus be on ‘significant’ nature conservation values.

187. Lastly, consequential on the changes to the Proposed RPS discussed in Report 2, and to the recommendations of that Hearing Panel as to how Objective 3.2.7.1 is framed, the reference to Ngāi Tahu values, **rights** and interests needs to be reviewed.

188. In summary, therefore, we recommend that the objective (renumbered 3.2.1.8) read as follows:

“Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources are maintained.”

189. While we agree with Mr Paetz’s recommendation that reference to the strong productive value of farming (in the context of notified Objective 3.2.1.4) be deleted, deletion of that reference, and amending the objectives to refer to realisation of the benefits from the visitor industry and diversification of current land uses leaves a gap, because it fails to recognise the economic value of those traditional farming activities. We accept that ongoing farming also provides a collateral benefit to the economy through its contribution to maintenance of existing rural landscape character, on which the visitor industry depends¹⁸⁸. Mr Ben Farrell gave evidence suggesting, by contrast, that farming has had adverse effects on natural landscapes and that those ‘degraded’ natural environments had significant potential to be restored¹⁸⁹. We accept that farming has extensively modified the natural (pre-European settlement) environment. However, the expert landscape evidence we heard (from Dr Read) is that large areas of farmed landscapes are outstanding natural landscapes and section 6(b) requires that those landscapes be preserved. Cessation of farming might result in landscapes becoming more natural, but we consider that any transition away from farming would have to be undertaken with great care.

190. Continuation of the status quo, by contrast, provides greater surety that those landscapes will be preserved. As already noted, recognition of existing primary production activities is also consistent both with the RPS and the Proposed RPS. The notified Objective 3.2.5.5. sought to address the contribution farming makes to landscape values, as follows:

“Recognise that agricultural land use is fundamental to the character of our landscapes.”

¹⁸⁸ The relationship between landscape values and economic benefits was recognised by the Environment Court as long ago as *Crichton v Queenstown Lakes District Council*. W12/99 at page 12. Dr Read gave evidence that this remains the position – see Dr M Read, EiC at 4.2.

¹⁸⁹ B Farrell, EiC at [111] and [116]

191. That objective attracted a large number of submissions, principally from tourist interests and parties with an interest in residential living in rural environments, seeking that it recognise the contribution that other activities make to the character of the District's landscapes¹⁹⁰. This prompted Mr Paetz to recommend that the focus of the objective be shifted to read:

"The character of the District's landscapes is maintained by ongoing agricultural land use and land management."

192. We agree with the thinking underlying Mr Paetz's recommendation, that as many submitters suggest, agricultural land uses are not the only way that landscape character is maintained.

193. However, we have a problem with that reformulation, because not all agricultural land use and land management will maintain landscape character¹⁹¹.

194. We are also wary of any implication that existing farmers should be locked into farming as the only use of their land, particularly given the evidence we heard from Mr Phillip Bunn as to the practical difficulties farmers have in the Wakatipu Basin continuing to operate viable businesses. The objective needs to encourage rather than require farming of agricultural land.

195. The suggested objective also suffers from implying rather than identifying the desired environmental end point. To the extent the desired end point is continued agricultural land use and management (the implication we draw from the policies seeking to implement the objective), landscape character values are not the only criterion (as the policies also recognise – referring to significant nature conservation values).

196. We therefore recommend that Objective 3.2.5.5 be shifted to accompany the revised Objective 3.2.1.4, as above, and amended to read as follows:

"Agricultural land uses consistent with the maintenance of the character of rural landscapes and significant nature conservation values are enabled."

197. Logically, given that agricultural land uses generally represent the status quo in rural areas, this objective should come before the revised Objective 3.2.1.4 and so we have reordered them, numbering this Objective 3.2.1.7.

198. The final objective in Section 3.2.1, as notified, related to provision of infrastructure, reading:

"Maintain and promote the efficient operation of the District's infrastructure, including designated Airports, key roading and communication technology networks."

199. A number of submissions were lodged by infrastructure providers¹⁹² related to this objective, seeking that its scope be extended in various ways, discussed further below. We also heard a substantial body of evidence and legal argument regarding the adequacy of treatment for

¹⁹⁰ Submissions 343, 345, 375, 407, 437, 456, 513, 515, 522, 531, 534, 535, 537, 598, 807; Supported in FS1097, FS1056, FS1086, FS1287, FS1292, FS1322; Opposed in FS1068, FS1071, FS1091, FS1120 and FS1282

¹⁹¹ Mr Dan Wells suggested to us the introduction of pivot irrigators for instance as an example of undesirable agricultural evolution from a landscape character perspective).

¹⁹² Submissions 251, 433, 635, 719, 805; Supported in FS1077, FS1092, FS1097, FS1115, FS1117, FS1159, FS1340; Opposed in FS1057, FS1117, FS1132

infrastructure in this regard, and elsewhere. We were reminded by Transpower New Zealand Limited¹⁹³ that we were obliged to give effect to the NPSET 2008.

200. Other submissions¹⁹⁴ sought deletion of an inclusive list. Submission 807 argued that the *'three waters'* are essential and should be recognised. That submission also sought that the objective emphasise timely provision of infrastructure. Submission 806 sought that the objective recognise the need to minimise adverse effects by referring to the importance of maintaining the quality of the environment.
201. Another approach suggested was to clarify/expand the description of infrastructure¹⁹⁵
202. Mr Paetz recommended that we address these submissions by inserting a new goal, objective and policy into Chapter 3.
203. We do not agree with that recommendation. It seems to us that while important at least to the economic and social wellbeing of people and communities (to put it in section 5 terms), infrastructure needs (including provisions addressing reverse sensitivity issues) are ultimately an aspect of development in urban and rural environments so as to achieve a prosperous and resilient economy (and therefore squarely within the first goal/high-level objective), rather than representing a discrete topic that should be addressed with its own goal/high-level objective.
204. That does not mean, however, that this is not an appropriate subject for an objective at the next level down. Reverting then to the notified objective, we consider the submissions opposing the listing of some types of infrastructure have a point. Even though the list is expressed to be inclusive, it invites a *'me too'* approach from those infrastructure providers whose facilities have not been listed¹⁹⁶ and raises questions as to why some infrastructure types are specifically referenced, and not others. The definition of *'infrastructure'* in the Act is broad, and we do not think it needs extension or clarification.
205. The essential point is that the efficient operation of infrastructure is a desirable outcome in the broader context of seeking a prosperous and resilient District economy. Quite apart from any other considerations, Objective 9.4.2 of the RPS (promoting the sustainable management of Otago's infrastructure¹⁹⁷) along with Policy 9.5.2 (promoting and encouraging efficiency and use of Otago's infrastructure) would require its recognition. We regard that as an appropriate objective, provided that outcome is not pursued to the exclusion of all other considerations; in particular, without regard to any adverse effects on the natural environment that might result.
206. It follows that we accept in principle the point made in Submission 806, that adverse effects of the operation of infrastructure need to be minimised as part of the objective.
207. As regards the submissions seeking extension of the scope of the objective, we accept that this objective might appropriately be broadened to relate to the provision of infrastructure, as well

¹⁹³ Submission 805

¹⁹⁴ Submissions 806 and 807; Opposed in FS1077

¹⁹⁵ Submissions 117 and 238: Supported in FS1117; Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

¹⁹⁶ Accepting that submissions of this ilk were not limited to infrastructure providers- NZIA sought that bridges be added to the list.

¹⁹⁷ See Objective 4.3 of the Proposed RPS to similar effect

as its operation. Submitters made a number of suggestions as to how a revised objective might be framed to extend it beyond infrastructure 'operation'. Variations included reference to:

- a. Infrastructure 'development'¹⁹⁸
- b. 'Provision' of infrastructure¹⁹⁹
- c. 'Maintenance development and upgrading' of infrastructure²⁰⁰, wording that we note duplicates Policy 2 of the NPSET 2008.

208. In terms of how infrastructure should be described in the objective, again there were a number of suggestions. Some submissions sought that infrastructure provision be 'effective'²⁰¹, again reflecting wording in the NPSET 2008. Submission 635 also suggested that reference be made to safety. Lastly, and as already noted, submission 807 sought that reference be made to the timing of the infrastructure provision.

209. Mr Paetz recommended the following wording:

"Maintain and promote the efficient and effective operation, maintenance, development and upgrading of the District's existing infrastructure and the provision of new infrastructure to provide for community wellbeing."

210. We do not regard Mr Paetz's formulation as satisfactory. Aside from the absence of an environmental performance criterion and the fact that it is not framed as an outcome, the suggested division between existing and new infrastructure produces anomalies. Existing infrastructure might be operated, maintained and upgraded, but it is hard to see how it can be developed (by definition, if it exists, it has already been developed). Similarly, once provided, why should new infrastructure not be maintained and upgraded? The way in which community wellbeing is referenced also leaves open arguments as to whether it applies to existing infrastructure, or just to new infrastructure.

211. We also think that 'community wellbeing' does not capture the true role of, or justification for recognising, infrastructure. Submissions 806 and 807 suggested that reference be to infrastructure "that supports the existing and future community", which is closer to the mark, but rather wordy. We think that reference would more appropriately be to meeting community needs.

212. The RPS is too generally expressed to provide direction on these issues, but we take the view that the language of the NPSET 2008 provides a sensible starting point, compared to the alternatives suggested, given the legal obligation to implement the NPSET. Using the NPSET 2008 language and referring to 'effective' infrastructure also addresses the point in Submission 807 – effective infrastructure development will necessarily be timely. Lastly, while safety is important, we regard that as a prerequisite for all development, not just infrastructure.

213. Taking all of these considerations into account, we recommend that Objective 3.2.1.5 be renumbered 3.2.1.9 and revised to read:

"Infrastructure in the District that is operated, maintained developed and upgraded efficiently and effectively to meet community needs and which maintains the quality of the environment".

¹⁹⁸ Submission 251; Supported in FS1092, FS1097, FS1115, FS1117; Opposed in FS1132

¹⁹⁹ Submissions 635, 806, 807; Supported in FS 1159, Opposed in FS1077

²⁰⁰ Submission 805

²⁰¹ Submissions 635, 805; Supported in FS1159

214. Having recommended an objective providing generically for infrastructure, we do not recommend acceptance of the New Zealand Fire Service Commission submission²⁰² that sought a new objective be inserted into Section 3.2.1 providing for emergency services. While important, this can appropriately be dealt with in the more detailed provisions of the PDP.
215. In summary, having considered all of the objectives in its proposed Section 3.2.1, we consider them individually and collectively to be the most appropriate way in which to achieve the purpose of the Act as it relates to the economy of the District.

2.4. Section 3.2.2 Goal – Urban Growth Management

216. The second specified ‘goal’ read:

“The strategic and integrated management of urban growth”.

217. A number of submissions supported this goal in its current form. One submission in support²⁰³ sought that it be expanded to cover all growth within the district, not just urban growth.
218. One submission²⁰⁴ sought its deletion, without any further explanation. Another submission²⁰⁵ sought in relation to this goal, an acknowledgement that some urban development might occur outside the UGB.
219. A number of other submissions sought relief nominally in respect of the Section 3.2.2 goal that in reality relate to the more detailed objectives and policies in that section. We consider them as such.
220. Mr Paetz did not recommend any amendment to this goal.
221. The focus of the RPS previously discussed (on sustainable management of the built environment) is too generally expressed to provide direction in this context. The Proposed RPS focuses more directly on urban growth under Objective 4.5 (*“Urban growth and development is well-designed, reflects local character and integrates effectively with adjoining urban and rural environments”*). Policy 4.5.1 in particular supports this goal – it refers specifically to managing urban growth in a strategic and coordinated way.
222. Reverting to the submissions on it, we do not regard it as appropriate that this particular goal/high-level objective be expanded to cover all growth within the District. Growth within rural areas raises quite different issues to that in urban areas.
223. Nor do we accept Submission 807. The goal is non-specific as to where urban growth might occur. The submitter’s point needs to be considered in the context of the more detailed objectives and policies fleshing out this goal.
224. Accordingly, the only amendment we would recommend is to reframe this goal more clearly as a higher-level objective, as follows:

“Urban growth managed in a strategic and integrated manner.”

²⁰² Submission 438; Supported in FS1160

²⁰³ Submission 471; Supported in FS1092

²⁰⁴ Submission 294

²⁰⁵ Submission 807

225. We consider that a high-level objective in this form is the most appropriate way to achieve the purposes of the Act as it relates to urban growth.

2.5. Section 3.2.2 Objectives – Urban Growth Management

226. Objective 3.2.2.1 is the primary objective related to urban growth under what was goal 3.2.2. As notified it read:

“Ensure urban development occurs in a logical manner:

- a. To promote a compact, well designed and integrated urban form;*
- b. To manage the cost of Council infrastructure; and*
- c. To protect the District’s rural landscapes from sporadic and sprawling development.”*

227. Submissions on this objective sought variously:

- a. Its deletion²⁰⁶;
- b. Recognition of reverse sensitivity effects on significant infrastructure as another aspect of logical urban development²⁰⁷;
- c. Deletion of reference to logical development and to sporadic and sprawling development, substituting reference to “urban” development²⁰⁸;
- d. Removal of the implication that the only relevant infrastructure costs are Council costs²⁰⁹;
- e. Generalising the location of urban development (“*appropriately located*”) and emphasising the relevance of efficiency rather than the cost of servicing²¹⁰.

228. The version of this objective recommended by Mr Paetz in his reply evidence accepted the point that non-Council infrastructure costs were a relevant issue, but otherwise recommended only minor drafting changes.

229. In our view, consideration of this objective needs to take into account a number of other objectives in Chapter 3:

“3.2.2.2: Manage development in areas affected by natural hazards.”²¹¹

3.2.3.1 Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play;

3.2.6.1 Provide access to housing that is more affordable;

3.2.6.2 Ensure a mix of housing opportunities.

3.2.6.3 Provide a high quality network of open spaces and community facilities.”

230. Submissions on the above objectives sought variously:

- a. Deletion of Objective 3.2.2.2²¹²;

²⁰⁶ Submission 806

²⁰⁷ Submissions 271 and 805; Supported in FS1092, FS1121, FS1211, FS1340; Opposed in FS 1097 and FS1117

²⁰⁸ Submission 608; Opposed in FS1034

²⁰⁹ Submission 635

²¹⁰ Submissions 806 and 807

²¹¹ Although this could be read to apply to non-urban development in isolation, in the context of an urban development goal and a supporting policy focussed on managing higher density urban development, that is obviously not intended.

²¹² Submission 806

- b. Amendment of 3.2.6.1 so that it is more enduring and refers not just to housing, but also to land supply for housing²¹³;
 - c. Addition of reference in 3.2.6.1 to design quality²¹⁴;
 - d. Collapsing 3.2.6.1 and 3.2.6.2 together²¹⁵;
 - e. Amendment of 3.2.6.2 to refer to housing densities and typologies rather than opportunities²¹⁶;
 - f. Amendment to 3.2.6.3 to refer to community activities rather than community facilities if the latter term is not defined to include educational facilities²¹⁷.
231. Remarkably, for this part of the PDP at least, Objective 3.2.3.1 does not appear to have been the subject of any submissions, other than to the extent that it is caught by UCES's more general relief, seeking that Chapter 3 be deleted.
232. Mr Paetz did not recommend substantive changes to any of these objectives, other than to rephrase them as seeking an environmental outcome.
233. We have already noted some of the provisions of the RPS relevant to these matters. As in other respects, the RPS is generally expressed, so as to leave ample leeway in its implementation, but Policy 9.5.5 is worthy of mention here – it directs maintenance and where practicable enhancement of the quality of life within the build environment, which we regard as supporting Objective 3.2.3.1.
234. The Proposed RPS contains a number of provisions of direct relevance to this group of objectives. We have already noted Objective 4.5, which supports a focus on good design and integration, both within and without existing urban areas. Aspects of Policy 4.5.1 not already mentioned focus on minimising adverse effects on rural activities and significant soils, maintaining and enhancing significant landscape or natural character values, avoiding land with significant risk from natural hazards and ensuring efficient use of land. These provisions provide strong support for the intent underlying many of the notified objectives.
235. In our view, the matters covered by the group of PDP objectives we have quoted are so interrelated that they could and should be combined in one overall objective related to urban growth management.
236. In doing so, we recommend that greater direction be provided as to what outcome is sought in relation to natural hazards. Mr Paetz's recommended objective suggests that development in areas affected by natural hazards "*is appropriately managed*". This formulation provides no guidance to decision makers implementing the PDP. While the RPS might be considered equally opaque in this regard²¹⁸, the proposed RPS takes a more directive approach. Policy 4.5.1, as noted, directs avoidance of land with significant natural hazard risk. Objective 4.1 of the Proposed RPS states:

"Risk that natural hazards pose to Otago's communities are minimised."

²¹³ Submissions 513, 515, 522, 528, 531, 532, 534, 535, 537: Supported in FS1256, FS1286, FS1292, FS1322; Opposed in FS1071 and FS1120

²¹⁴ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

²¹⁵ Submission 806

²¹⁶ Submission 608: Opposed in FS1034

²¹⁷ Submission 524

²¹⁸ Refer Objective 11.4.2 and the policies thereunder

237. Having regard to these provisions (as we are bound to do), we recommend that the focus on natural hazard risk in relation to urban development similarly be on minimising that risk.
238. It is also relevant to note that the Proposed RPS also has an objective²¹⁹ seeking that Otago's communities "*are prepared for and are able to adapt to the effects of climate change*" and a policy²²⁰ directing that the effects of climate change be considered when identifying natural hazards. While the RPS restricts its focus on climate change to sea-level rise²²¹, which is obviously not an issue in this District, this is an area where we consider the Proposed RPS reflects a greater level of scientific understanding of the potential effects of climate change since the RPS was made operative²²².
239. As above, submissions focus on the reference to logical development. It is hard to contemplate that urban development should be illogical (or at least not intentionally so), but we recommend that greater guidance might be provided as to what is meant by a logical manner of urban development. Looking at Chapter 4, and the areas identified for urban development, one obvious common feature is that they build on historical urban settlement patterns (accepting that in some cases it is a relatively brief history), and we recommend that wording to this effect be inserted in this objective.
240. Lastly, consistent with our recommendation above, reference is required in this context to the interrelationship of urban development and infrastructure. Mr Paetz's suggested formulation (manages the cost of infrastructure) does not seem to us to adequately address the issue. First, the concept that costs would be managed provides no indication as to the end result – whether infrastructure costs will be high, low, or something in between. Secondly, while obviously not intended to do so (Mr Paetz suggests a separate objective and policy to deal with it), restricting the focus of the objective to the costs of infrastructure does not address all of the reverse sensitivity issues that both QAC and Transpower New Zealand Limited emphasised to us, the latter with reference to the requirements of the NPSET 2008.
241. The suggestion by Remarkables Park Ltd and Queenstown Park Ltd that the focus be on efficiency of servicing, while an improvement on '*managing*' costs, similarly does not get close to addressing reverse sensitivity issues.
242. We accordingly recommend that reference should be made to integration of urban development with existing and planned future infrastructure. While this is still reasonably general, the recommendations following will seek to put greater direction around what is meant.
243. We regard reference to community housing as being too detailed in this context and do not agree with the suggestion that sprawling and sporadic development is necessarily '*urban*' in character²²³. Mr Chris Ferguson²²⁴, suggested as an alternative to the relief sought, that the objective refer to "*urban sprawl development*", which from one perspective, would restrict the ambit of the protection the objective seeks for rural areas still further. Mr Ferguson relied on

²¹⁹ Objective 4.2.2

²²⁰ Policy 4.1.1(d)

²²¹ Policy 8.5.8

²²² As well as reflecting the legislative change to add section 7(i) to the Act

²²³ Depending of course on how '*urban development*' is defined. This is addressed in much greater detail below.

²²⁴ Giving planning evidence on the submission of Darby Planning LP

the fact that Mr Bird’s evidence referred to sprawling development, but not to sporadic development, in his evidence. However, Mr Bird confirmed in answer to our question that he regarded sporadic development in the rural areas as just as concerning as sprawling development. Accordingly, we do not accept Mr Ferguson’s suggested refinement of the relief the submission sought.

244. We likewise do not accept the alternative relief sought in Submission 529. We consider that the role of educational facilities is better dealt with in the definition section, as an aspect of community facilities, than by altering the objective to refer to community activities. Such an amendment would be out of step with the focus of the objective on aspects of urban development.

245. Finally, we consider all objectives and policies will be more readily understood (and more easily referred to in the future) if any lists within them are alphanumeric lists rather than bullet points. Such a change is recommended under Clause 16(2) and all our recommended objectives and policies reflect that change.

246. In summary, we recommend that Objective 3.2.2.1 be amended to read:

“Urban development occurs in a logical manner so as to:

- a. promote a compact, well designed and integrated urban form;*
- b. build on historical urban settlement patterns;*
- c. achieve a built environment that provides desirable and safe places to live, work and play;*
- d. minimise the natural hazard risk, taking account of the predicted effects of climate change;*
- e. protect the District’s rural landscapes from sporadic and sprawling development;*
- f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;*
- g. contain a high quality network of open spaces and community facilities; and*
- h. be integrated with existing, and planned future, infrastructure.”*

247. We consider that an objective in this form is the most appropriate way to expand on the high-level objective and to achieve the purpose of the Act as it relates to urban development.

2.6. Section 3.2.3 – Goal – Urban Character

248. As notified, the third goal read:

“A quality built environment taking into account the character of individual communities.”

249. A number of submissions supported this goal. One submission²²⁵ sought its deletion.

250. Mr Paetz did not recommend any change to this goal.

251. Recognition of the character of the built environment implements the generally expressed provisions of the RPS related to the built environment (Objective 9.4 and the related policies) already noted. A focus on local character is also consistent with objective 4.5 of the Proposed RPS.

²²⁵ Submission 807

252. While Mr Haworth’s criticism of it in his evidence for UCES (as being “*a bit waffly*” and “*obvious*”) is not wholly unjustified, we consider that there is a role for recognition of urban character as a high-level objective that is expanded on by more detailed objectives. The goal as notified is already expressed in the form of an objective. Accordingly, we recommend its retention with no amendment as being the most appropriate way to achieve the purpose of the Act.

2.7. Section 3.2.3 – Objectives – Urban Character

253. We have already addressed Objective 3.2.3.1 as notified and recommended that it be shifted into Section 3.2.2.

254. Objective 3.2.3.2 as notified, read:

“Protect the District’s cultural heritage values and ensure development is sympathetic to them.”

255. The submissions on this objective either seek its deletion²²⁶, or that protection of cultural heritage values be “*from inappropriate activities*”²²⁷.

256. Mr Paetz’s reply evidence recommended that the objective be framed as:

“Development is sympathetic to the District’s cultural heritage values.”

257. Reference to cultural heritage includes both Maori and non-Maori cultural heritage. The former is, however, already dealt with in Section 3.2.7 and we had no evidence that non-Maori cultural heritage expands beyond historic heritage, so we recommend the objective be amended to focus on the latter.

258. Historic heritage is not solely an urban development issue, and so this should remain a discrete objective of its own, if retained, rather than being amalgamated into Objective 3.2.3.1.

259. Consideration of this issue comes against a background where Policy 9.5.6 of the RPS directs recognition and protection of Otago’s regionally significant heritage sites through their identification in consultation with communities and development of means to ensure they are protected from inappropriate subdivision, use and development. Both the language and the intent of this policy clearly reflects section 6(f) of the Act, requiring that the protection of historic heritage from inappropriate subdivision, use and development be recognised and provided for, without taking the provisions of the Act much further.

260. The Proposed RPS provides rather more direction with a policy²²⁸ that the values and places and areas of historic heritage be protected and enhanced, among other things by avoiding adverse effects on those values that contribute to the area or place being of regional or national significance, and avoiding significant adverse effects on other values of areas and places of historic heritage.

261. Taking the provisions of the RPS and the Proposed RPS on board, deletion of this objective, at least as it relates to historic heritage, clearly cannot be recommended. The guidance from *King Salmon* as to the ordinary natural meaning of “*inappropriate*” in the context of a provision

²²⁶ Submission 806

²²⁷ Submissions 607, 615, 621 and 716: Supported in FS1105, FS1137 and FS1345

²²⁸ Policy 5.2.3

providing for protection of something inappropriate from subdivision use and development means that the objective, with or without reference to inappropriate development, would go further (be more restrictive) than implementation of the RPS or consistency with the Proposed RPS would require. However, we do not think that Mr Paetz's suggested wording referring to sympathetic development (on its own) is clear enough to endorse.

262. In summary, we recommend that the objective be reworded as follows:

"The District's important historic heritage values are protected by ensuring development is sympathetic to those values."

263. Taking account of the objectives recommended to be included in Section 3.2.2, we consider that this objective is the most appropriate way to achieve the purpose of the Act as it relates to urban character.

2.8. Section 3.2.4 – Goal – Natural Environment

264. As notified, this goal read:

"The protection of our natural environment and ecosystems".

265. A number of submissions supported this goal. Two submissions opposed it²²⁹. Of those, Submission 806 sought its deletion (along with the associated objectives and policies).

266. Mr Paetz did not recommend any amendment to this goal.

267. Even as a high-level aspirational objective, the protection of all aspects of the natural environment and ecosystems is unrealistic and inconsistent with Objective 3.2.1. Nor does the RPS require such an ambitious overall objective - Objective 10.4.2 for instance seeks protection of natural ecosystems (and primary production) *"from significant biological and natural threats"*. Objective 10.4.3 seeks the maintenance and enhancement of the natural character of areas *"with significant indigenous vegetation and significant habitats of indigenous fauna"*.

268. The Proposed RPS addresses the same issue in a different way, focussing on the "values" of natural resources (and seeking they be maintained and enhanced²³⁰).

269. We consider it would therefore be of more assistance if some qualitative test were inserted so as to better reflect the direction provided at regional level (and Part 2 of the Act). Elsewhere in the PDP, reference is made to *'distinctive'* landscapes and this is an adjective we regard as being useful in this context. The more detailed objectives provide clarity as to what might be considered *'distinctive'* and the extent of the protection envisaged.

270. Accordingly, we recommend that this goal/high-level objective be reframed as follows:

"The distinctive natural environments and ecosystems of the District are protected."

271. We consider this is the most appropriate way to achieve the purpose of the Act in the context of a high-level objective related to the natural environment and ecosystems.

²²⁹ Submissions 806 and 807

²³⁰ Proposed RPS, Objective 3.1

2.9. Section 3.2.4 – Objectives – Natural Environment

272. Objective 3.2.4.1 as notified, read as follows:

“Promote development and activities that sustain or enhance the life supporting capacity of air, water, soils and ecosystems.”

273. The RPS has a number of objectives seeking maintenance and enhancement, or alternatively safeguarding of life supporting capacity of land, water and biodiversity²³¹, reflecting the focus on safeguarding life supporting capacity in section 5 of the Act. In relation to fresh water and aquatic ecosystems, the NPSFM 2014 similarly has that emphasis. The Proposed RPS, by contrast, does not have the same focus on life supporting capacity, or at least not directly so. The combination of higher order provisions, however, clearly supports the form of this objective.

274. The only submissions on the objective either support the objective as notified²³², or seek that it be expanded to refer to maintenance of indigenous biodiversity²³³.

275. Mr Paetz recommended that the latter submission be accepted and reframing the objective to pitch it as environmental outcome, his version as attached to his reply evidence reads as follows:

“Ensure development and activities maintain indigenous biodiversity, and sustain or enhance the life supporting capacity of air, water, soil and ecosystems.”

276. So framed, the objective still starts with a verb and therefore, arguably, states a course of action (policy) rather than an environmental outcome.

277. It might also be considered that shifting the ‘policy’ from promoting an outcome to ensuring it occurs is a significant substantive shift that is beyond the scope of the submissions as above.

278. We accordingly recommend that this objective be reframed as follows:

“Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.”

279. Objective 3.2.4.2 as notified read:

“Protect areas with significant Nature Conservation Values”.

280. Submissions on this objective included requests for:

- a. Expansion to apply to significant waterways²³⁴;
- a. Substitution of reference to the values of Significant Natural Areas²³⁵;
- b. Amendment to protect, maintain and enhance such areas²³⁶;

²³¹ RPS, Objectives 5.4.1, 6.4.3, 10.4.1..

²³² Submissions 600, 755: Supported in FS1209; Opposed in FS1034 – noting the discussion above regarding the efficacy of further submissions opposing submissions that support the notified provisions of the PDP

²³³ Submissions 339, 706: Opposed in FS1097, FS1162 and FS1254

²³⁴ Submission 117

²³⁵ Submission 378: Opposed in FS1049 and FS1095

²³⁶ Submission 598: Supported in FS1287; Opposed in FS1040

- c. Addition of reference to appropriate management as an alternative to protection²³⁷.
281. The version of this objective recommended by Mr Paetz in his reply evidence is altered only to express it as an environmental outcome.
282. Objective 10.4.3 of the RPS, previously noted, might be considered relevant to (and implemented by) this objective²³⁸.
283. As above, we recommend that the definition of ‘*Nature Conservation Values*’ be clarified to remove policy elements and our consideration of this objective reflects that revised definition. We do not consider it is necessary to specifically state that areas with significant nature conservation values might be waterways. We likewise do not recommend reference to ‘*appropriate management*’, since that provides no direction to decision-makers implementing the PDP.
284. However, we have previously recommended that maintenance of significant Nature Conservation Values be part of the objective relating both to agricultural land uses in rural areas and to diversification of existing activities. As such, we regard this objective as duplicating that earlier provision and unnecessary. For that reason²³⁹, we recommend that it be deleted.
285. Objective 3.2.4.3 as notified (and as recommended by Mr Paetz) read:
- “Maintain or enhance the survival chances for rare, endangered or vulnerable species of indigenous plant or animal communities”.*
286. Submissions specifically on this point included:
- a. Seeking that reference to be made to significant indigenous vegetation and significant habitats of indigenous fauna rather than as presently framed²⁴⁰;
 - b. Support for the objective in its current form²⁴¹;
 - c. Amendment to make the objective subject to preservation of the viability of farming in rural zones²⁴².
287. The reasons provided in Submission 378 are that the terminology used should be consistent with section 6 of the RMA.
288. While, as above, we do not regard the terminology of the Act²⁴³ as a panacea, on this occasion, the submitter may have a point. While significant areas of indigenous vegetation and significant habitats of indigenous fauna are matters the implementation of the PDP can affect (either positively or negatively), the survival chances of indigenous plant or animal communities will likely depend on a range of factors, some able to be affected by the PDP, and some not. Moreover, any area supporting rare, endangered, or vulnerable species will, in our view, necessarily have significant nature conservation values, as defined. Accordingly, for the same reasons as in relation to the previous objective, this objective duplicates provisions we

²³⁷ Submission 600: Supported in FS1097 and FS1209; Opposed in FS1034, FS1040 and FS1080

²³⁸ See also the Proposed RPS, Policy 3.1.9, which has a ‘maintain or enhance’ focus.

²³⁹ Consistent with the Real Journeys submission noted above

²⁴⁰ Submission 378: Supported in FS1097; Opposed in FS1049 and FS1095

²⁴¹ Submissions 339, 373, 600 and 706: Opposed in FS1034, FS1162, FS1209, FS1287 and FS1347

²⁴² Submission 701: Supported in FS1162

²⁴³ Or indeed of the RPS, which uses the same language at Objective 10.4.3

have recommended above. It might also be considered to duplicate Objective 3.2.4.1, as we have recommended it be revised, given that maintenance of indigenous biodiversity will necessarily include rare, endangered, or vulnerable species of indigenous plant or animal communities.

289. For these reasons, we recommend that this objective be deleted.

290. Objective 3.2.4.4 as notified, read:

“Avoid exotic vegetation with the potential to spread and naturalise.”

291. Submissions on it varied from:

- a. Support for the wording notified²⁴⁴;
- b. Amendment to refer to avoiding or managing the effects of such vegetation²⁴⁵;
- c. Amendment to *“reduce wilding tree spread”*²⁴⁶.

292. Submission 238²⁴⁷ approached it in a different way, seeking an objective focussing on promotion of native planting.

293. The thrust of the submissions in the last two categories listed above was on softening the otherwise absolutist position in the notified objective and Mr Paetz similarly recommended amendments to make the provisions less absolute.

294. The version of the objective he recommended with his reply evidence read:

“Avoid the spread of wilding exotic vegetation to protect nature conservation values, landscape values and the productive potential of land.”

295. We have already noted the provisions of the RPS and the Proposed RPS which, in our view, support the intent underlying this objective. Policy 10.5.3 of the RPS (seeking to reduce and where practicable eliminate the adverse effects of plant pests) might also be noted²⁴⁸.

296. The section 32 report supporting Chapter 3²⁴⁹ records that the spread of wilding exotic vegetation, particularly wilding trees, is a significant problem in this District. In that context, an objective focusing on reduction of wilding tree spread or ‘*managing*’ its effects appears an inadequate objective to aspire to.

297. We agree that the objective should focus on the outcome sought to be addressed, namely the spread of wilding exotic vegetation, rather than what should occur instead. However, we see no reason to complicate the objective by explaining the rationale for an avoidance position. Certainly, other objectives are not written in this manner.

298. Lastly, we recommend rephrasing the objective in line with the revised style recommended throughout. The end result (renumbered 3.2.4.2) would be:

²⁴⁴ Submissions 289, 373: Opposed in FS1091 and FS1347

²⁴⁵ Submission 590 and 600: Supported in FS1132 and FS 1209; Opposed in FS1034 and FS1040

²⁴⁶ Submission 608; Opposed in FS1034

²⁴⁷ Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

²⁴⁸ Refer also Proposed RPS, Policy 5.4.5 providing for reduction in the spread of plant pests.

²⁴⁹ Section 32 Evaluation Report- Strategic Direction at page 9

“The spread of wilding exotic vegetation is avoided.”

299. Objective 3.2.4.5 as notified read:

“Preserve or enhance the natural character of the beds and margins of the District’s lakes, rivers and wetlands.”

300. A number of submissions sought that the effect of the objective be softened by substituting “maintain” for “preserve”²⁵⁰.

301. Some submissions sought that reference to biodiversity values be inserted²⁵¹.

302. Some submissions sought deletion of reference to enhancement and inclusion of protection from inappropriate subdivision, use and development²⁵².

303. Mr Paetz did not recommend any change to the notified objective.

304. The origins of this objective are in section 6(a) of the Act which we are required to recognise and provide for and which refers to the ‘preservation’ of these areas of the environment, and the protection of them from inappropriate subdivision, use and development.

305. Objective 6.4.8 of the RPS is relevant on this aspect – it has as its object: “to protect areas of natural character...and the associated values of Otago’s wetlands, lakes, rivers and their margins”.

306. By contrast, Policy 3.1.2 of the proposed RPS refers to managing the beds of rivers and lakes, wetlands, and their margins to maintain or enhance natural character.

307. The combination of the RPS and proposed RPS supports the existing wording rather than the alternatives suggested by submitters. While section 6(a) of the Act would on the face of it support insertion of reference to inappropriate subdivision, use and development, given the guidance we have from the Supreme Court in the *King Salmon* litigation as to the meaning of that phrase, we do not consider that either regional document is inconsistent with or fails to recognise and provide for the matters specified in section 6(a) on that account. We also do not consider that reference to biodiversity values is necessary given that this is already addressed in recommended Objective 3.2.4.1.

308. The RPS (and section 6(a) of the Act) would also support (if not require) expansion of this objective to include the water above lake and riverbeds²⁵³, but we regard this as being addressed by Objective 3.2.4.6 (to the extent it is within the Council’s functions to address).

309. Accordingly, the only recommended amendment is to rephrase this as an objective (renumbered 3.2.4.3), in line with the style adopted above, as follows:

“The natural character of the beds and margins of the District’s lakes, rivers and wetlands is preserved or enhanced.”

²⁵⁰ See e.g. Submissions 607, 615, 621, 716: Supported in FS 1097, FS1105, FS 1137 and FS1345

²⁵¹ Submissions 339, 706: Opposed in FS 1015, FS1162, FS1254 and FS 1287

²⁵² Submissions 519, 598: Supported in FS 1015 and FS1287: Opposed in FS1356

²⁵³ See also the Water Conservation (Kawarau) Order 1997, to the extent that it identifies certain rivers in the District as being outstanding by reason of their naturalness.

310. Objective 3.2.4.6 as notified read:

“Maintain or enhance the water quality and function of our lakes, rivers and wetlands.”

311. A number of submissions supported the objective as notified. The only submission seeking a substantive amendment, sought to delete reference to water quality²⁵⁴.

312. A focus on maintaining or enhancing water quality is consistent with Objective A2 of the NPSFM 2014, which the Council is required to give effect to. While that particular objective refers to overall quality, the decision of the Environment Court in *Ngati Kahungunu Iwi Authority v Hawkes Bay Regional Council*²⁵⁵ does not suggest that any great significance can be read into the use of the word ‘overall’.

313. Similarly, while the policies of the NPSFM 2014 are directed at actions to be taken by Regional Councils, where land uses (and activities on the surface of waterways) within the jurisdiction of the PDP, impinge on water quality, we think that the objectives of the NPSFM 2014 must be given effect by the District Council as well.

314. One might also note Objective 6.4.2 of the RPS, that the Council is also required to give effect to, and which similarly focuses on maintaining and enhancing the quality of water resources.

315. Accordingly, we do not recommend deletion of reference to water quality in this context. The only amendment that is recommended is stylistic in nature, to turn it into an objective (renumbered 3.2.4.4) as follows:

“The water quality and functions of the District’s lakes, rivers and wetlands is maintained or enhanced.”

316. Objective 3.2.4.7 as notified read:

“Facilitate public access to the natural environment.”

317. Submissions on this objective included:

- a. Support for the objective as is²⁵⁶;
- b. Seeking that *“maintain and enhance”* be substituted for *“facilitate”* and emphasising public access *‘along’* rivers and lakes²⁵⁷;
- c. Inserting a link to restrictions on public access created by a subdivision or development²⁵⁸;
- d. Substituting *“recognise and provide for”* for *“facilitate”*²⁵⁹.

318. Mr Paetz in his reply evidence recommended no change to this particular objective.

319. To the extent that there is a difference between facilitating something and maintaining or enhancing it (any distinction might be seen to be rather fine), the submissions seeking that

²⁵⁴ Submission 600: Supported in FS1209; Opposed in FS1034 and FS1040.

²⁵⁵ [2015] NZEnvC50

²⁵⁶ Submissions 378, 625, 640: Opposed in FS1049, FS1095 and FS1347

²⁵⁷ Submissions 339, 706: Supported in FS1097, Opposed in FS1254 and FS1287

²⁵⁸ Submission 600: Supported in FS1209, Opposed in FS1034

²⁵⁹ Submission 806

change were on strong ground given that Objective 6.4.7 of the RPS (and section 6(d) of the Act) refers to maintenance and enhancement of public access to and along lakes and rivers. We do not think, however, that specific reference is required to lakes and rivers, since they are necessarily part of the natural environment.

320. We reject the suggestion that the objective should “*recognise and provide for*” public access, essentially for the reasons set out above²⁶⁰.
321. In addition, while in practice, applications for subdivision and development are likely to provide the opportunity to enhance public access to the natural environment, we do not think that the objective should be restricted to situations where subdivision or development will impede existing public access. Any consent applicant can rely on the legal requirement that consent conditions fairly and reasonably relate to the consented activity²⁶¹ to ensure that public access is not sought in circumstances where access has no relationship to the subject-matter of the application.
322. Lastly, the objective requires amendment in order that it identifies an environmental outcome sought.
323. In summary, we recommend that this objective (renumbered 3.2.4.5) be amended to read:

“Public access to the natural environment is maintained or enhanced.”
324. Objective 3.2.4.8 as notified read:

“Respond positively to Climate Change”.
325. Submissions on it included:
a. General support²⁶²;
b. Seeking its deletion²⁶³;
c. Seeking amendment to focus more on the effects of climate change²⁶⁴.
326. Mr Paetz recommended in his reply evidence that the objective remain as notified.
327. As already noted, the RPS contains a relatively limited focus on climate change, and might in that regard be considered deficient given the terms of section 7(i) of the Act (added to the Act after the RPS was made operative). The Proposed RPS contains a much more comprehensive suite of provisions on climate change and might, we believe, be regarded as providing rather more reliable guidance. The focus of the Proposed RPS, consistently with section 7(i), is clearly on responding to the effects of climate change. As the explanation to Objective 4.2 records, “*the effects of climate change will result in social, environmental and economic costs, and in some circumstances benefits*”. The Regional Council’s view, as expressed in the Proposed RPS, is that that change needs to be planned for.

²⁶⁰ Paragraph 58ff above

²⁶¹ Refer *Newbury District Council v Secretary of State for the Environment* [1981] AC 578 and the many cases following it in New Zealand

²⁶² Submissions 117, 339, 708: Opposed in FS 1162

²⁶³ Submission 807

²⁶⁴ Submissions 598, 806 and 807 (in the alternative): Supported in FS1287; Opposed in FS1034

328. Against that background, we had difficulty understanding exactly what the outcome is that this objective is seeking to achieve. The sole suggested policy relates to the interrelationship of urban development policies with greenhouse gas emission levels, and their contribution to global climate change. As such, this objective appears to be about responding positively to the causes of global climate change, rather than responding to its potential effects.
329. At least since the enactment of the Resource Management (Energy and Climate Change) Amendment Act 2004, the focus of planning under the Act has been on the effects of climate change rather than on its causes.
330. It also appeared to us that to the extent that the PDP could influence factors contributing to global climate change, other objectives (and policies) already address the issue.
331. Accordingly, as suggested by some of the submissions noted above, and consistently with both the Proposed RPS and section 7(i) of the Act, the focus of District Plan provisions related to climate change issues should properly be on the effects of climate change. The most obvious area²⁶⁵ where the effects of climate change are relevant to the final form of the District Plan is in relation to management of natural hazards. We have already discussed how that might be incorporated into the high level objectives of Chapter 3. While there are other ways in which the community might respond to the effects of climate change, these arise in the context of notified Policy 3.2.1.3.2. We consider Objective 3.2.4.8 is unclear and adds no value. While it could be amended as some submitters suggest, to focus on the effects of climate change, we consider that this would duplicate other provisions addressing the issues more directly. In our view, the better course is to delete it.
332. In summary, we consider that the objectives recommended for inclusion in Section 3.2.4 are individually and collectively the most appropriate way to achieve the purpose of the Act as it relates to the natural environment and ecosystems.

2.10. Section 3.2.5 Goal – Landscape Protection

333. As notified, this goal read:

“Our distinctive landscapes are protected from inappropriate development.”

334. A number of submissions supported this goal.
335. Submissions seeking amendment to it sought variously:
- a. Amendment to recognise the operational and locational constraints of infrastructure²⁶⁶.
 - a. Substitution of reference to the values of distinctive landscapes²⁶⁷.
 - b. Substitution of reference to the values of ‘outstanding’ landscapes and insertion of reference to the adverse effects of inappropriate development on such values²⁶⁸.
336. A number of submissions also sought deletion of the whole of Section 3.2.5.
337. Mr Paetz did not recommend any amendment to this goal.

²⁶⁵ See Submission 117 in this regard

²⁶⁶ Submissions 251, 433: Supported in FS1029, FS1061 and FS1085

²⁶⁷ Submission 807

²⁶⁸ Submission 806

338. The RPS focuses on outstanding landscapes²⁶⁹, reflecting in turn the focus of section 6(b) of the Act. The Proposed RPS, however, has policies related to both outstanding and highly valued landscapes, with differing policy responses depending on the classification, within the umbrella of Objective 3.2 seeking that significant and highly-valued natural resources be identified, and protected or enhanced.
339. Like the Proposed RPS, the subject matter of Section 3.2.5 is broader than just the outstanding natural landscapes of the District. Accordingly, it would be inconsistent to limit the higher-level objective to those landscapes.
340. For the same reason, a higher-level objective seeking the protection of both outstanding natural landscapes and lesser quality, but still distinctive, landscapes goes too far, even with the qualification of reference to inappropriate development. As discussed earlier in this report, given the guidance of the Supreme Court in *King Salmon* as to the correct interpretation of qualifications based on reference to inappropriate subdivision use and development, it is questionable whether reference to inappropriate development in this context adds much. To that extent, we accept the point made in legal submissions for Trojan Helmet Ltd that section 6 and 7 matters should not be conflated by seeking to protect all landscapes.
341. The suggestion in Submissions 806 and 807 that reference might be made to the values of the landscapes in question is one way in which the effect of the goal/higher-level objective could be watered down. But again, this would be inconsistent with objectives related to outstanding natural landscapes, which form part of Section 3.2.5.
342. We recommend that these various considerations might appropriately be addressed if the goal/higher order objective were amended to read:
- “The retention of the District’s distinctive landscapes.”*
343. We consider that this is the most appropriate way to achieve the purpose of the Act in the context of a high-level objective related to landscapes.

2.11. Section 3.2.5 Objectives - Landscapes

344. Objective 3.2.5.1 as notified read:

“Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.”

345. This objective and Objective 3.2.5.2 following it (related to non-outstanding rural landscapes) attracted a large number of submissions, and evidence and submissions on them occupied a substantial proportion of the Stream 1B hearing. The common theme from a large number of those submitters and their expert witnesses was that Objective 3.2.5.1 was too protective of ONLs in particular, too restrictive of developments in and affecting ONLs, and would frustrate appropriate development proposals that are important to the District’s growth²⁷⁰.
346. Some suggested that the objective as notified would require that all subdivision use and development in ONLs and ONFs be avoided.²⁷¹ If correct, that would have obvious costs to the

²⁶⁹ RPS, Objectives 5.4.3, 6.4.8

²⁷⁰ See e.g. Mr Jeff Brown’s evidence at paragraph 2.3.

²⁷¹ E.g. Ms Louise Taylor, giving evidence for Matukituki Trust

District's economy and to future employment opportunities that would need to be carefully considered.

347. As already noted, a number of submissions sought the deletion of the entire Section 3.2.5²⁷². As regards Objective 3.2.5.1, many submitters sought reference be inserted to “*inappropriate*” subdivision, use and development²⁷³.
348. One submitter combined that position with seeking that adverse effects on natural character of ONLs and ONFs be avoided, remedied or mitigated, as opposed to their being protected²⁷⁴.
349. Another suggestion was that the objective be broadened to refer to landscape values and provide for adverse effects on those values to be avoided, remedied or mitigated²⁷⁵.
350. The Council's corporate submission sought specific reference to indigenous flora and fauna be inserted into this objective²⁷⁶.
351. Submission 810²⁷⁷ sought a parallel objective (and policy) providing for protection and mapping of wāhi tupuna.
352. The more general submissions²⁷⁸ seeking provision for infrastructure also need to be kept in mind in this context.
353. In his Section 42A Report, Mr Paetz sought to identify the theme underlying the submissions on this objective by recommending that it be amended to read:
- “Protect the quality of the Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.”*
354. His reasoning was that a focus solely on the natural character of ONLs and ONFs was unduly narrow and not consistent with “*RMA terminology*”. He did not, however, recommend acceptance of the many submissions seeking insertion of the word ‘*inappropriate*’ essentially because it was unnecessary – “*in saying ‘Protect the quality of the outstanding natural landscapes and outstanding natural features from subdivision, use and development’, the ‘inappropriate’ test is implicit i.e. Development that does not protect the quality will be inappropriate.*”²⁷⁹
355. By his reply evidence, Mr Paetz had come round to the view that the submitters on the point (and indeed many of the planning witnesses who had given evidence) were correct and that the word ‘*inappropriate*’ ought to be added. He explained his shift of view on the basis that

²⁷² E.g. Submissions 632, 636, 643, 669, 688, 693, 702: Supported in FS1097; Opposed in FS1219, FS1252, FS1275, FS1283 and FS1316

²⁷³ E.g. Submissions 355, 375, 378, 502, 519, 581, 598, 607, 615, 621, 624, 716, 805: Supported in FS1012, FS1015, FS1097, FS1117, FS1137, FS1282 and FS1287; Opposed in FS1049, FS1095 FS1282, FS1320 and FS1356

²⁷⁴ Submission 519: Supported in FS1015, FS1097 and FS1117; Opposed in FS1282 and 1356

²⁷⁵ Submissions 806 and 807

²⁷⁶ Submission 809: Opposed in FS1097

²⁷⁷ Supported in FS1098; Opposed in FS1132

²⁷⁸ Submissions 251 and 433: Supported in FS1029, FS1061 and FS1085

²⁷⁹ Section 42A Report at 12,103

that amendment would enable applicants “to make their case on the merits in terms of whether adverse impacts on ONFs or ONLs, including component parts of them, is justified”²⁸⁰.

356. Mr Paetz’s Section 42A Report reflects the decision of the Supreme Court in the *King Salmon* litigation previously noted. His revised stance in his reply evidence implies that the scope of appropriate subdivision, use and development in the context of an objective seeking protection of ONLs and ONFs from inappropriate subdivision, use and development is broader than that indicated by the Supreme Court.
357. The legal basis for Mr Paetz’s shift in position is discussed in the reply submissions of counsel for the Council. Counsel’s reply submissions²⁸¹ emphasize the finding of the Supreme Court that section 6 does not give primacy to preservation or protection and draws on the legal submissions of counsel for the Matukituki Trust to argue that a protection against ‘*inappropriate*’ development is not necessarily a protection against any development, but that including reference to it allows a case to be made that development is appropriate.
358. This in turn was argued to be appropriate in the light of the extent to which the district has been identified as located within an ONL or ONF (96.97% based on the notified PDP maps).
359. Although not explicitly saying so, we read counsel for the Council’s reply submissions as supporting counsel for a number of submitters who urged us to take a ‘*pragmatic*’ approach to activities within or affecting ONLs or ONFs²⁸².
360. Counsel for Peninsula Bay Joint Venture²⁸³ argued also ²⁸⁴ that Objective 3.2.5.1 failed to implement the RPS because the relevant objective in that document²⁸⁵ refers to protection of ONLs and ONFs “*from inappropriate subdivision, use and development*”.
361. We agree that the objectives and policies governing ONFs and ONLs are of critical importance to the implementation of the PDP. While as at the date of the Stream 1B hearing, submissions on the demarcation of the ONLs and ONFs had yet to be heard, it was clear to us that a very substantial area of the district would likely qualify as either an ONL or an ONF. Dr Marion Read told us that this District was almost unique because the focus was on identifying what landscapes are not outstanding, rather than the reverse. As above, Council staff quantified the extent of ONLs and ONFs mapped in the notified PDP as 96.97%²⁸⁶.
362. Given our recommendation that there should be a strategic chapter giving guidance to the implementation of the PDP as a whole, the objective in the strategic chapter related to activities affecting ONLs and ONFs is arguably the most important single provision in the PDP.
363. For precisely this reason, we consider that this objective needs to be robust, in light of the case law and the evidence we heard, and clear as to what outcome is being sought to be achieved.

²⁸⁰ M Paetz, Reply Evidence at 5.23.

²⁸¹ At 6.6

²⁸² Mr Goldsmith for instance (appearing for Ayrburn Farms Ltd, Bridesdale Farms Ltd, Mt Cardrona Station) observed that elements of the existing planning regime for ONL’s exhibited a desirable level of pragmatism.

²⁸³ Submission 378

²⁸⁴ Written submissions at paragraph 32

²⁸⁵ Objective 5.4.3

²⁸⁶ See QLDC Memorandum Responding to Request for Further Information Streams 1A & 1B, Schedule 3

364. The starting point is that, as already noted, the Supreme Court in *King Salmon* found that:
- “We consider that where the term ‘inappropriate’ is used in the context of protecting areas from inappropriate subdivision, use or development, the natural meaning is that ‘inappropriateness’ should be assessed by reference to what it is that is sought to be protected.”*²⁸⁷
365. When we discussed the matter with Mr Gardner-Hopkins, at that point acting as counsel for Kawarau Jet Services, he agreed that we were duty bound to apply that interpretation, but having said that, in his submission, the point at which effects tip into being inappropriate takes colour from the wider policy framework and factual analysis.
366. That response aligns with the Environment Court’s decision in *Calveley v Kaipara DC*²⁸⁸ that Ms Hill²⁸⁹ referred us to. That case concerned both a resource consent appeal and an appeal on a plan variation. In the context of the resource consent appeal, the Environment Court emphasised that when interpreting the meaning of *“inappropriate subdivision, use and development”* in a particular plan objective, it was necessary to consider the objective in context (in particular in the context of the associated policy seeking to implement it). In that case, the policy supported an interpretation of the objective that was consistent with the natural and ordinary meaning identified by the Supreme Court in *King Salmon*, as above. However, as the Environment Court noted, neither the objective nor the policy suggested that subdivision development inevitably must be inappropriate. The Court found²⁹⁰ that both the objective and policy recognised the potential for sensitively designed and managed developments to effectively protect ONL values and characteristics.
367. In that regard, it is worth noting that the Supreme Court in *King Salmon* likewise noted that a protection against *‘inappropriate’* development is not necessarily protection against *‘any’* development, but rather it allows for the possibility that there may be some forms of *‘appropriate’* development²⁹¹. That comment was made in the context of the Supreme Court’s earlier finding as to what inappropriate subdivision, use and development was, as above.
368. Ultimately, though, we think that the *Calveley* decision is of peripheral assistance because the issue we have to confront is whether this particular objective should refer to protection of ONLs and ONFs from inappropriate subdivision, use and development. The wording of the policy seeking to implement the objective is necessarily consequential on that initial recommendation. Accordingly, while we of course accept the Environment Court’s guidance that a supporting policy might assist in the interpretation of the objective, the end result is somewhat circular given that we also have to recommend what form the supporting policy(ies) should take.
369. We should note that Ms Hill also referred us to the Board of Inquiry decision on the Basin Bridge Notice of Requirement, but we think that the Board of Inquiry’s decision does not particularly assist in our inquiry other than to the extent that the Board recorded its view that

²⁸⁷ [2016] NZSC38 at [101]

²⁸⁸ [2014] NZEnvC 182

²⁸⁹ Counsel for Ayrburn Farm Estate Limited, Bridesdale Farm Developments Limited, Shotover Country Limited, Mt Cardrona Station Limited

²⁹⁰ At [132]

²⁹¹ *King Salmon* at [98]

it was obliged by the Supreme Court's decision to approach and apply Part 2 of the Act having regard to the natural meaning of "inappropriate" as above²⁹².

370. Objective 5.4.3 of the RPS that the PDP is required to implement (absent invalidity, incompleteness or ambiguity) seeks:

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

371. Objective 5.4.3 is expressed in almost exactly the same terms as section 6(b) of the Act. There is accordingly no question (in our view) that the RPS is completely consistent with Part 2 of the Act in this regard. It also means that cases commenting on the interpretation of section 6(b), and indeed the other subsections using the same phraseology, are of assistance in interpreting the RPS. In that regard, while, as the Environment Court in *Calveley* has noted, the term "inappropriate" might take its meaning in plans from other provisions that provide the broader context, in the context of both RPS Objective 5.4.3 and section 6, 'inappropriate' should clearly be interpreted in the manner that the Supreme Court has identified²⁹³.

372. As counsel for the Council noted in their reply submissions, the Supreme Court stated that section 6 does not give primacy to preservation or protection. We think however, that Counsel's submissions understate the position, because what the Supreme Court actually said was:

*"Section 6 does not, we agree, give primacy to preservation or protection; it simply means that provision must be made for preservation and protection as part of the concept of sustainable management."*²⁹⁴

373. The Supreme Court went on from that statement to say that a Plan could give primacy for preservation or protection and in the Court's view, that was what the NZCPS policies at issue had done.

374. The point that has troubled us is how in practice one could make provision for the protection, in this case of ONLs and ONFs, whether as part of the concept of sustainable management (or as implementing Objective 5.4.3), without actually having an objective seeking that ONLs and ONFs be protected. We discussed this point with Mr Gardner-Hopkins²⁹⁵ who submitted that while there has to be an element of protection and preservation of ONLs in the PDP, we had some discretion as to where to set the level of protection. Mr Gardner-Hopkins noted that the Supreme Court had implied that there were environmental bottom lines in Part 2, but that they were somewhat "saggy" in application.

375. We think that counsel may have been referring in this regard to the discussion at paragraph [145] of the Supreme Court's decision in which the Court found that even in the context of directive policies requiring avoidance of adverse effects, it was improbable that it would be necessary to prohibit an activity that has a minor or transitory adverse effect, even where the natural character sought to be preserved was outstanding.

²⁹² *Final report and decision of the Board of Inquiry into the Basin Bridge Proposal* at paragraph [188](c)

²⁹³ As the Basin Bridge Board of Inquiry found

²⁹⁴ *King Salmon* at [149]

²⁹⁵ At this point appearing for the Matukituki Trust

376. We think, therefore, that we would be on strong ground to provide in Objective 3.2.5.1, that ONLs and ONFs should be protected from adverse effects that are more than minor and/or not temporary in duration²⁹⁶. This approach would also meet the concern of a number of parties that the objective should not indicate or imply that all development in ONLs and ONFs is precluded²⁹⁷.
377. Based on our reading of the Supreme Court’s decision in *King Salmon* however, if the adverse effects on ONLs and ONFs are more than minor and/or not temporary, it is difficult to say that the ONL or ONF, as the case may be, is being protected. Similarly, if the relevant ONL or ONF is not being protected, it is also difficult to see how any subdivision, use or development could be said to be ‘appropriate’.
378. Even if we are wrong, and *King Salmon* is not determinative on the ambit of ‘inappropriate subdivision use and development’, we also bear in mind the general point we made above, based on the guidance of the Environment Court in its ODP decision C74/2000 at paragraph [10] that it was not appropriate to leave these policy matters for Council to decide on a case by case basis.
379. We do not accept the argument summarised above that was made for Peninsula Bay Joint Venture that because the RPS objective refers to inappropriate subdivision, use and development, so too must Objective 3.2.5.1. The legal obligation on us is to give effect to the RPS²⁹⁸. The Supreme Court decision in *King Salmon* confirms that that instruction means what it says. The Supreme Court has also told us, however, that saying that ONL’s must be protected from inappropriate subdivision, use and development does not create an open-ended discretion to determine whether subdivision, use and development is ‘appropriate’ on a case-by-case basis. By contrast, it has held that any discretion is tightly controlled and must be referenced back to protection of the ONL or ONF concerned. Accordingly, omitting reference to inappropriate subdivision, use and development does not in our view fail to give effect to the RPS, because it makes no substantive difference to the outcome sought.
380. The Proposed RPS approaches ONLs and ONFs in a slightly different way. Policy 3.2.4 states that outstanding natural features and landscapes should be protected by, among other things, avoiding adverse effects on those values that contribute to the significance of the natural feature or landscape.
381. The Proposed RPS would certainly not support an open-ended reference to inappropriate subdivision, use and development. It does, however, support Mr Paetz’s recommendation that the focus not be solely on the natural character of ONLs and ONFs. While we had some concerns as to the ambiguity that might result if Mr Paetz’s initial recommendation (in his Section 42A Report) were accepted, and reference be made to the quality of ONLs and ONFs, we think he was on strong ground identifying that natural character is not the only quality of ONLs and ONFs. We note that the planning witness for Allenby Farms Limited and Crosshill Farms Limited, Mr Duncan White, supported the reference in the notified objective to natural character as being “*the significant feature of ONLs and ONFs*”²⁹⁹.

²⁹⁶ Mr White, planning witness for Allenby Farms Ltd and Crosshill Farms Ltd, supported that approach.

²⁹⁷ This was a rationale on which Mr Dan Wells, for instance, supported addition of the word ‘inappropriate’ to the notified objective.

²⁹⁸ Section 75(3)(c) of the Act

²⁹⁹ D White, EiC at 3.2

382. Mr White, however, accepted that the so-called *Pigeon Bay* criteria for landscapes encompassed a wide variety of matters, not just natural character.
383. Mr Carey Vivian suggested to us that the objective might refer to “*the qualities*” of ONLs and ONFs, rather than “*the quality*” as Mr Paetz had recommended. It seems to us, however, that broadening the objective in that manner would push it too far in the opposite direction.
384. In our view, some aspects of ONLs and ONFs are more important than others, as the Proposed RPS recognises. Desirably, one would focus on the important attributes of the particular ONL and ONF in question³⁰⁰. The PDP does not, however, identify the particular attributes of each ONL or ONF. The ODP, however, focuses on the landscape values, visual amenity values and natural character of ONLs in the Wakatipu Basin, and we recommend that this be the focus of the PDP objective addressing ONLs and ONFs more generally – accepting in part a submission of UCES that, at least in this regard, there is value in rolling over the ODP approach.
385. Identifying the particular values of ONLs and ONFs of most importance also responds to submissions made by counsel for Skyline Enterprises Ltd and others that the restrictive provisions in the notified plan had not been justified with reference to the factors being protected.
386. An objective seeking no more than minor effects on ONLs and ONFs would effectively roll over the ODP in another respect. That is the policy approach in the ODP for ONLs in the Wakatipu Basin and for ONFs.
387. The structure of the ODP in relation to ONLs and ONFs is to have a very general objective governing landscape and visual amenity values, supported by separate policies for ONLs in the Wakatipu Basin, ONLs outside the Wakatipu Basin and ONFs. Many of the policies for the Wakatipu Basin ONLs and ONFs are identical. At least in appearance, the policies of the ODP are more protective of ONLs in the Wakatipu Basin than outside that area. The key policies governing subdivision and development outside the Wakatipu Basin focus on the capacity of the ONLs to absorb change, avoiding subdivision and development in those parts of the ONLs with little or no capacity to absorb change and allowing limited subdivision and development in those areas with a higher potential to absorb change. We note though that capacity to absorb change will be closely related to the degree of adverse effects when landscape and visual amenity values are an issue and so the difference between the two may be more apparent than real.
388. Submitters picked up on the different approach of the PDP from the ODP in this regard. UCES supported having a common objective and set of policies for ONLs across the district, utilising the objectives, and policies (and assessment matters and rules) in the ODP that apply to the ONLs of the Wakatipu Basin. When he appeared before us in Wanaka, counsel for Allenby Farms Limited, Crosshill Farms Limited and Mt Cardrona Station Limited, Mr Goldsmith, argued that when the Environment Court identified in its Decision C180/99 the desirability of a separate and more restricted policy regime for the Wakatipu Basin ONLs, it had good reason for doing so (based on the greater development pressures in the Wakatipu Basin, the extent of existing development activity and the visibility of the ONLs from the Basin floor). Mr Goldsmith submitted that there is no evidence that those factors do not still apply, and that accordingly the different policy approaches for Wakatipu Basin ONLs, compared to the ONL’s in the balance of the District should be retained.

³⁰⁰ Refer the recommendations of Report 16

389. This relief was not sought by Mr Goldsmith’s clients in their submissions and so we have regarded it as an example of a submitter (or in this case three submitters) seeking to rely on the collective scope provided by other unspecified submissions (i.e. the point discussed earlier in this report). In this particular case, the argument Mr Goldsmith pursued arguably falls within the jurisdiction created by the submissions already noted seeking deletion of the whole of Section 3.2.5 and we have accordingly considered it on its merits.
390. Discussing the point with us, Mr Goldsmith agreed that the Environment Court’s key findings were based on evidence indicating a need for stringent controls on the Wakatipu Basin and a lack of evidence beyond that. While he agreed that the lack of evidence before the Environment Court in 1999 should not determine the result in 2016 (when we heard his submissions), Mr Goldsmith submitted that there was no evidence before us that the position has changed materially. We note, however, that Mr Haworth suggested to us that the contrary was the case, and that development pressure had increased significantly throughout the District since the ODI was written³⁰¹. Mr Haworth provided a number of examples of residential development having been consented in the ONLs of the Upper Clutha and also drew our attention to the tenure review process having resulted in significant areas of freehold land becoming available for subdivision and development within ONLs.
391. In addition, the Environment Court’s decision in 1999 reflected the then understanding of the role of section 6(b) of the Act in the context of Part 2 as a whole³⁰². That position has now been overtaken by the Supreme Court’s decision in *King Salmon*, that we have discussed extensively already. The Supreme Court’s decision means that we must find a means to protect ONLs and ONFs as part of the implementation of the RPS and, in consequence, the sustainable management of the District’s natural and physical resources. In that context, we think that a different policy regime between ONLs in different parts of the district might be justified if they varied in quality (if all of them are outstanding, but some are more outstanding than others). But no party sought to advance an argument (or more relevantly, called expert evidence) along these lines.
392. We accordingly do not accept Mr Goldsmith’s argument. We find that it is appropriate to have one objective for the ONLs and ONFs of the District and that that objective should be based upon protecting the landscape and visual amenity values and the natural character of landscapes and features from more than minor adverse effects that are not temporary in nature.
393. We do not consider that reference is required to wāhi tupuna given that this is addressed in section 3.2.7.
394. We record that we have considered the submission of Remarkables Park Limited³⁰³ and Queenstown Park Limited³⁰⁴ that, in effect, a similar approach to that in the ODP should be taken, with a very general objective supported by more specific policies. The structure of the PDP is, at this strategic level, one objective for ONLs and ONFs, and another objective for other rural landscapes. We regard that general approach as appropriate. Once one gets to the point of determining that there should be an objective that is specific to ONLs and ONFs, it is not

³⁰¹ J Haworth, Submissions and Evidence at page 16

³⁰² Refer C180/99 at paragraph [69]

³⁰³ Submission 806

³⁰⁴ Submission 807

appropriate, for the reasons already canvassed, that the outcome aspired to is one which provides for avoiding, remedying or mitigating adverse effects³⁰⁵.

395. The last point that we need to examine before concluding our recommendation is whether an objective that does not provide for protection of ONLs and ONFs from inappropriate subdivision, use and development fails to provide for critical infrastructure and/or fails to give effect to the NPSET 2008.
396. QAC expressed concern that an overly protective planning regime for ONLs and ONFs would constrain its ability to locate and maintain critical meteorological monitoring equipment that must necessarily be located at elevated locations around Queenstown Airport which are currently classified as ONLs or ONFs. QAC also noted that Airways Corporation operates navigational aids on similar locations which are critical to the Airport's operations³⁰⁶. QAC did not provide evidence though that suggested that the kind of equipment they were talking about would have anything other than a minor effect on the ONLs or ONFs concerned.
397. Transpower New Zealand also expressed concern about the potential effect of an overly protective regime for ONLs on the National Grid. The evidence for Transpower was that, there is an existing National Grid line into Frankton through the Kawarau Gorge and while the projected population increases would suggest a need to upgrade that line within the planning period of the PDP, the nature of the changes that would be required would be barely visible from the ground. The Transpower representatives who appeared before us accepted that that would be in the category of "minor" adverse effects. They nevertheless emphasised the need to provide for currently unanticipated line requirements that would necessarily have to be placed in ONLs given that the Wakatipu Basin is ringed with ONLs (assuming the notified plan provisions in this regard remain substantially unchanged). Counsel for Transpower, Ms Garvan, and Ms Craw, the planning witness for Transpower, drew our attention to Policy 2 of the NPSET 2008, which reads:

*"In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network."*³⁰⁷

398. They also emphasised the relevance of Policy 8 of the NPSET 2008, which reads as follows:

"In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities."

399. Ms Craw also referred us to the provisions of the Proposed RPS suggesting that the PDP is inconsistent with the Proposed RPS. We note in this regard that Policy 4.3.3 of the Proposed RPS reads:

³⁰⁵ We note the planning evidence of Mr Tim Williams in this regard: Mr Williams was of the opinion (stated at his paragraph 14) that high-level direction for protection and maintenance of the District's nationally and internationally revered landscapes was appropriate.

³⁰⁶ Consideration of such equipment now needs to factor in the provisions in the Proposed RPS indicating that it is infrastructure, whose national and regional significance should be recognised (Policy 4.3.2(e)).

³⁰⁷ The NPSET 2008 defines the electricity transmission network to be the National Grid.

“Minimise adverse effects from infrastructure that has national or regional significance, by all of the following:

...

(b) Where it is not possible to avoid locating in the areas listed in (a) above [which includes outstanding natural features and landscapes], avoiding significant adverse effects on those values that contribute to the significant or outstanding nature of those areas;...”

400. We tested the ambit of the relief Transpower was contending might be required to give effect to the NPSET 2008, by suggesting an unlikely hypothetical example of a potential new national grid route³⁰⁸ and inviting comment from Transpower’s representatives as to whether the NPSET 2008 required that provision be made for it. Counsel for Transpower accepted that the PDP was not required to enable the National Grid in every potential location, but rejected any suggestion that the PDP need only provide for Transpower’s existing assets and any known future development plans³⁰⁹.
401. We enquired of counsel whether, if the NPSET 2008 requires the PDP to enable the National Grid in circumstances where that would have significant adverse effects on ONLs or ONFs, the NPSET 2008 might itself be considered to be contrary to Part 2 and therefore within one of the exceptions that the Supreme Court noted in *King Salmon* to the general principle that a Council is not able to circumvent its obligation to give effect to a relevant National Policy Statement by a reference to an overall broad judgement under section 5.
402. We invited Counsel for Transpower New Zealand Limited to file further submissions on this point.
403. Unfortunately, the submissions provided by Counsel for Transpower did not address the fundamental point, which is that the Supreme Court expressly stated that:
- “... If there was an allegation going to the lawfulness of the NZCPS, that would have to be resolved before it could be determined whether a decision-maker who gave effect to the NZCPS as it stood was necessarily acting in accordance with pt 2.”³¹⁰*
404. To the extent that counsel for Transpower relied on a recent High Court decision addressing the relevance of the NPSFM 2011 to a Board of Inquiry decision³¹¹, we note that the consistency or otherwise of the NPSFM 2011 with Part 2 of the Act was not an issue in that appeal. Rather, the point of issue was whether the Board of Inquiry had correctly given effect to the NPSFM 2011.
405. More recently, the High Court in *Transpower New Zealand Ltd v Auckland Council*³¹² has held that national policy statements promulgated under section 45 of the Act (like the NPSET) are not an exclusive list of relevant matters and do not necessarily encompass the statutory purpose. The High Court found specifically³¹³ that the NPSET is not as all-embracing of the Act’s purpose set out in section 5 as is the New Zealand Coastal Policy Statement and that a decision-maker can properly consider the Act’s statutory purpose, and other Part 2 matters,

³⁰⁸ From Frankton to Hollyford, via the Routeburn Valley

³⁰⁹ Addendum to legal submissions on behalf of Transpower New Zealand Limited dated 21 March 2016 at paragraph 2.

³¹⁰ *King Salmon* at [88]

³¹¹ *Hawke’s Bay and Eastern Fish and Game Council v Hawke’s Bay RC* [2015] 2 NZLR 688

³¹² [2017] NZHC 281

³¹³ *Ibid* at [84]

as well as the NPSET, when exercising functions and powers under the Act. As the Court observed, that does not mean we can ignore the NPSET; we can and should consider it and give it such weight as we think necessary.

406. Ultimately, we do not think we need to reach a conclusion as to whether the NPSET 2008 is consistent with Part 2 of the Act for the purposes of this report, because the NPSET 2008 does not expressly say that Transpower's development and expansion of the national grid may have significant adverse effects on ONLs or ONFs. Policy 8 says that Transpower must seek to avoid adverse effects, but gives no guidance as to how rigorously that policy must be pursued. Similarly, Policy 2 gives no indication as to the extent to which development of the National Grid must be provided for. It might also be considered that a contention that Transpower should be able to undertake developments with significant adverse effects on ONLs would be contrary to the Proposed RPS policy Ms Craw relied on (given that a significant adverse effect on ONLs will almost certainly be a significant adverse effect on the values that make the landscape outstanding).

407. In circumstances where Transpower did not present evidence suggesting any compelling need to provide for significant adverse effects of the National Grid on ONLs and ONFs, we do not think that the primary objective of the PDP should be qualified to make such provision.

408. We accept Mr Renton, giving evidence for Transpower, did suggest that there might be cause to route a National Grid line up the Cardrona Valley and over the Crown Range Saddle. However, he did not present this as anything more than a hypothetical possibility.

409. We note that the Environment Court came to a similar conclusion when considering the relevance of the NPSET 2008 to objectives and policies governing protection of indigenous biodiversity in the Manawatu-Wanganui Region, commenting³¹⁴:

"As with the NPSREG, we do not find that the NPSET gives electricity transmission activities so special a place in the order of things that it should override the regime that applies to indigenous biodiversity. In any case, we were not persuaded that this regime would present insurmountable obstacles to continuing to operate and expand the electricity transmission network to meet the needs of present and future generations."

410. In summary, while we think that there does need to be additional provision for infrastructure, including, but not limited to, the National Grid, in the more specific policies in Chapter 6 implementing this objective, we recommend that Objective 3.2.5.1 be amended to read as follows:

"The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration."

411. Turning to non-outstanding landscapes, Objective 3.2.5.2 as notified read:

"Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes."

412. A large number of submissions sought to amend this objective so as to create a greater range of acceptable adverse effects. Suggestions included:

³¹⁴ *Day et al v Manawatu-Wanganui RC* [2012] NZEnvC 182 at 3-127

- a. Substituting recognition of rural landscape values in conjunction with making provision for management of adverse effects³¹⁵;
 - b. Providing for recognition of those values with no reference to adverse effects³¹⁶;
 - c. Providing for management, or alternatively avoiding, remedying or mitigating of adverse effects³¹⁷;
 - d. Inserting reference to inappropriate subdivision use and development³¹⁸;
 - e. Shifting the focus from adverse landscape effects to adverse effects on natural landscapes³¹⁹;
 - f. Incorporating reference to the potential to absorb change, among other things by incorporating current Objective 3.2.5.3 as a policy under this objective³²⁰.
413. In his Section 42A Report, Mr Paetz expressed the view that while the word ‘*minimise*’ was utilised in this objective to provide greater direction, that level of direction might not be appropriate in rural areas not recognised as possessing outstanding landscape attributes. He recommended alternative wording that sought to maintain and enhance the landscape character of the Rural Landscape Classification, while acknowledging the potential “*for managed and low impact change*”. When Mr Paetz appeared to give evidence, we discussed with him whether the two elements of his suggested amended objective (‘*maintain and enhance*’ v ‘*managed and low impact change*’) were internally contradictory³²¹.
414. In his reply evidence, Mr Paetz returned to the point³²². He acknowledged that there is at least probably, some tension or ambiguity introduced by the combination of terms and revised his recommendation so that if accepted, the objective would read:
- “The quality and visual amenity values of the Rural Landscapes [the amended term for the balance of rural areas that Mr Paetz recommended] are maintained and enhanced.”*
415. The common feature of the relief sought by a large number of the submissions summarised above is that, if accepted, they would have the result that the objective for non-outstanding rural landscapes would not identify any particular outcome against which one could test the success or otherwise of the policies seeking to achieve the objective.
416. We have discussed earlier the need for the PDP objectives to be meaningful and to identify a desired environmental outcome. Many of the submissions on this objective, if accepted, would not do that.
417. Accordingly, we do not recommend that those submissions be accepted, other than that they might be considered to be ‘accepted in part’ by our recommendation below.
418. The starting point for determining the appropriate objective for non-outstanding rural landscapes is to identify the provisions in the superior documents governing this issue. As

³¹⁵ Submissions 437, 456, 513, 522, 532, 534, 537, 608; Supported in FS1071, FS1097, FS1256, FS1286, FS1292, FS1322 and FS1349; Opposed in FS1034 and FS1120

³¹⁶ Submission 515, 531

³¹⁷ Submissions 502, 519, 598, 607, 615, 621, 624, 696, 716, 805: Supported in FS1012, FS1015, FS10976, FS1105 and FS1137; Opposed in FS 1282 and FS1356

³¹⁸ Submissions 502, 519, 696: Supported in FS1012, FS1015 and FS1097; Opposed in FS1282 and FS1356

³¹⁹ Submissions 502, 519: Supported in FS1012, FS1015 and FS1097; Opposed in FS1282 and FS1356

³²⁰ Submission 806

³²¹ As Ms Taylor, giving planning evidence for Matukituki Trust, suggested to us was the case.

³²² M Paetz, Reply Evidence at 5.25

already discussed, the RPS focuses principally on protection of ONLs and ONFs. The only objectives applying to the balance of landscapes and features are expressed much more generally, with non-outstanding landscapes considered as natural resources (degradation of which is sought to be avoided, remedied or mitigated³²³) or land resources (the sustainable management of which is sought to be promoted³²⁴). In terms of the spectrum between more directive and less directive higher other provisions identified by the Supreme Court in *King Salmon*³²⁵, these objectives provide little clear direction, and consequently considerable flexibility in their implementation.

419. The national policy statements likewise do not determine the general objective for non-outstanding landscapes, although both the NPSET 2008 and the NPSREG 2011, in particular need to be borne in mind.
420. The Proposed RPS is of rather more assistance. As previously noted, the Proposed RPS has policies both for ONLs and ONFs, and for highly valued (but not outstanding) natural features and landscapes, under the umbrella of an objective³²⁶ seeking that significant and highly-valued natural resources be “*identified, and protected or enhanced*”.
421. Policy 3.2.5 clarifies that “*highly-valued*” natural features and landscapes are valued for their contribution to the amenity or quality of the environment.
422. Policy 3.2.6 states that highly-valued features and landscapes are protected or enhanced by “*avoiding significant adverse effects on those values which contribute to the high value of the natural feature [or] landscape*” and avoiding, remedying or mitigating other adverse effects.”.
423. The approach of the Proposed RPS to identification of “*highly-valued*” natural features and landscapes appears consistent with the relevant provisions in Part 2 of the Act. The first of these is section 7(c) pursuant to which we are required to have particular regard to “*the maintenance and enhancement of amenity values*”.
424. The second is section 7(f) of the Act, pursuant to which, we are required to have particular regard to “*maintenance and enhancement of the quality of the environment*”.
425. These provisions were the basis on which the Environment Court determined the need to identify “*visual amenity landscapes*”, which were separate from and managed differently to “*other rural landscapes*” in 1999. The Environment Court did not, however, identify which landscapes were in which category. In fact, it found that it had no jurisdiction to make a binding determination (for example, which might be captured on the planning maps³²⁷). In an earlier decision³²⁸, however, the Court observed that an area had to be of sufficient size to qualify as a ‘*landscape*’ before it could be classed as an ORL. It pointed to the Hawea Flats area as the obvious area most likely to qualify as an other rural landscape (ORL) and indicated that the area now known as the Hawthorn Triangle in the Wakatipu Basin might do so³²⁹.

³²³ RPS Objective 5.4.2

³²⁴ RPS Objective 5.4.1

³²⁵ *King Salmon* at [127]

³²⁶ Proposed RPS, Objective 3.2

³²⁷ *Wakatipu Environmental Society Incorporated and Ors v Queenstown Lakes District Council* C92/2001

³²⁸ *Lakes District Rural Landowners Society Incorporated and Ors v Queenstown Lakes District Council* C75/2001

³²⁹ Refer paragraph [27]

426. We should address here an argument put to us by counsel for GW Stalker Family Trust and others that section 7(b) operates, in effect, as a counterweight to section 7(c).
427. Section 7(b) requires that we have particular regard, among other things, to “*the efficient use and development of natural and physical resources*”. Mr Goldsmith characterised section 7(b) as encouraging an enabling regime allowing landowners to develop their land in order to generate social and economic benefits, and section 7(c) as acting as a brake on such development.
428. We do not accept that to be a correct interpretation either of section 7(b), or of its inter-relationship with section 7(c), or indeed with the other subsections of section 7.
429. Our understanding of efficiency and of efficient use and development of natural and physical resources is that it involves weighing of costs and benefits of a particular proposal within an analytical framework. The Environment Court has stated that consideration of efficiency needs to take account of all relevant resources and desirably quantify the costs and benefits of their use, development and protection³³⁰. Quantification of effects on non-monetary resources like landscape values may not be possible³³¹ and the High Court has held that it is not necessary to quantify all benefits and costs to determine a resource consent application³³². We do not understand, however, the Court to have suggested that non-monetary costs are thereby irrelevant to the assessment of the most efficient outcome.
430. In a Proposed Plan context, we have the added direction provided by section 32 that quantification of costs and benefits is required if practicable. Irrespective of whether the relevant costs and benefits are quantified, though, we think it is overly simplistic to think that it is always more efficient to enable development of land to proceed. One of the purposes of the inquiry we are engaged upon is to test whether or not this is so.
431. It follows that the weighting given to maintenance and enhancement of amenity values in section 7(c) forms part of the weighing of costs and benefits, not a subsequent step to be considered once one has an initial answer based on a selective weighing of costs and benefits, so as potentially to produce a different conclusion.
432. In its earlier decision³³³, the Court emphasised the need to identify what landscapes fall within particular categories, as an essential first step to stating objectives and policies (and methods) for them³³⁴. We adopt that approach. While we acknowledge that the submissions on mapping issues are being resolved by a differently constituted Panel, we take the approach of the notified PDP as the appropriate starting point. In the Upper Clutha Basin, rural areas south of Lakes Hawea and Wanaka were generally (the Cardrona Valley is an exception) identified as RLC. Within the Wakatipu Basin (including the Crown Terrace), there are ONF’s identified, but the bulk of the rural areas of the Basin are identified as Rural Land Classification (or RLC) on the PDP maps as notified.
433. The evidence of Dr Marion Read was that farming is the dominant land management mechanism in the rural areas of the District, but that there is an observable difference between the Wakatipu Basin and the Upper Clutha Basin; the latter is much more extensive farming

³³⁰ *Lower Waitaki River Management Society Inc v Canterbury RC* C80/2009

³³¹ Or not with any certainty

³³² *Meridian Energy Ltd v Central Otago DC* CIV 2009-412-000980

³³³ C180/99

³³⁴ See in particular paragraphs [57] and [97]

than intensive. Dr Read was careful to emphasise that her description of the Wakatipu Basin as being “*farmed*” did not imply that landholdings were being operated as economically viable farming enterprises. Rather, it was a question of whether the land use involved cropping, stocking, or other farming activities.

434. For this reason, she did not believe that her evidence was materially different from that of Mr Baxter, who was the only other landscape expert that we heard from. Mr Baxter’s concern was to emphasise the extent to which rural living now forms part of the character of the Wakatipu Basin, but when we asked whether the Basin was still rural in character, he confirmed that his opinion was that it retained its pastoral character notwithstanding the extent of rural living developments. He also agreed that the balance of open space in the Basin was essential, drawing our attention in particular to the need to protect the uninterrupted depth of view from roads.
435. The evidence we heard from Dr Read and Mr Baxter also needs to be read in the light of the findings of the Environment Court in the chain of cases leading to finalisation of the ODP.
436. Even in 1999, the Environment Court clearly regarded rural living developments as having gone too far in some areas of the Wakatipu Basin. It referred to “*inappropriate urban sprawl*” on Centennial Road in the vicinity of Arrow Junction and along parts of Malaghan Road on its south side³³⁵. It concluded in relation to the non-outstanding landscapes of the Basin:
- “In the visual amenity landscape (inside the outstanding natural landscape) structures can be built, with appropriate remedial work or mitigation down to some kind of density limit that avoids inappropriate domestication”* [emphasis added]
437. We should note that a footnote linked to remedial work in the passage quoted states as an example of appropriate remedial work, removal of inappropriate houses in the adjoining natural landscape.
438. Elsewhere³³⁶ the Court described ‘*urban sprawl*’ as a term referring to undesirable domestication of a landscape. The Court referred to domestication as being evidenced, among other things, by the chattels or fixtures (e.g. clothes lines/trampolines) that accumulate around dwelling houses.
439. The Court returned to this point in a subsequent decision³³⁷, agreeing with one of the expert witnesses who had given evidence before it that a stretch of the south side of Malaghan Road some 900 metres long containing 11 residential units within a rectangular area containing 22 hectares constituted “*inappropriate over-domestication*”. The Court stated that future development on this and other rural scenic roads, that form a ring around the Basin needed to be “*tightly controlled*”.
440. Dr Read gave evidence that since then, a substantial number of building platforms have been consented in the Wakatipu Basin, and to a lesser extent in the Upper Clutha Basin, suggesting to us an even greater need for clear direction as to the environmental outcomes being sought by the PDP³³⁸.

³³⁵ See 180/99 at [136]

³³⁶ C180/99 at Paragraph [155]

³³⁷ C186/2000 at [38]

³³⁸ We note also the information to similar effect supplied under cover of counsel for the Council’s memorandum dated 18 March 2016

441. Picking up on the Court’s identification of over-domestication as the outcome that is not desired in rural areas, we think that the emphasis of the objective needs to be on rural character and amenity values, rather than as Mr Paetz suggested, the quality and visual amenity values so that it is directed at the aspects of environmental quality that are highly valued (employing the Proposed RPS test) and which are potentially threatened by further development.
442. Turning to the desired outcome, we have some concern that Policy 3.2.5 is both internally contradictory (combining a ‘*protect and enhance*’ focus with avoidance only of significant adverse effects) and inconsistent with sections 7(e) and 7(f) of the Act that support retention of a maintenance and enhancement outcome, notwithstanding the evidence we heard suggesting that this would pose too high a test.³³⁹
443. Put more simply, we think that the objective needs to be that rural areas remain rural in character. We note that rural character is mainly an issue of appearance, but not solely so³⁴⁰.
444. Policy 5.3.1 of the Proposed RPS supports that approach with its focus on enabling farming, minimising the loss of productive soils and minimising subdivision of productive rural land into smaller lots.
445. The need to provide greater direction suggests to us that there is merit in Queenstown Park Ltd’s submission that Objective 3.2.5.3 might be incorporated as a component of Objective 3.2.5.2. The precise relief sought is that it be a policy but for reasons that will be apparent, we think that it might provide more value as an element of the Objective itself. As notified, Objective 3.2.5.3 read:
- “Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.”*
446. Most of the submissions on this objective were focussed on the word ‘*direct*’, seeking that it be softened to ‘*encourage*’³⁴¹. Mr Chris Ferguson suggested in his planning evidence that should be “*encourage and enable*”, but we could not identify any submission that would support that extension to the relief sought in submissions³⁴² and so we have not considered that possibility further.
447. One submitter³⁴³ sought that the ambit of this objective be limited to urban use or development.

³³⁹ E.g. from Mr Jeff Brown who supported a “recognise and manage” approach that in our view, would not clearly signal the desired outcome.

³⁴⁰ Mr Tim Williams suggested to us that spaciousness, peace and quiet and smell were examples of landscape values going beyond the visual, albeit that he was of the view that the visual values were the key consideration.

³⁴¹ Submissions 513, 515, 519, 522, 528, 531, 532, 534, 535, 537, 608: Supported in FS1015, FS1097, FS1256, FS1286, FS1292 and FS1322; Opposed in FS1034, FS1068, FS1071, FS1120, FS1282 and FS1356

³⁴² Mr Ferguson did not himself identify any submission he was relying on.

³⁴³ Submission 600: Supported in FS1209, Opposed in FS1034

448. Another submitter³⁴⁴ sought that the extent to which adverse effects were controlled be qualified by inserting reference to ‘*significant*’ detractor from landscape and visual amenity values.
449. Some submissions³⁴⁵ suggested deleting reference to detractor from the identified values, substituting the words “*while recognising the importance of*”.
450. Another suggestion³⁴⁶ was to explicitly exempt development of location-specific resources.
451. Mr Paetz recommended acceptance of the submission that would limit the focus of the objective to urban activities. In his Section 42A Report Mr Paetz expressed the view that rural subdivision and development could be contemplated on more of a case by case, effects-based perspective, whereas it was more appropriate for urban development to be directed to particular locations “*with a firmer policy approach taken on spatial grounds*’.
452. For the reasons already expressed, we do not agree that subdivision, use and development should be the subject of a case by case merits assessment with little direction from the PDP. As Dr Read noted in her evidence before us, there is a problem with cumulative effects from rural living developments, particularly in the Wakatipu Basin. We consider that it is past time for the PDP to pick up on the Environment Court’s finding in 1999 that there were areas of the Wakatipu Basin that required careful management, because they were already at or very close to the limit at which over domestication would occur.
453. Dr Read’s report dated June 2014³⁴⁷ referenced in the section 32 analysis supporting Chapter 6 identifies the rural areas within the Wakatipu Basin where, in her view, further development should be avoided, as well as where increased development might be enabled, on a controlled basis.
454. The Hearing Panel considering submissions on the Rural Chapters (21-23) requested that the Council consider undertaking a structure planning exercise to consider how these issues might be addressed in greater detail. The Council agreed with that suggestion and the end result is a package of provisions forming part of the Stage 2 Variations providing greater direction on subdivision, use and development in the non-outstanding rural areas of the Wakatipu Basin. As at the date of our finalising this report, submissions had only just been lodged on those provisions and so it is inappropriate that we venture any comment on the substance of those provisions. However, we note that hearing and determination of those submissions will provide a mechanism for management of the adverse cumulative effects we have noted, even if the shape the provisions take is not currently resolved.
455. One side-effect of the rezoning of rural Wakatipu Basin land is that there now appears to be no non-outstanding Rural Zoned land in the Basin. Although some provisions of Chapter 6 (as notified) have been deleted or amended, our reading of key policies that remain (as discussed in Part D of this report) is that the landscape categories still only apply in the Rural Zone. We have not identified any submission clearly seeking that this position be changed so that the categorisations would apply more broadly.

³⁴⁴ Submission 643

³⁴⁵ Submissions 513, 515, 522, 528, 531, 532, 534, 535, 537: Supported in FS1097, FS1256, FS1286, FS1292 and FS1322; Opposed in FS1068, FS1071, FS1120

³⁴⁶ Submissions 519, 598: Supported in FS1015, FS1287; Opposed in FS1091, FS1282 and FS1356

³⁴⁷ Read Landscapes Ltd, ‘*Wakatipu Basin Residential Subdivision and Development Landscape Assessment*’

456. It follows that this particular objective, together with other strategic objectives and policies referring to (as we recommend below they be described) Rural Character Landscapes, does not apply in practice in the Wakatipu Basin. If this is not what the Council intends, we recommend it be addressed in a further variation to the PDP.
457. Lastly, we agree with Submission 643 (and the planning evidence of Mr Wells) that some qualification is required to ensure that this is not a ‘*no development*’ objective. That would not be appropriate in a non-outstanding rural environment.
458. Providing a complete exemption for location-specific resources would, however, go too far in the opposite direction. A provision of this kind could perhaps be justified with respect to use and development of renewable energy resources, relying on the NPSREG 2011, but we heard no evidence of any demand for such development in the non-outstanding rural areas of the District. In any event, the submission that such provision be made was advanced on behalf of mining interests who were clearly pursuing a different agenda.
459. Because the focus of this objective is on rural character and the landscapes in question are only a relatively small subset of the rural landscapes of the district, we recommend that the term utilised on the planning maps and in the PDP generally for these landscapes is ‘*Rural Character Landscapes*’.
460. In summary, for all of these reasons, we recommend that Objectives 3.2.5.2 and 3.2.5.3 be combined in an amended Objective 3.2.5.2 reading as follows:

“The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.”

461. Objective 3.2.5.4 as notified read as follows:

“Recognise there is a finite capacity for residential activity in rural areas if the qualities of our landscapes are to be maintained.”

462. Most of the focus of submissions on this objective was on the word “*finite*”. The issue, as it was put by Mr Tim Williams³⁴⁸ to us, is that without an identification of what that finite capacity is, and where current development is in relation to that capacity, the objective serves little purpose. Mr Williams supported greater direction as to which areas have capacity to absorb further development, and which areas do not³⁴⁹. Many of the submissions also sought that the objective provide for an appropriate future capacity for residential activity.
463. In his reply evidence, Mr Paetz recommended that this objective be revised to read:

³⁴⁸ Giving planning evidence for Skyline Enterprises Ltd, Totally Tourism Ltd, Barnhill Corporate Trustee Ltd & DE, ME Bunn & LA Green, AK and RB Robins & Robins Farms Ltd

³⁴⁹ As did Ms Robb, counsel for the parties Mr Williams was giving evidence for, and Mr Goldsmith, counsel for GW Stalker Family Trust and Others

“The finite capacity of rural areas to absorb residential development is considered so as to protect the qualities of our landscapes.”

- 464. As restated, we do not consider the objective adds any value that is not already captured by our recommended revised Objective 3.2.5.2/3.
- 465. We recommend that it be deleted.
- 466. In summary, we consider that the objectives recommended are individually and collectively the most appropriate way to achieve the purpose of the Act as it relates to landscapes in the District.

2.12. Section 3.2.6 – Community Health and Safety

- 467. As notified, this goal read:

“Enable a safe and healthy community that is strong, diverse and inclusive for all people.”

- 468. A number of submissions supported this goal.
- 469. Submission 197 opposed it on the basis that large employers in the District should be responsible for providing affordable accommodation for their employees.
- 470. Submission 806 sought removal of unnecessary repetition. The reasons provided for the submission suggest that the area of repetition referred to is in relation to urban development.
- 471. Submission 807 sought that the whole of Section 3.2.6 should be deleted, or in the alternative the number of objectives and policies should be significantly reduced.
- 472. Mr Paetz did not recommend any change to this goal.
- 473. The focus of the RPS (Objective 9.4.1) is on sustainable management of built environment as a means, among other things, to meet people’s needs. This is both extremely general and more narrowly directed than the PDP goal. Policy 9.5.5 gets closer, with a focus on maintaining, and where practicable enhancing, quality of life, albeit that the means identified for doing so are generally expressed.
- 474. The Proposed RPS has a chapter entitled *“Communities in Otago are resilient, safe and healthy”*³⁵⁰. The focus of objectives in the chapter is on natural hazards, climate change, provision of infrastructure and the supply of energy, management of urban growth and development, and of hazardous substances. The following chapter is entitled *“People are able to use and enjoy Otago’s natural and built environment”*, with objectives focussing on public access to the environment, historic heritage resources, use of land for economic production and management of adverse effects.
- 475. Policy 1.1.3 of the Proposed RPS focuses more directly on provision for social and cultural wellbeing and health and safety, albeit in terms providing flexibility as to how this is achieved, except in relation to human health (significant adverse effects on which must be avoided).
- 476. We regard the higher level focus of these chapters as supporting the intent of this goal, and Policy 1.1.3 as providing guidance as to how it might be framed.

³⁵⁰ Proposed RPS, Chapter 4

477. At present, this goal is framed as a policy, commencing with a verb.
478. Looking at what outcome is being sought here and the capacity of the District Plan to achieve that outcome, we take the view that this particular higher-level objective is better framed in section 5 terms; emphasis is therefore required on people in communities providing for their social, cultural and economic well being and their health and safety. As above, this is also the direction Policy 1.1.3 of the Proposed RPS suggests.
479. So stated, there is an area of overlap with Goal/Objective 3.2.2 (as Submission 806 observes), but we nevertheless regard this as a valuable high-level objective, particularly for the non-urban areas of the District.

480. Accordingly, we recommend that this goal/high-level objective be reframed to read:

“The District’s residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.”

481. We regard this, in conjunction with the other high-level objectives it has recommended, to be the most appropriate way to achieve the purpose of the Act.

2.13. Section 3.2.6 – Additional Objectives

482. We have already addressed Objectives 3.2.5.5, 3.2.6.1, 3.2.6.2 and 3.2.6.3, recommending that they be amalgamated into what was 3.2.2.1.

483. Objective 3.2.6.4 as notified read:

“Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.”

484. While the submissions on all of these objectives were almost universally in support, we view these matters, to the extent that they are within the ability of the PDP to implement³⁵¹, as being more appropriately addressed in the context of Chapter 4. We therefore accept the point made in Submission 807 summarised above, that the objectives in this section might be significantly pared back.

485. Although this leaves the higher-level objective without any more focused objectives unique to it, we do not regard this as an unsatisfactory end result. To the extent the goal/high-level objective relates to non-urban environments, these matters can be addressed in the more detailed plan provisions in other chapters. In summary, therefore, we are satisfied both the amendments and the relocation of the objectives in Section 3.2.6 we have recommended are the most appropriate way to achieve the purpose of the Act.

2.14. Section 3.2.7 – Goal and Objectives

486. Lastly in relation to Chapter 3 objectives, we note that the goal in Section 3.2.7 and the two objectives under that goal (3.2.7.1 and 3.2.7.2) are addressed in the Stream 1A Hearing Report (Report 2).

³⁵¹ Provision of community facilities is more a Local Government Act issue than a matter for the PDP.

487. The revised version of these provisions in the amended Chapter 3 attached to this Report as Appendix 1 shows the recommendations of that Hearing Panel for convenience.

2.15. Potential Additional Goals and Objectives

Before leaving the strategic objectives of the PDP, we should note submissions seeking entirely new goals and/or objectives. We have already addressed some of those submissions above.

488. A number of submitters³⁵² sought insertion of a 'goal' specifically related to tourism, generally in conjunction with a new strategic objective and policy. We have already addressed the submissions related to objectives and policies for tourism. While important to the District, ultimately we consider tourism is an aspect of economic development and therefore covered by (now) higher order objective 3.2.1. We therefore recommend rejection of these submissions.

489. The Upper Clutha Tracks Trust³⁵³ sought insertion of a new goal worded as follows:

"A world class network of trails that connects communities."

490. The submitter also sought a new objective to sit under that goal as well as a series of new policies.

491. The submitter did not appear so as to provide us with any evidential foundation for such change. In the absence of evidence, we do not regard the relief sought by the submitter as so obviously justified as a high-level objective of the PDP that it would recommend such amendments.

492. NZIA³⁵⁴ likewise sought insertion of a new goal, worded as follows:

"Demand good design in all development."

493. Mr Paetz did not recommend acceptance of this submission. While we acknowledge that good design is a worthwhile aspiration, we see it as an aspect of development that might more appropriately be addressed in more detailed provisions that can identify what good design entails. We will return to the point in the context of Chapter 4 rather than as a discrete high-level objective of its own. Accordingly, we do not recommend acceptance of this submission.

494. Slopehill Properties Limited³⁵⁵ sought a new objective (or policy) to enable residential units to be constructed outside and in addition to approved residential building platforms with a primary use of the increased density is to accommodate family. Mr Farrell gave planning evidence on this submission, supported by members of the Columb family who own property between Queenstown and Arthurs Point. Clearly, a case can be made to address situations like that of the Columb family where different generations of the same family seek to live in close proximity. The difficulty we see with an objective in the District Plan (or indeed a policy) providing for this situation is that there appears to be no safeguard against it being used on a large scale to defeat the objective seeking to retain the rural character of land outside existing

³⁵² Submissions 607, 615, 621, 677: Supported in FS1097, FS1105, FS1117, FS1137, FS1152, FS1153, FS1330 and FS1345; Opposed in FS1035, FS1074, FS1312 and FS1364

³⁵³ Submission 625: Supported in FS1097; Opposed in FS1347

³⁵⁴ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1242, FS1248 and FS1249

³⁵⁵ Submission 854: Supported in FS1286; Opposed in FS1349

urban areas. Certainly, Mr Farrell was not able to suggest anything to us. Nor was Mr Farrell able to quantify the potential implications of such an objective for the District more broadly.

495. In summary, while we accept that the Columbs' personal situation is meritorious, we cannot recommend acceptance of their submission against that background.

496. In summary, having reviewed the objectives we have recommended, we consider that individually and collectively, they are the most appropriate way to achieve the purpose of the Act within the context of strategic objectives, for the reasons set out in this report.

3. POLICIES

497. Turning to the policies of Chapter 3, given the direction provided by section 32, the key reference point of our consideration of submissions and further submissions is whether they are the most appropriate means to achieve the objectives we have recommended.

3.1. Policy 3.2.1.1.3 – Visitor Industry

498. Consistent with our recommendation that the objectives should be reordered with the initial focus on the benefits provided by the visitor industry, we recommend that what was Policy 3.2.1.1.3 be the first policy.

499. As notified, that policy read:

“Promote growth in the visitor industry and encourage investment in lifting the scope and quality of attractions, facilities and services within the Queenstown and Wanaka central business areas.”

500. The submissions on this policy all sought to expand its scope beyond the Queenstown and Wanaka central areas. Many submissions have sought that the focus be district-wide. One submission³⁵⁶ sought to link the promotion of visitor industry growth to maintenance of the quality of the environment.

501. When Real Journeys Limited appeared at the hearing, its representatives emphasised the need for provision for visitor accommodation facilities, not all of which could practically be located within the two town centres. They also took strong exception to the implication of Policy 3.2.1.1.3 that the quality of existing attractions, facilities and services for visitors (as distinct from their scope) needed improvement.

502. Mr Paetz recommended that the submissions be addressed by a minor amendment to the existing policy (to refer to Queenstown and Wanaka town centres rather than to their central business areas) consistent with his recommended objective, and a new policy framed as follows:

“Enable the use and development of natural and physical resources for tourism activity where adverse effects are avoided, remedied or mitigated”.

503. We accept the thrust of the submissions and evidence we heard on this aspect of the PDP, that attractions, facilities and services for visitors are not and should not be limited to the Queenstown and Wanaka town centres. We also accept the logic of Mr Paetz's suggested

³⁵⁶ Submission 806

approach of providing for the visitor industry more broadly, but are concerned with the open-ended nature of the suggested broader policy.

504. In his Section 42A Report, Mr Paetz acknowledged that his recommending a policy focus on adverse effects being avoided, remedied or mitigated was not consistent with the general approach of the PDP seeking to minimise the use of that phrasing. He considered it appropriate in this context because the policy is not specific to the environmental effects it is concerned with. In Mr Paetz's view, a higher bar would be set in more sensitive landscapes or environments by other objectives and policies.

505. While this may be so, we consider that greater direction is required that this is the intention.

506. It seems to us that part of the issue is that visitor industry developments within the 'urban' areas of the district outside the Queenstown and Wanaka town centres raise a different range of issues to visitor industry developments in rural areas. In the former, the objectives and policies for the zones concerned provide more detailed guidance. In the latter, the strategic objectives and policies focused on landscape quality and rural character provide guidance. Policy 5.3.1(e) of the Proposed RPS might also be noted in this context – it supports provision for tourism activities in rural areas "of a nature and scale compatible with rural activities". It is apparent to us that while some specific provision is required for visitor industry developments in rural areas, this is better located alongside other strategic policies related to the rural environment. We return to the point in that context.

507. We also identify some tension between a policy that seeks to 'promote growth' in the visitor industry with recommended issues and objectives seeking to promote diversification in the District's economy. Consequently, we recommend that this wording be softened somewhat.

508. In summary, we recommend that Policy 3.2.1.1.3 be renumbered 3.3.1 as follows and amended to read as follows:

"Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone."

509. We consider that this policy, operating in conjunction with the other policies it will recommend, is the most appropriate way to achieve Objectives 3.2.1.1 and 3.2.1.2 as recommended above.

3.2. Policies 3.2.1.1.1 and 3.2.1.1.2 – Queenstown and Wanaka Town Centres

510. As notified these two policies read:

"3.2.1.1.1 Provide a planning framework for the Queenstown and Wanaka central business areas that enables quality development and enhancement of the centres as the key commercial hubs of the District, building on their existing functions and strengths.

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 of the District's economic activity."

511. Submissions on these policies reflected the submissions on Objective 3.2.1.1 discussed above, seeking to expand its scope to recognise the role of Frankton's commercial areas in relation to

Queenstown, and Three Parks in relation to Wanaka. Willowridge Developments Ltd³⁵⁷ sought to confine both policies to a focus on the business and commercial areas of Queenstown and Wanaka. Queenstown Park Limited³⁵⁸ also sought to soften Policy 3.2.1.1.2 so that it was less directive. NZIA³⁵⁹ sought recognition that the Queenstown and Wanaka town centres play a broader role than just as commercial hubs.

512. In his reply evidence, Mr Paetz recommended:
- a. Consequential changes in the wording based on his recommended objective, to refer to Queenstown and Wanaka town centres;
 - b. Amending Policy 3.2.1.1.1 to refer to the civic and cultural roles of the two town centres;
 - c. Deletion of the word '*fundamentally*' from Policy 3.2.1.1.2;
 - d. Addition of four new policies recognising the role of Frankton commercial areas and the importance of Queenstown Airport, and a further policy focused on Three Parks.
513. Addressing first the suggested amendments to Policies 3.2.1.1.1 and 3.2.1.1.2, we agree with Mr Paetz's recommendations with only a minor drafting change. NZIA make a good point regarding the broader role of the town centres. Similarly, the word '*fundamentally*' is unnecessary. Testing whether additional zoning could '*undermine*' the role of the existing town centres already conveys a requirement for a substantial adverse effect.
514. We also agree that, provided the separate roles of the Frankton and Three Parks are addressed, a strong policy direction is appropriate.
515. As a result, we recommend that Policies 3.2.1.1.1. and 3.2.1.1.2 be renumbered and amended to read as follows:
- “3.3.2 *Provide a planning framework for the Queenstown and Wanaka town centres that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths.*
- 3.3.3 *Avoid commercial rezoning that could undermine the role of the Queenstown and Wanaka town centres as the primary focus for the District's economic activity.*”
516. We note that the provisions of the RPS related to management of the built environment³⁶⁰ are too high level and generally expressed to provide direction on these matters. Policy 5.3.3 of the Proposed RPS, however, supports provisions which avoid “*unplanned extension of commercial activities that has significant adverse effects on the central business district and town centres, including on the efficient use of infrastructure, employment and services.*”
517. As regards the new policies suggested by Mr Paetz for Frankton and Three Parks, we agree with the recommendations of Mr Paetz with five exceptions.
518. We recommend that reference to Frankton not be limited to the commercial areas of that centre because existing industrial areas play an important local servicing role (as recognised by the revised recommended objective above) and Queenstown Airport has a much broader role than solely “*commercial*”. We also consider that reference to “*mixed-use*’ development

³⁵⁷ Submission 249: Opposed in FS1097

³⁵⁸ Submission 806: Supported in FS1012

³⁵⁹ Submission 238: Supported in FS1097 and FS1117; Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, FS1249

³⁶⁰ RPS, Section 9.4

nodes is unnecessary. Having broadened the policy beyond commercial areas, the uses are obviously “mixed”.

519. Secondly, Mr Paetz recommended that recognition of Queenstown Airport refer to its “essential” contribution to the prosperity and “economic” resilience of the District.
520. While Queenstown Airport plays an extremely important role, we take the view that categorising it as “essential” would imply that it prevailed over all other considerations. Given the competing matters that higher order documents require be recognised and provided for (reflecting in turn Part 2 of the Act), we do not regard that as appropriate.
521. We have also taken the view that the nature of the contribution Queenstown Airport makes is not limited to its economic contribution. The evidence for QAC emphasised to us that Queenstown Airport is a lifeline utility under the Civil Defence Emergency Management Act 2002 with a key role in planning and preparing for emergencies, and for response and recovery in the event of an emergency. We accordingly recommend that the word “economic” be deleted from Mr Paetz’s suggested policy.
522. In addition, we have determined that greater direction is required (consistent with the objective we have recommended) regarding the function of the Frankton commercial area in the context of Mr Paetz’s suggested policy that additional commercial rezoning that would undermine that function be avoided.
523. It follows that we do not accept the suggestion of Mr Chris Ferguson in his evidence that the new Frankton policy should only constrain additional zoning within Frankton. Mr Paetz confirmed in response to our question that his intention was that the policy should extend to apply to areas outside Frankton – most obviously Queenstown itself – and we agree that this is appropriate.
524. Lastly, we do not think it necessary to refer to “future” additional commercial rezoning given that any additional rezoning will necessarily be in the future.
525. In summary, we recommend four new policies numbered 3.3.4-3.3.7 and worded as follows:

“Provide a planning framework for the Frankton urban area that facilitates the integration of the various development nodes.

Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District.

Avoid additional commercial rezoning that will undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will undermine increasing integration between those areas and the industrial and residential areas of Frankton.

Provide a planning framework for the commercial core of Three Parks that enables large format retail development.”

526. We are satisfied that collectively these policies are the most appropriate way, in the context of high-level policies, to achieve Objectives 3.2.1.2-4 that we have recommended.

3.3. Policies 3.2.1.2.1 – 3 – Commercial and Industrial Services

527. Policy 3.2.1.2.3 as notified read:

“Avoid non-industrial activities occurring within areas zoned for industrial activities.”

528. Submissions on this policy sought to soften its effect in various ways. Mr Paetz recommended that Submission 361 be accepted with the effect that non-industrial activities related to or supporting industrial activities might occur within industrial zones, but otherwise that the policy not be amended.

529. Policy 5.3.4 of the Proposed RPS is relevant on this point. It provides for restriction of activities in industrial areas that, among other things, may result in inefficient use of industrial land.

530. We accept in principle that, given the guidance provided by the Proposed RPS, the lack of land available for industrial development, and the general unsuitability of land zoned for other purposes for industrial use, non-industrial activities in industrial zones should be tightly controlled.

531. The more detailed provisions governing industrial zones are not part of the PDP, being scheduled for consideration as part of a subsequent stage of the District Plan review. At a strategic level, we recommend acceptance of Mr Paetz’s suggested amendment with the effect that this policy (renumbered 3.3.8) would read:

“Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities.”

532. We consider that this policy is the most appropriate way, in the context of high-level policies, to achieve the aspects of Objectives 3.2.1.3 and 3.2.1.5 related to industrial activities.

533. Policies 3.2.1.2.1 and 3.2.1.2.2 need to be read together. As notified, they were worded as follows:

“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.

Reinforce and support the role that township commercial precincts and local shopping centres fulfil in serving local needs.”

534. Submissions on Policy 3.2.1.2.1 sought either its deletion³⁶¹ or significant amendment to focus it on when additional commercial rezoning might be enabled³⁶². Submissions on Policy 3.2.1.2.2 sought recognition of the role of industrial precincts in townships and broadening the focus beyond townships to commercial, mixed use and industrial zones generally, and to their role in meeting visitor needs³⁶³.

535. Mr Paetz recommended relatively minor amendments to these policies, largely consequential on his recommendation that the role of Frankton be recognised with a separate policy regime.

³⁶¹ Submission 608: Opposed in FS1034

³⁶² Submission 806

³⁶³ Submissions 726 and 806

536. Policy 5.3.3. of the Proposed RPS, already referred to in the previous section of our report, needs to be noted in this context also.
537. Logically, these policies should be considered in reverse order, addressing the positive role of township commercial precincts and local shopping centres first. We do not consider that it is necessary to both “reinforce and support” that role. These terms are virtually synonyms. We take the view, however, that greater direction is required in how such precincts and centres might be supported. We recommend reference to enabling commercial development that is appropriately sized for the role of those precincts and centres.
538. That is not to say that those areas do not have other roles, such as in meeting resident and visitor needs, and providing industrial services, but in our view, those are points of detail that can be addressed in the more detailed provisions of the PDP.
539. Mr Paetz suggested revision to Policy 3.2.1.2.1, to remove reference to the Queenstown and Wanaka town centres, would mean that there is an undesirable policy gap for centres within the Queenstown and Wanaka urban areas, but outside the respective town centres (apart from Frankton and Three Parks).
540. In summary, we recommend that these policies be renumbered 3.3.9 and 3.3.10, and amended to read:
- “Support the role township commercial precincts and local shopping centres fulfil in serving local needs by enabling commercial development that is appropriately sized for that purpose.*
- Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton and Three Parks fulfil.”*
541. We consider that these policies are the most appropriate way, in the context of high-level policies, to achieve objective 3.2.1.5.

3.4. Policies 3.2.1.3.1-2 – Commercial Capacity and Climate Change

542. As notified, these policies read:

“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;

3.2.1.3.2 Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change and energy and fuel pressures.”

543. Submissions on Policy 3.2.1.3.1 either supported the policy as is³⁶⁴ or sought that it be more overtly enabling³⁶⁵. One submission³⁶⁶ sought amendment to remove reference to capacity and to insert reference to avoiding, remedying or mitigating adverse effects.

³⁶⁴ Submissions 608: Opposed in FS1034

³⁶⁵ Submissions 615, 621, 716 and 807: Supported in FS1097, FS1105, FS1117, FS1137, FS1145

³⁶⁶ Submission 806

544. Submissions on 3.2.1.3.2 either supported the policy as is³⁶⁷ or sought to delete reference to opportunities, and to energy and fuel pressures³⁶⁸.
545. Mr Paetz recommended that the policies remain as notified.
546. We regard the current form of Policy 3.2.1.3.1 as appropriate. If it were amended to be more enabling, then reference would have to be made to management of adverse effects. Simply providing for avoiding, remedying or mitigating adverse effects on the environment, as suggested by Queenstown Park Limited, would provide insufficient direction for the reasons discussed already. The existing wording provides room for the nature of the provision referred to be fleshed out in more detailed provisions. We therefore recommend that Policy 3.2.1.3.1 be retained as notified other than to renumber it 3.3.11.
547. Turning to notified Policy 3.2.1.3.2, we have already discussed the provisions of both the RPS and the Proposed RPS related to climate change. While the former provides no relevant guidance, the Proposed RPS clearly supports the first part of the policy. While Policy 4.2.2(c) talks of encouraging activities that reduce or mitigate the effects of climate change, the reasons and explanation for the objective and group of policies addressing climate change as an issue note that it also provides opportunities. We therefore recommend rejection of the submission seeking deletion of reference to opportunities in this context.
548. We heard no evidence, however, of energy and fuel pressures such as would suggest that they need to be viewed in the same light as the effects of climate change.
549. Accordingly, we recommend renumbering Policy 3.2.1.3.2 as 3.3.12 and amending it to read:
- “Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change.”*
550. We consider that recommended Policies 3.3.11 and 3.3.12 are the most appropriate way, in the context of a package of high level policies, to achieve objectives 3.2.1.1, 3.2.1.2, 3.2.1.5, 3.2.1.6 and 3.2.1.9.

3.5. Policies 3.2.2.1.1 – 7 – Urban Growth

551. As notified, these policies provided for fixing of Urban Growth Boundaries (UGBs) around identified urban areas and detailed provisions as to the implications of UGBs both within those boundaries and outside them. In his Section 42A Report, Mr Paetz recommended that all of these policies be deleted from Chapter 3 because of the duplication they created with the more detailed provisions of Chapter 4. By his reply evidence, Mr Paetz had reconsidered that position and recommended that the former Policy 3.2.2.1.1 be reinserted, reading as follows:
- “Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jacks Point), Arrowtown and Wanaka”.*
552. This policy also needs to be read with Mr Paetz’s recommended amended Policy 3.2.5.3.1 reading:
- “Urban development will be enabled within Urban Growth Boundaries and discouraged outside them.”*

³⁶⁷ Submission 806

³⁶⁸ Submission 598: Supported in FS1287

553. The effect of the suggested Policy 3.2.5.3.1 is to materially amend the notified Policy 3.2.2.1.2 which sought avoidance of urban development outside of the UGBs.
554. We agree with Mr Paetz’s underlying recommendation that most of the policies formerly in Section 3.2.2 should be shifted and amalgamated with the more detailed provisions in Chapter 4, both to avoid duplication and to better focus Chapter 3 on genuinely ‘*strategic*’ matters.
555. We also agree with Mr Paetz’s recommendation that the decision as to whether there should be UGBs and the significance of fixing UGBs for urban development outside the boundaries that are identified, are strategic matters that should be the subject of policies in Chapter 3.
556. Submissions on Policies 3.2.2.1.1 and 3.2.2.1.2 covered the range from support³⁶⁹ to seeking their deletion³⁷⁰.
557. One outlier is the submission from Hawea Community Association³⁷¹ seeking specific reference to a UGB for Lake Hawea Township. Putting aside Lake Hawea Township for the moment, within the extremes of retention or deletion, submissions sought softening of the effect of UGBs³⁷² or seeking to manage urban growth more generally, without boundaries on the maps³⁷³.
558. The starting point, but by no means the finishing point, is that the ODP already contains a policy provision enabling the fixing of UGBs and the UGB has been fixed for Arrowtown after a comprehensive analysis of the site-specific issues by the Environment Court³⁷⁴. It is also relevant that Policy 4.5.1 of the Proposed RPS provides for consideration of the need for UGBs to control urban expansion, but does not require them.
559. The evidence for Council supported application of UGBs on urban design grounds (from Mr Bird) and in terms of protection of landscape and rural character values (Dr Read). The Council also rested its case on UGBs on infrastructure grounds and Mr Glasner’s evidence set out the reasons why infrastructure constraints and the efficient delivery of infrastructure might require UGBs. However, his answers to the written questions that we posed did not suggest that infrastructure constraints (or costs) were actually an issue either in the Wakatipu Basin or the Upper Clutha Basin, where the principal demand for urban expansion exists. Specifically, Mr Glasner’s evidence was that the only areas where existing or already planned upgrades to water supply and sewerage systems would not provide sufficient capacity for projected urban growth would be in Gibbston Valley and at Makarora. To that extent, Mr Glasner’s responses tended to support the submissions we heard from Mr Goldsmith³⁷⁵. Mr Glasner did say, however, that the UGBs would be a key tool for long term planning, in terms of providing certainty around location, timing, and cost of infrastructure investments. We heard no expert evidence that caused us to doubt Mr Glasner’s evidence in this regard.

³⁶⁹ Submission 719

³⁷⁰ Submission 806

³⁷¹ Submission 771, see also Submission 289 to the same effect

³⁷² Submission 807 seeking in the alternative provision for “limited and carefully managed opportunities for urban development outside the Urban Growth Boundary”: Opposed in FS1346

³⁷³ Submission 608 – although at the hearing, counsel for Darby Planning LP advised it had withdrawn its opposition to UGBs: Opposed in FS1034

³⁷⁴ See *Monk v Queenstown-Lakes District Council* [2013] NZEnvC12

³⁷⁵ On this occasion, when appearing for Ayrburn Farm Estate Ltd, Bridesdale Farm Developments Ltd, Shotover Country Ltd and Mt Cardrona Station Ltd.

560. Mr Paetz also sought to reassure us that the areas within the currently defined UGBs are more than sufficient to provide for projected population increases³⁷⁶. Ultimately, however, that evidence goes more to the location of any UGBs (and to satisfying us that the NPSUDC 2016 is appropriately implemented) rather than the principle of whether there should be any at all (and is therefore a matter for the mapping hearings).
561. The evidence from submitters we heard largely either supported or accepted the principle of UGBs. Mr Dan Wells³⁷⁷ was a clear exception. He emphasised that unlike the historic situation in Auckland where the metropolitan limits have previously been “locked in” by being in the Regional Policy Statement, UGBs in a District Plan do not have the same significance, because they can be altered by future plan changes (including privately initiated plan changes). Mr Wells also expressed the view that a resource consent process was just as rigorous as a plan change and there was no reason why the PDP should preclude urban expansion by resource consent. Mr Wells noted, however, that both processes had to be addressing development at a similar scale for this to be the case. In other words, a resource consent application for a one or two section development would involve must less rigorous analysis than a Plan Change facilitating development of one hundred sections.
562. To us, the most pressing reason for applying UGBs is that without them, the existing urban areas within the District can be incrementally expanded by a series of resource consent applications at a small scale, each of which can be said to have minimal identifiable effects relative to the existing environment.
563. This is of course the classic problem of cumulative environmental effects and while a line on a map may be somewhat arbitrary, sometimes lines have to be drawn to prevent cumulative effects even when they cannot be justified on an “effects basis” at the margin³⁷⁸.
564. The other thing about a line on a map is that it is clear. While, in theory, a policy regime might have the same objective, it is difficult to achieve the necessary direction when trying to describe the scope of acceptable urban expansion beyond land which is already utilised for that purpose. It is much clearer and more certain if the policy is that there be no further development, which is why we regard it as appropriate in relation to urban creep in the smaller townships and settlements of the District, as discussed further below.
565. In summary, we conclude that UGBs do serve a useful purpose (in section 32 terms they are the most appropriate way in the context of a package of high-level policies to implement the relevant objective, (3.2.2.1), as we have recommended it be framed.
566. Accordingly, we recommend that with one substantive exception, and one drafting change discussed shortly, Policy 3.2.2.1.1 be retained.
567. The substantive exception arises from our belief that it is appropriate to prescribe a UGB around Lake Hawea Township. The Hawea Community Association³⁷⁹ sought that outcome and the representatives of the Association described the extent of consultation and community consensus to us on both imposition of a UGB and its location when they appeared

³⁷⁶ M Paetz, Reply Evidence at section 7

³⁷⁷ Giving evidence for Millbrook Country Club, Bridesdale Farm Developments and Winton Partners Fund
³⁷⁸ Compare *Contact Energy Limited v Waikato Regional Council* CIV2006-404-007655 (High Court – Woodhouse J) at [69]-[83] in the context of setting rules around water quality limits

³⁷⁹ Submission 771

before us. They also emphasised that their suggested UGB provided for anticipated urban growth.

568. No submitter lodged a further submission opposing that submission and we recommend that it be accepted.

569. The more minor drafting change is that Policy 3.2.2.1.1 as recommended by Mr Paetz refers both to the urban areas in the Wakatipu Basin and to Arrowtown. Clearly Arrowtown is within the Wakatipu Basin. It is not in the same category as Jacks Point that is specifically mentioned for the avoidance of doubt. We recommend that specific reference to Arrowtown be deleted.

570. Accordingly, we recommend that this policy be renumbered (as 3.3.13) and amended to read:

“Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jacks Point), Wanaka, and Lake Hawea Township.”

571. The second key question is how the PDP treats urban development outside the defined UGBs. There are two sides to this point. The first relates to the smaller townships and settlements of the District, where no UGB is proposed to be fixed. Putting aside Lake Hawea Township which we have recommended be brought within the urban areas defined by UGBs, these are Glenorchy, Kingston, Cardrona, Makarora and Luggate.

572. Policy 3.2.2.1.7 as notified related to these communities and provided:

“That further urban development of the District’s small rural settlements be located within and immediately adjoining those settlements.”

573. NZIA³⁸⁰ sought that urban development be confined to within the UGBs. Queenstown Park Limited³⁸¹ sought amendment of the policy to ensure its consistency with other policies related to UGBs.

574. Mr Paetz recommended that the policy provision in this regard sit inside Chapter 4 and be worded:

“Urban development is contained within existing settlements.”

575. As notified, Policy 4.2.1.5 was almost identical to Policy 3.2.1.7. In that context, NZIA was the only submitter seeking amendment to the Policy; that it simply state:

“Urban development is contained.”³⁸²

576. Clearly Mr Paetz is correct and the duplication between these two policies needs to be addressed³⁸³. We consider, however, that the correct location for this policy is in Chapter 3 because it needs to sit alongside the primary policy on UGBs. Secondly, it needs to be clear that this is a complementary policy. As recommended by Mr Paetz, the policy is in fact

³⁸⁰ Submission 238: Opposed in FS1097, FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

³⁸¹ Submission 806

³⁸² Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

³⁸³ Refer the Real Journeys Submission noted on the more general point of duplication

inconsistent with 3.2.2.1 because in the urban areas with UGBs, provision is made to varying degrees for further urban development outside the existing settled areas.

577. In summary, we recommend that the policy be renumbered (as 3.3.15) and read:

“Locate urban development of the settlements where no UGB is provided within the land zoned for that purpose.”

578. We accept that there is an element of circularity in referring to the existing zone provisions in this regard, but we regard this as the most appropriate way to achieve Objectives 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2 (as those objectives bear upon the point) given that the Township Zone provisions are a matter assigned to a subsequent stage of the District Plan review.

579. The last substantive issue that needs to be addressed under this heading is the extent to which urban development is provided for outside UGBs (and outside the other existing settlements).

580. The starting point is to be clear what it is the PDP is referring to when policies focus on *“urban development”*.

581. The definition of urban development in the PDP as notified reads:

“Means any development/activity within any zone other than the rural zones, including any development/activity which in terms of its characteristics (such as density) and its effects (apart from bulk and location) could be established as of right in any zone; or any activity within an urban boundary as shown on the District Planning maps.”

582. At first blush, this definition would suggest that any development within any of the many special zones of the PDP constitute *“urban development”* since they are not rural zones and the qualifying words in the second part of the definition do not purport to apply to all urban development. Similarly, no development of any kind within the rural zones is defined to be urban development. Given that one of the principal purposes of defining urban growth boundaries is to constrain urban development in the rural zones, the definition would gut these policies of any meaning.

583. This definition is largely in the same terms as that introduced to the Operative Plan by Plan Change 50. The Environment Court has described it, and the related definition of *“Urban Growth Boundary”* in the following terms³⁸⁴:

“A more ambivalent and circular set of definitions would be hard to find.”

584. The Court found that urban development as defined means:

“... any development/activity which:

- a. Is of an urban type, that is any activity of a type listed as permitted or controlled in a residential, commercial, industrial or other non-rural zone; or*
- b. Takes place within an “Urban Growth Boundary” as shown on the District’s Planning Maps.”*

³⁸⁴ *Monk v Queenstown-Lakes District Council* [2013] NZEnvC12 at [20]

585. The Court also commented that a definition is not satisfactory if it relies on an exercise of statutory interpretation³⁸⁵.

586. We entirely agree.

587. When counsel for the Council opened the Stream 1A and 1B hearing, we asked Mr Winchester to clarify for us what the definition really meant. He accepted that it was unsatisfactory and undertook to revert on the subject. As part of the Council's reply, both counsel and Mr Paetz addressed the issue. Mr Paetz suggested, supported by counsel, that a revised definition adapted from the definition used in the Proposed Auckland Unitary Plan (as notified) should be used, reading as follows:

"Means development that by its scale, intensity, visual character, trip generation and/or design and appearance of structures, is of an urban character typically associated with urban areas. Development in particular special zones (namely Millbrook and Waterfall Park) is excluded from the definition."

588. This recommendation is against a background of a submission from Millbrook Country Club³⁸⁶ seeking that the definition be revised to:

"Means develop and/or activities which:

- a. Creates or takes place on a site of 1500m² or smaller; and*
- b. Is connected to reticulated Council or community water and wastewater infrastructure; and*
- c. Forms part of ten or more contiguous sites which achieve both (a) and (b) above; but*
- d. Does not includes resort style development such as that within the Millbrook Zone."*

589. We also note MacTodd's submission³⁸⁷ seeking that the definition be amended in accordance with the Environment Court's interpretation of the existing definition, as above.

590. Although counsel for Millbrook referred to the Proposed Auckland Unitary Plan definition of urban activities (as notified³⁸⁸) as part of his submissions³⁸⁹, it appears that Millbrook's formal submission had been drafted with an eye to the definition in the then Operative Auckland Regional Policy Statement that reads:

"Urban development – means development which is not of a rural nature. Urban development is differentiated from rural development by its scale, density, visual character, and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services (such as water supply and drainage), by its generation of traffic and includes activities (such as manufacturing), which are usually provided for in urban areas."

591. We also had the benefit of an extensive discussion with counsel for Millbrook, Mr Gordon, assisted by Mr Wells who provided planning evidence in support of the Millbrook submission, but not on this specific point.

³⁸⁵ See paragraph [24]

³⁸⁶ Submission 696

³⁸⁷ Submission 192

³⁸⁸ Noting that the Independent Hearing Panel recommended deletion of that definition, apparently on the basis that it did no more than express the ordinary and natural meaning of the term, and Auckland Council accepted that recommendation in its decisions on the Proposed Plan

³⁸⁹ As did counsel for Ayrburn Farm Estate Ltd and Others

592. A large part of that discussion was taken up in trying to identify whether the Millbrook development is in fact urban development, and if not, why not. Mr Gordon argued that Millbrook was something of a special case because it provides for activities that are neither strictly urban nor rural. He distinguished Jacks Point, which is contained within an existing UGB because it has provision in its structure planning for facilities like childcare, kindergartens, schools, convenience stores and churches, as well as being of a much larger scale than Millbrook.
593. We also had input from counsel for Darby Planning LP, Ms Baker-Galloway, on the point. She submitted that the definition should not be a quantitative approach, e.g. based on density, but should rather be qualitative in nature. Beyond that, however, she could not assist further.
594. We agree that quantitative tests such as those suggested by Millbrook are not desirable. Among other things, they invite developments that are designed around the quantitative tests (in this case, multiple 9 section developments or developments on sites marginally over 1500m²). We also note the example discussed in the hearing of houses on 2000-3000m² sites in Albert Town that are assuredly urban in every other respect.
595. We also have some difficulties with the definition suggested by Mr Paetz because some types of development are typically associated with urban areas, but also commonly occur in rural areas, such as golf courses and some industries. We think that there is value in the suggestion from Millbrook (paralleled in the referenced Operative Auckland Regional Policy Statement definition in this regard) that reference might be made to connections to water and wastewater infrastructure, but we do not think they should be limited to Council or community services. It is the reticulation that matters, rather than the identity of its provider. Jacks Point, for instance, has its own water and wastewater services, whereas Millbrook is connected to Council water supply and wastewater services.
596. Insofar as Millbrook sought an exclusion for “*resort style development*”, that rather begs the question; what is a resort?
597. Having regard to the submissions we heard from Millbrook, we think that the key characteristics of a resort are that it provides temporary accommodation (while admitting of some permanent residents) with a lower average density of residential development than is typical of urban environments, in a context of an overall development focused on on-site visitor activities. Millbrook fits that categorisation, but Jacks Point does not, given a much higher number of permanent residents, the geographical separation of the golf course from the balance of the development and the fact that the overall development is not focussed on on-site visitor activities. It is in every sense a small (and growing) township with a high-quality golf course.
598. The last point we have to form a view on is whether, as Mr Paetz recommends, the Waterfall Park Zone should similarly be excluded from the definition of urban development. Mr Paetz’s reply evidence accepted that the density of a permitted development within the Waterfall Park Zone would be closer to urban development and made it clear that the entire Waterfall Park Zone is an anomaly; in his words:

“The sort of sporadic and ad hoc urban intensity zoning in the middle of the countryside that Council is looking to discourage through the PDP”³⁹⁰.

³⁹⁰ M Paetz, Reply Evidence at 6.16

599. The Waterfall Park Zone has not been implemented. We have no evidence as to the likelihood that it will be implemented and form part of the 'existing' environment in future. Certainly, given Mr Paetz's evidence, we see no reason why a clearly anomalous position should drive the wording of the PDP policies on urban development going forward.

600. For these reasons, we do not consider special recognition of Waterfall Park is required.

601. A separate Hearing Panel (Stream 10) will consider Chapter 2 (Definitions) of the PDP. That Hearing Panel will need to form a view on the matters set out above and form a final view in the light of the submissions and evidence heard in that stream, what the recommendation to Council should be.

602. For our part, however, we recommend to the Stream 10 Hearing Panel that the definition of urban development be retained to provide clarity on the appropriate interpretation of the PDP³⁹¹ and amended to read:

"Means development that is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development".

We further recommend that a new definition be inserted as a consequence of our recommendation as above:

"Resort" – means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing visitor accommodation and forming part of an overall development focussed on on-site visitor activities."

603. We have proceeded on the basis that when the objectives and policies we have to consider use the term 'urban development', it should be understood as above.

604. Turning then to the more substantive issue, whether urban development, as defined, should be avoided or merely discouraged outside the UGBs and other existing settlements, Mr Paetz's recommendation that Policy 3.2.5.3.1 be amended to provide the latter appears inconsistent with his support for Policy 4.2.2.1 which reads:

"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."

605. Mr Paetz did not explain the apparent inconsistency, or indeed, why he had recommended that Policy 3.2.5.3.1 should be amended in this way.

³⁹¹ The need for clarity as to the classification of Millbrook and other similar resorts that might be established in future causes us to take a different view on the need for a definition than that which the Auckland Independent Hearings Panel came to.

606. Ultimately, we view this as quite a simple and straightforward question. Mr Clinton Bird, giving urban design evidence for the Council, aptly captured our view when he told us that you have either got an urban boundary or not. If you weaken the boundary, you just perpetuate urban sprawl.
607. This is the same approach that is taken in the Proposed RPS, which provides³⁹² that where UGBs are identified in a District Plan, urban development should be avoided beyond the UGB.
608. It follows that we favour a policy of avoidance of urban development outside of the UGB's, as provided for in the notified Policy 3.2.2.1.2. Our view is that any urban development in rural areas should be the subject of the rigorous consideration that would occur during a Plan Change process involving extension of existing, or creation of new, UGBs.
609. The revised definition we have recommended to the Stream 10 Panel provides for resort-style developments as being something that is neither urban nor rural and therefore sitting outside the intent of this policy.
610. In summary, and having regard to the amendments recommended to relevant definitions, we recommend retention of Policy 3.2.2.1.2 as notified (but renumbered 3.3.14) as being the most appropriate way, in the context of a package of high-level policies, in which to achieve Objectives 3.2.1.8, 3.2.2.1, 3.2.3.1, 3.2.5.1 and 3.2.5.2.

3.6. Section 3.2.2.2. Policies – Natural Hazards

611. As notified, policy 3.2.2.2.1 read:

“Ensure a balanced approach between enabling higher density development within the District’s scarce urban land resource and addressing the risks posed by natural hazards to life and property.”

612. The sole submission specifically on it³⁹³ sought its deletion or in the alternative, amendment “for consistency with the RMA”. The word “addressing” was the subject of specific comment – the submitter sought that it be replaced by “mitigated”.
613. Although Mr Paetz recommended that this Policy be retained in Chapter 3 as notified, for the same reasons we have identified that the relevant objective should be amalgamated with other objectives relating to urban development, we think that this policy should be deleted from Chapter 3, and the substance of the issue addressed as an aspect of urban development in Chapter 4. We think this is the most appropriate way in the context of a package of high-level policies to achieve the objectives of the plan related to urban development.

3.7. Section 3.2.3.1 Policies – Urban Development

614. The policies all relate to a quality and safe urban development. As such, while Mr Paetz recommends that they remain in Chapter 3, for the same reasons as the more detailed urban development policies have been deleted and their subject matter addressed as part of Chapter 4, we recommend that the three policies in Section 3.2.3.1 all be deleted, and their subject matter be addressed as part of Chapter 4, that being the most appropriate way to achieve the objectives of the plan related to urban development.

3.8. Section 3.2.3.2 Policy – Heritage Items

³⁹² Proposed RPS, Policy 4.5.2

³⁹³ Submission 806

615. Policy 3.2.3.2.1 as notified read:
- “Identify heritage items and ensure they are protected from inappropriate development.”*
616. Three submitters on this policy³⁹⁴ sought that the policy should be amended to state that protection of identified heritage items should occur in consultation with landowners and tenants.
617. Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Te Rūnanga o Moeraki, Hokonui Rūnanga³⁹⁵ sought that the policy be expanded to refer to wāhi Tūpuna as well as heritage items.
618. Mr Paetz did not recommend any amendment to this policy.
619. The RPS has an objective identifying recognition and protection of heritage values as part of the sustainable management of the built environment³⁹⁶. The policy supporting this objective, however, focuses on identification and protection of *“regionally significant heritage sites”* from inappropriate subdivision, use and development. The RPS predates addition of section 6(f) of the Act³⁹⁷. The upgrading of historic heritage as an issue under Part 2 means, we believe, that the RPS cannot be regarded as authoritative on this point.
620. The Proposed RPS has a suite of policies supporting Objective 5.2, which seeks an outcome whereby historic heritage resources are recognised and contribute to the region’s character and sense of identity. Policy 5.2.3, in particular, seeks that places and areas of historic heritage be protected and enhanced by a comprehensive and sequential set of actions. Those provisions include recognition of archaeological sites, wāhi tapu and wāhi taoka (taonga), avoidance of adverse effects, remedying other adverse effects when they cannot be avoided, and mitigating as a further fallback.
621. Unlike the previous policies, heritage items are not solely found in urban environments and therefore it is not appropriate to shift this policy into Chapter 4.
622. We do not recommend any amendments to it (other than to renumber it 3.3.16) for the following reasons:
- a. While consultation with landowners is desirable, this is a matter of detail that should be addressed in the specific chapter governing heritage;
 - b. Addition to refer to wāhi tupuna is not necessary as identification and protection of wāhi tupuna is already governed by Section 3.2.7 (generally) and the more specific provisions in Chapter 5.
 - c. While the reference to inappropriate development provides limited guidance, the submissions on this policy do not provide a basis for greater direction as to the criteria that should be applied to determine appropriateness, for instance to bring it into line with the Proposed RPS approach.
623. In summary, given the limited scope for amendment provided by the submissions on this policy, we consider its current form is the most appropriate way to achieve Objectives 3.2.2.1 and 3.2.3.1 in the context of a package of high-level policies.

³⁹⁴ Submissions 607, 615 and 621: Supported in FS1105, FS1137 and FS1345

³⁹⁵ Submission 810: Supported in FS1098

³⁹⁶ RPS Objective 9.4.1(c)

³⁹⁷ And corresponding deletion of reference to historic heritage from section 7.

3.9. Section 3.2.4.2 Policies – Significant Nature Conservation Values

624. As notified, the two policies under this heading read:

“3.2.4.2.1 Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas on the District Plan maps and ensure their protection.

3.2.4.2.2 Where adverse effects on nature conservation values cannot be avoided, remedied or mitigated, consider environmental compensation.”

625. Submissions on 3.2.4.2.1 either sought acknowledgement that significant natural areas might be identified in the course of resource consent application processes³⁹⁸ or sought to qualify the extent of their protection³⁹⁹.

626. Submissions on Policy 3.2.4.2.2 sought variously:

- a. A clear commitment to avoidance of significant adverse effects and an hierarchical approach ensuring offsets are the last alternative considered⁴⁰⁰;
- b. Amendment to make it clear that offsets are only considered as a last alternative to achieve no net loss of indigenous biodiversity and preferably a net gain⁴⁰¹;
- c. To draw a distinction between on-site measures to avoid, remedy or mitigate adverse effects and environmental compensation *“as a mechanism for managing residual effects”*⁴⁰²;

627. Mr Paetz recommended no change to Policy 3.2.4.2.1, but that Policy 3.2.4.2.2. be deleted. His reasoning for the latter recommendation was partly because he accepted the points for submitters that Policy 3.2.4.2.2 was inconsistent with the more detailed Policy 33.2.1.8, but also because, in his view, the policy was too detailed for the Strategic Chapter⁴⁰³.

628. Mr Paetz cited a similar concern (that the relief sought is too detailed) as the basis to reject the suggestion that identification of significant natural areas might occur through resource consent processes.

629. The Department of Conservation tabled evidence noting agreement with Mr Paetz’s recommendations.

630. Ms Maturin appeared to make representations on behalf of Royal Forest and Bird Protection Society. She maintained the Society’s submission on Policy 3.2.4.2.1, arguing that the Policy was in fact inconsistent with more detailed policy provisions indicating that such areas would be identified through resource consent applications, and that the failure to note that would promote confusion, if not mislead readers of the PDP. She supported, however, Mr Paetz’s recommendation that the following policy be deleted.

³⁹⁸ Submissions 339, 373, 706: Supported in FS1040; Opposed in FS1097, FS1162, FS1254, FS1287, FS1313, FS1342 and FS1347

³⁹⁹ Submissions 600 and 805: Supported in FS1209; Opposed in FS1034 and FS1040

⁴⁰⁰ Submission 339, 706: Supported in FS1313; Opposed in FS1015, FS1097, FS1162, FS1254 and FS1287

⁴⁰¹ Submission 373: Supported in FS1040; Opposed in FS1015, FS1097, FS1254, FS1287, FS1342 and FS1347

⁴⁰² Submission 598: Supported in FS1287; Opposed in FS1040

⁴⁰³ Section 42A Report at 12.89-12.90

631. In response to a question from us, Ms Maturin advised that the Society viewed any reference to environmental compensation or offsets as problematic and expressed the view that an applicant should provide a nationally significant benefit before offsets should even be considered.
632. Consideration of the submissions and evidence is against a background of the RPS having three objectives bearing on biodiversity issues:
- a. Objective 10.4.1:
“To maintain and enhance the life-supporting capacity of Otago’s biota.”
 - b. Objective 10.4.2:
“To protect Otago’s natural ecosystems and primary production from significant biological and natural threats.”
 - c. Objective 10.4.3:
“To maintain and enhance areas with significant habitats of indigenous fauna.”
633. Policy 10.5.2 should also be noted, providing for maintenance and where practicable enhancement of the diversity of Otago’s significant indigenous vegetation and significant habitats of indigenous fauna meeting one of a number of tests (effectively criteria for determining what is significant).
634. Policy 3.2.2 of the Proposed RPS takes a more nuanced approach than does the RPS, following the same sequential approach as for landscapes (in Policy 3.2.4, discussed above). Policy 5.4.6, providing for consideration of offsetting of indigenous biological diversity meeting a number of specified criteria, also needs to be noted.
635. We agree with Mr Paetz’s recommendation on Policy 3.2.4.2.1. The reality is if the Strategic Chapters have to set out every nuance of the more detailed provisions, there is no point having the more detailed provisions. We do not regard the fact that the more detailed provisions identify that significant natural areas may be identified through resource consent processes as inconsistent with Policy 3.2.4.2.1. Similarly, given the terms of the RPS and the Proposed RPS (and section 6(c) of the Act, sitting in behind them) we consider the policy is correctly framed, looking first and primarily to protection.
636. We are concerned, however, that the effect of Mr Paetz’s recommendation that Policy 3.2.4.2.2 be deleted is that it leaves the protection of Significant Natural Areas as a bald statement that the more detailed provisions in Chapter 33 might be considered to conflict with.
637. In addition, none of the submissions on this specific point sought deletion of Policy 3.2.4.2.2. While the much more general UCES submission referred to already provides scope to delete any provision of Chapter 3 (since it seeks deletion of the entire chapter) we prefer that the policies state more clearly the extent of the protection provided, and the circumstances when something less than complete protection might be acceptable, in line with the approach of the Proposed RPS.
638. Having said that, we take on board Ms Maturin’s caution that this particular area is a veritable minefield for the unwary and that any policy has to be framed quite carefully.

639. The first point to make is that given the terms of the higher order documents, we think the submitters seeking a policy direction that significant adverse effects on Significant Natural Areas are not acceptable are on strong ground.
640. Secondly, submitters are likewise on strong ground seeking that it be clear that the first preference for non-significant adverse effects is that they be avoided or remedied. We are not so sure about referring to mitigation in the same light⁴⁰⁴.
641. While the High Court has provided guidance as to the distinction between mitigation and environmental offsets/environmental compensation⁴⁰⁵, we recommend that the policy sidestep any potential debate on the distinction to be drawn between the two.
642. Thirdly, the submission seeking a requirement for no net loss in indigenous biodiversity and preferably a net gain is consistent with the Proposed RPS (Policy 5.4.6(b)) and this also needs to be borne in mind.
643. Lastly, we recommend that the division between the two policies be shifted so that Policy 3.2.4.2.1 relates to the identification of Significant Natural Areas and Policy 3.2.4.2.2 outlines how those areas will be managed.

644. In summary, we recommend that the policies as notified be renumbered 3.3.17 and 3.3.18 and amended to read:

“Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna as Significant Natural Areas on the District Plan maps (SNAs);

Protect SNAs from significant adverse effects and ensure enhanced indigenous biodiversity outcomes to the extent that other adverse effects on SNAs cannot be avoided or remedied.”

3.10. Section 3.2.4.3 – Rare Endangered and Vulnerable Species

645. Policy 3.2.4.3.1 suggests a general requirement that development not adversely affect survival chances of rare, endangered or vulnerable species. Submissions sought variously:
- a. Expansion of the policy to cover development “and use”⁴⁰⁶;
 - b. Qualifying the policy to limit “significant” adverse effects⁴⁰⁷;
 - c. Qualifying the policy to make it subject to the viability of farming activities not being impacted⁴⁰⁸; and
 - d. Retaining the policy as notified.
646. Given that we see these policies as the means to achieve recommended Objective 3.2.4.1, we do not consider it necessary or appropriate to insert an additional policy on maintenance of biodiversity as sought in submission 339 and 706⁴⁰⁹.

⁴⁰⁴ Although accepting that the Proposed RPS does so at Policy 5.4.6(a)

⁴⁰⁵ Refer *Royal Forest & Bird Protection Society of New Zealand Inc v Buller District Council* [2013] NZHC 1346

⁴⁰⁶ Submissions 339 and 706: Opposed in FS1162

⁴⁰⁷ Submission 600: Supported in FS1209; Opposed in FS1034 and FS1040

⁴⁰⁸ Submission 701: Supported in FS1162

⁴⁰⁹ Opposed in FS1132, FS1162, FS1254 and FS1287

647. We have recommended the objective that this policy seeks to implement be deleted on the basis that it duplicates protection of areas with significant nature conservation values and the emphasis given elsewhere to maintenance of indigenous biodiversity.
648. Similar reasoning suggests that this policy is unnecessary. Any area which is relevant in any material way to the survival chances of rare, endangered or vulnerable species will necessarily be a significant natural area, as that term is defined. Consistently with that position, in the RPS policy discussed above (10.5.2), the fact that a habitat supports rare, vulnerable or endangered species is one of the specified criteria of significance. If any area falling within that description is not mapped as a SNA, then it should be so mapped so as to provide greater certainty both that the relevant objective will be achieved and for landowners, as to their ability to use land that is not mapped as a SNA. Accordingly, on the same basis as for the objective, we recommend that this policy be deleted, as being the most appropriate way, in combination with Policies 3.3.17 and 3.3.18, to achieve Objectives 3.2.1.7, 3.2.18, 3.2.4.1 and 3.2.4.3-4 inclusive as those objectives relate to indigenous biodiversity.

3.11. Section 3.2.4.4 Policies – Wilding Vegetation

649. As notified, policy 3.2.4.4.1 read:

“That the planting of exotic vegetation with the potential to spread and naturalise is banned.”

650. A number of submissions sought retention or minor drafting changes to this policy. Federated Farmers⁴¹⁰ however sought that the effect of the policy be softened to refer to appropriate management and reduction of risks.

651. In his Section 42A Report, Mr Paetz recognised that the policy might be considered too absolute. He recommended that it be revised to read:

“Prohibit the planting of identified exotic vegetation with the potential to spread and naturalise.”

652. As discussed in relation to Objective 3.2.4.4, wilding vegetation is a significant issue in the District. It is also quite a discrete point, lending itself to strategic direction⁴¹¹. We recommended that the objective aspired to is avoidance of wilding exotic vegetation spread. Management and reduction of risk would not achieve that objective, without a clear statement as to the outcome of management and/or the extent of risk reduction.

653. On the other hand, a prohibition of planting of exotic vegetation described only by the characteristic that it has potential to spread and naturalise would go too far. The public are unlikely to be able to identify all the relevant species within this very general description. Mr Paetz suggested limiting the prohibition to identified species⁴¹², but we think there also needs to be greater guidance as to what the extent of the ‘potential’ for spread needs to be to prompt identification, to ensure that the costs of a prohibition are not excessive, relative to the benefits and to make the suggested prohibition practicable, in terms of RPS Policy 10.5.3. We note in this regard the submissions on behalf of Federated Farmers by Mr Cooper that some wilding species are important to farming in the District at higher altitudes. For the same

⁴¹⁰ Submission 600: Supported in FS1091 and FS1209; Opposed in FS1034 and FS1040

⁴¹¹ A combination of circumstances which leads us to reject the suggestion of Mr Farrell that this issue does not justify having a high-level policy addressing it.

⁴¹² Identified in this case meaning identified in the District Plan

reason, we consider there is room for a limited qualification of the policy prohibition, but only if wilding species can be acceptably managed for the life of the planting.

654. Accordingly, we recommend that Policy 3.2.4.4.1 be renumbered 3.3.27 and worded:

“Prohibit the planting of identified exotic vegetation with the potential to spread and naturalise unless spread can be acceptably managed for the life of the planting.”

655. We consider that this policy wording is the most appropriate way to achieve Objective 3.2.4.2 in the context of a high-level policy,

3.12. Section 3.2.4.5 Policies – Natural Character of Waterways

656. Policy 3.2.4.5.1 as notified read:

“That subdivision and/or development which may have adverse effects on the natural character and nature conservation values of the District’s lakes, rivers, wetlands and their beds and margins be carefully managed so that life-supporting capacity and natural character is maintained or enhanced.”

657. The only amendments sought to this policy sought that reference be added to indigenous biodiversity⁴¹³.

658. Mr Paetz did not recommend any change to the policy as notified.

659. Objectives 6.4.3 and 6.4.8 of the RPS require consideration in this context. Objective 6.4.3 seeks to safeguard life supporting capacity through protecting water quality and quantity. Objective 6.4.8 seeks to protect areas of natural character and the associated values of wetlands, lakes, rivers and their margins. While these objectives are strongly protective of natural character and life-supporting capacity values, the accompanying policies are rather more qualified. Policy 6.5.5 promotes a reduction in the adverse effects of contaminant discharges through, in effect, a ‘maintain and enhance’, approach but with the rider “while considering financial and technical constraints”. Policy 6.5.6 takes a similarly qualified approach to wetlands with an effective acceptance of adverse effects that are not significant or where environmental ‘compensation’ (what we would now call off-setting) is provided. Lastly Policy 6.5.6 takes an avoid, remedy or mitigate approach to use and development of beds and banks of waterways, but poses maintenance (and where practicable enhancement) of life-supporting capacity as a further test.

660. As previously noted, the RPS predates the NPSFM 2014 and therefore, its provisions related to freshwater bodies must therefore be treated with some care. While the NPSFM 2014 is principally directed at the exercise of powers by regional councils⁴¹⁴, its general water quality objectives⁴¹⁵, seeking among other things, safeguarding of life supporting capacity and maintenance or improvement of overall water quality need to be noted. Objective C1 is also relevant, seeking improved integrated management of fresh water and use and development of land. From that perspective, we do not regard there being any fundamental inconsistency between the RPS and the subsequent NPSFM 2014, such as would require implementation of a different approach to that stated in the RPS.

⁴¹³ Submissions 339 and 706: Opposed in FS1015, FS1162, FS1254 and FS1287

⁴¹⁴ The policies are almost all framed in terms of actions regional councils are required to take

⁴¹⁵ Seeking among other things, safeguarding of the life supporting capacity and maintenance or improvement of overall water quality

661. The Kawarau WCO has a different focus to either RPS (operative or proposed) or the NPSFM 2014. It identifies the varying characteristics that make different parts of the catchment outstanding and for some parts of the catchment, directs their preservation as far as possible in their natural state, and for the balance of the catchment⁴¹⁶, directs protection of the characteristics identified as being present. The Kawarau WCO is principally targeted at the exercise of the regional council's powers. To the extent it is relevant to finalisation of the PDP, its division of the catchment, with different provisions applying to different areas, does not lend itself to being captured in a general policy applying across the District.
662. Lastly Policies 3.1.1 and 3.1.2 of the Proposed RPS take a '*maintain and enhance*' position for the different characteristics of water and the beds of waterways, respectively, in the context of an objective⁴¹⁷ seeking that the values of natural resources are "*recognised, maintained or enhanced*".
663. Against this background, we regard the adoption of the '*maintain or enhance*' test in the PDP policy as being both consistent with and giving effect to the relevant higher order documents.
664. An amendment to refer to indigenous biodiversity in this context would not reflect the form of the objective recommended, and so we do not support that change.
665. We do, however, recommend minor drafting amendments so that the policy be put more positively. We also do not consider that the word "*carefully*" adds anything to the policy since one would hope that all of the policies in the PDP will be implemented carefully.
666. Accordingly, we recommend that Policy 3.2.4.5.1 be renumbered 3.3.19 and amended to read:
- "Manage subdivision and/or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced."*
667. We consider that this policy is the most appropriate way in the context of a high-level policy to achieve the objectives of this chapter related to natural character and life supporting capacity of waterways and their margins (3.2.1.7, 3.2.4.1-4 inclusive, 3.2.5.1 and 3.2.5.2).

3.13. Section 3.2.4.6 Policies – Water Quality

668. As notified, policy 3.2.4.6.1 read:

"That subdivision and/or development be designed so as to avoid adverse effects on the water quality of lakes, rivers and wetlands in the District."

669. Submissions on the policy sought variously:
- a. Provision for remediation or mitigation of adverse effects on water quality⁴¹⁸;
 - a. Restriction to urban development⁴¹⁹;

⁴¹⁶ Excluding the lower Dart River, the lower Rees River, and the lower Shotover River that have provisions permitting road works and flood protection works.

⁴¹⁷ Proposed RPS, Objective 3.1

⁴¹⁸ Submission 598: Supported in FS1287; Opposed in FS1040

⁴¹⁹ Submission 600: Supported in FS1209; Opposed in FS1034

- b. Avoidance of significant adverse effects⁴²⁰;
- c. Provision for remediation or mitigation where avoidance is not possible⁴²¹;
- d. Avoidance of significant adverse effects on water quality where practicable and avoidance, remediation or mitigation of other adverse effects⁴²²;
- e. Insert reference to adoption of best practice in combination with designing subdivision development and/or to avoid, remedy or mitigate adverse effects⁴²³.

670. Mr Paetz did not recommend any amendment to the policy as notified.

671. The same provisions of the RPS, the NPSFM 2014 and the Proposed RPS as were noted in relation to the previous policy are relevant in this context. We note in particular the qualifications inserted on the management of contaminant discharges in Policy 6.5.5 of the RPS.

672. The RPS also states⁴²⁴ a policy of minimising the adverse effects of land use activities on the quality and quantity of water resources.

673. We accept the general theme of the submissions seeking some qualification of the otherwise absolute obligation to avoid all adverse effects on water quality, irrespective of scale or duration, given that the practical mechanisms to manage such effects (riparian management and setbacks, esplanade reserves, stormwater management systems and the like) are unlikely to meet such a high hurdle, even if that could be justified on an application of section 32 of the Act.

674. We think there is value in the minimisation requirement the RPS directs in combination with a best land use management approach (accepting the thrust of Submission 807 in this regard) so as to still provide clear direction. We do not accept, however, that the policy should be limited to urban development given that the adverse effects of development of land on water quality are not limited to urban environments.

675. While a minimisation policy incorporates avoidance, if avoidance is practically possible, we consider there is value in emphasising that avoidance is the preferred position.

676. In summary therefore, we recommend that Policy 3.2.4.6 be renumbered 3.3.26 and amended to read:

“That subdivision and/or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District.”

677. We consider that this policy is the most appropriate way in the context of a high-level policy to achieve the objectives of this chapter related to water quality (3.2.1.8, 3.2.4.1 and 3.2.4.4).

3.14. Section 3.2.4.7 Policies – Public Access

678. Policy 3.2.4.7.1 as notified read:

⁴²⁰ Submission 768
⁴²¹ Submission 805
⁴²² Submission 635: Supported in FS1301
⁴²³ Submission 807
⁴²⁴ RPS, Policy 5.5.5

“Opportunities to provide public access to the natural environment are sought at the time of plan change, subdivision or development.”

679. One submission seeking amendment to this policy⁴²⁵ sought to emphasise that any public access needs to be ‘safe’ and would substitute the word “considered” for “sought”.
680. Another submission⁴²⁶ sought that specific reference be made to recreation opportunities.
681. Mr Paetz does not recommend any amendment to this policy.
682. Policy 6.5.10 of the RPS targets maintenance and enhancement of public access to and along the margins of water bodies. This is achieved through “encouraging” retention and setting aside of esplanade strips and reserves and access strips and identifying and providing for other opportunities to improve access. There are a number of exceptions specified in the latter case⁴²⁷, but the thrust of the policy is that exceptional reasons are required to justify restriction of public access.
683. Objective 5.1 of the Proposed RPS seeks maintenance and enhancement of public access of all areas of value to the community. Policy 5.1.1, supporting that objective, takes a similar approach to the RPS, directing maintenance and enhancement of public access to the natural environment unless one of a number of specified criteria apply.
684. Neither of the higher order documents require that all opportunities for enhancing public access be seized.
685. While reference to public safety would be consistent with both the RPS and the Proposed RPS, we do not consider that the amendments sought in Submission 519⁴²⁸ are necessary. The policy as it stands does not require public access, it suggests that public access be sought. Whether this occurs will be a matter for decision on a case by case basis, having regard as appropriate, to the regional policy statement operative at the time. The provisions of both the RPS and the Proposed RPS would bring a range of matters into play at that time, not just health and safety.
686. Similarly, we do not consider specific reference to recreational opportunities is required. Public access to the natural environment necessarily includes the opportunity to recreate, once in that environment (or that part of the natural environment that is publicly owned at least). If the motive underlying the submission is to enable commercial recreation activities then in our view, it needs to be addressed more directly, as an adjunct to provision for visitor industry activities, as was sought by Kawarau Jet Services Ltd⁴²⁹ in the form of a new policy worded:

“Provide for a range of appropriate Recreational and Commercial Recreational activities in the rural areas and on the lakes and rivers of the District.”

687. The suggested policy does not identify what might be an appropriate range of activities, or how issues of conflict between commercial operators over access to the waterways of the

⁴²⁵ Submission 519: Supported in FS1015; Opposed in FS1356

⁴²⁶ Submission 836: Supported in FS1097, FS1341 and FS1342

⁴²⁷ Including health and safety

⁴²⁸ Supported by the evidence of Mr Vivian

⁴²⁹ Submission 307: Supported in FS1097, FS1235, FS1341

District (previously an issue in a number of Environment Court cases) might be addressed. For all that, the suggested policy has merit. We will discuss shortly the appropriate policy response to commercial recreation activities in rural areas generally. We think the more specific issue of commercial recreation activities on the District's waterways is more appropriately addressed in Chapter 6 and we will return to it there.

688. We therefore recommend only a minor drafting change to put the policy (renumbered 3.3.28) more positively as follows:

“Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development.”

689. We consider that this wording in the context of a high-level policy is the most appropriate way to achieve objective 3.2.4.5.

3.15. Section 3.2.4.8 – Policies – Climate Change

690. The sole policy under this heading read as notified:

“Concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport, to limit increases in greenhouse gas emissions in the District”.

691. Submissions seeking changes to this policy sought variously:

- a. To be less directive, seeking encouragement where possible and deletion of reference to greenhouse gas emissions⁴³⁰;
- b. Retaining the existing wording, but deleting the connection to greenhouse gas emissions⁴³¹;
- c. Opposed it generally on the basis that suggested policy does not implement the objective⁴³².

692. Mr Paetz did not recommend any amendment to the policy.

693. We see a number of problems with this policy. As Submission 519 identified, not all development is going to be within existing urban areas. Quite apart from the fact that the UGBs provide for controlled growth of the existing urban areas, non-urban development will clearly take place (and is intended to take place) outside the UGBs.

694. If the policy were amended to be restricted to urban development, as we suspect is the intention, it would merely duplicate the UGB policies and be unnecessary.

695. In summary, we recommend that the most appropriate way to achieve the objectives of this chapter is if Policy 3.2.4.8.1 is deleted.

696. That is not to say that the PDP has no role to play in relation to climate change. We have already discussed where and how it might be taken into account in the context of Objective 3.2.4.8.

⁴³⁰ Submission 519: Supported in FS1015; Opposed in FS1356

⁴³¹ Submissions 519 and 598: Supported in FS1015 and FS1287; Opposed in FS1356

⁴³² Submission 798

697. Submission 117 sought a new policy to be applied to key infrastructure and new developments, relating to adaption to the effects of climate change. The submission specifically identified hazard management as the relevant adaptation.
698. We have already recommended specific reference to the need to take climate change into account when addressing natural hazard issues in the context of Objective 3.2.2.1.
699. We view further policy provision for adaption to any increase in natural hazard risk associated with climate change better dealt with as an aspect of management of development in both urban and rural environments rather than more generally. Accordingly, we will return to it in the context of our Chapter 4 and 6 reports.
700. We note that notified Policy 3.2.1.3.2 related to adaptation to climate change in other respects. We discuss that policy below.

3.16. Section 3.2.5 Policies - Landscape

701. As notified, Policy 3.2.5.1.1 related both to identification of ONLs and ONFs on the District Plan maps and to their protection.
702. In his Section 42A Report, Mr Paetz recommended that the policy be deleted on the basis that it duplicated matters that were better addressed in Chapter 6.
703. By his reply evidence, Mr Paetz had reconsidered that view and recommended that the first part of the policy, providing for identification of ONLs and ONFs on the plan maps, be reinstated.
704. Submissions on the policy as notified sought variously:
- a. Either deletion of the ONL and ONF lines from the planning maps or alteration of their status so that they were indicative only⁴³³;
 - b. Qualifying the extent of protection to refer to inappropriate subdivision, use and development⁴³⁴;
 - c. Qualifying the reference to protection, substituting reference to avoiding, remedying or mitigating adverse effects, or alternatively management of adverse effects⁴³⁵.
705. The argument that ONLs and ONFs should not be identified on the planning maps rested on the contention (by Mr Haworth for UCES) that the lines as fixed are not credible. The exact location of any ONL and ONF lines on the planning maps is a matter for another hearing. However, we should address at a policy level the contention that there is an inadequate basis for fixing such lines and that establishing them will be fraught and expensive.
706. Dr Marion Read gave evidence on the work she and her peer reviewers undertook to fix the ONL and ONF lines. While Dr Read properly drew our attention to the fact that the exercise she had undertaken was not a landscape assessment from first principles, she clarified that qualification when she appeared before us. In Dr Read's view, the impact of not having worked from first principles was very minor in terms of the robustness of the outcome.

⁴³³ Submission 145: Supported in FS1097; Opposed in FS1162 and FS1254

⁴³⁴ Submissions 355, 519, 598, 600, 805: Supported in FS1015, FS1117, FS1209 and FS1287; Opposed in FS1034, FS1097, FS1282, FS1320 and FS1356

⁴³⁵ Submissions 519, 607, 615, 621, 624, 716: Supported in FS1015, FS1097, FS1105 and FS1137; Opposed by FS1282 and FS1356

707. That may well be considered something of an understatement given that Dr Read explained that she had gone back to first principles for all of the new ONL and ONF lines she had fixed. The areas where there might be considered a technical deficiency for failure to go back to first principles were where she had relied on previous determinations of the Environment Court.
708. We think it was both pragmatic and sensible on Dr Read's part that where the Environment Court had determined the location of an ONL or ONF line she took that as a given rather than reinventing that particular wheel. We asked a number of the parties who appeared before us if it was appropriate to rely on Environment Court decisions in this regard, and there was general agreement that it was⁴³⁶.
709. In summary, we do not accept the submission that the ONL and ONF lines are not credible. That is not to say that we accept that they are correct in every case and at every location. As above, that is a matter for differently constituted hearing panels to consider, but we are satisfied that the process that has been undertaken for fixing them is robust and can be relied upon unless and until credible expert evidence calls the location of those lines into question.
710. So far as the question of costs and benefits is concerned, Dr Read accepted in evidence before us that the process for confirming the lines set out in the planning maps will likely be fraught and expensive but as she observed, the current process where the status of every landscape (as an ONL, ONF, VAL or ORL) has to be determined as part of the landscape assessment for the purposes of a resource consent application is fraught and expensive. She did not know how one would go about trying to quantify and compare the relative costs of the two and neither do we.
711. What we do know is that the Environment Court found in 1999 that one could not properly state objectives and policies for areas of outstanding natural landscape unless they had been identified⁴³⁷. In that same decision, it is apparent that the Court approached the appeals on what ultimately became the ODP with considerable frustration that with certain notable exceptions, the parties appearing before it (including the Council) had not identified what they contended to be the boundaries of ONLs or ONFs. It appears⁴³⁸ that the only reason that the Court did not fix lines at that point was the amount of effort and time that it would take to undertake a comprehensive assessment of the District. We are not in that position. The assessment has been undertaken by Dr Read and her peer reviewers to arrive at the lines currently on the maps. All the parties who have made submissions on the point will have the opportunity to call expert evidence to put forward a competing viewpoint in the later hearings on mapping issues.
712. Most importantly, at the end of the process, the Council will have recommendations as to where those lines should be based on the best available evidence.
713. We accept that even after they are fixed, it will still be open to parties to contend that a landscape or feature not currently classified in the plan as an ONL or ONF is nevertheless outstanding and should be treated as such for the purposes of determination of a future

⁴³⁶ Mr Goldsmith for instance expressed that view (for Allenby Farms Ltd, Crosshill Farms Ltd and Mt Cardrona Station Ltd). We note however that some parties sought to draw a distinction between lines that had been drawn by the Court after a contested hearing of landscape experts and those that were the result of consent orders and/or where the issue was not contested.

⁴³⁷ C180/99 at [97]

⁴³⁸ From paragraph [99]

resource consent process⁴³⁹. Nevertheless, we think there is value in the PDP providing direction in this regard.

714. We also note that Policy 3.2.3 of the Proposed RPS directs that areas and values, among other things, of ONLs and ONFs be identified. We are required to have regard to that policy and that is exactly what the PDP does. It defines areas of ONLs and ONFs. We note the submission of Otago Regional Council in this regard⁴⁴⁰, supporting the identification of ONLs and ONFs, reflecting in turn the policies of the Proposed RPS directing identification of outstanding and highly-valued features and landscapes we have previously discussed⁴⁴¹.
715. In summary, we do not accept the UCES submission that the ONL/ONF lines should be deleted, or alternatively tagged as being indicative only.
716. The secondary question is whether if, as we would recommend, Policy 3.2.5.1.1 is retained, it, or a subsequent strategic policy in this part of Chapter 3, should specify what course of action is taken consequential on that identification or whether, as Mr Paetz recommends, those matters should be dealt with in Chapter 6.
717. In summary, we recommend that a separate policy be inserted following what was Policy 3.2.5.1.1 stating in broad terms that the policy is for management of activities affecting ONLs and ONFs. Quite simply, we see this as part of the strategic direction of the Plan. While Chapter 6 contains more detailed provisions, Chapter 3 should state the overall policy.
718. We have already discussed at some length the appropriate objective for ONLs and ONFs, considering as part of that analysis, the relevant higher order provisions, and concluding that the desired outcome should be that the landscape and visual amenity values and natural character of ONLs and ONFs are protected against the adverse effects of subdivision use and development that are more than minor and/or not temporary in duration.
719. To achieve that objective, we think it is necessary to have a high-level policy addressing the need to avoid more than minor adverse effects on those values and on the natural character of ONLs and ONFs that are not temporary in duration.
720. We have had regard to the many submissions we received at the hearing emphasising the meaning given to the term “avoid” by the Supreme Court in *King Salmon* (not allow or prevent the occurrence of⁴⁴²).
721. It was argued for a number of parties that an avoidance policy in relation to ONLs and ONFs would create a ‘*dead hand*’ on all productive economic activities in a huge area of the District.
722. A similar ‘*in terrorem*’ argument was put to the Supreme Court in *King Salmon* which rejected the contention that the interpretation they had given to the relevant policies of the NZCPS would be unworkable in practice⁴⁴³. The Court also drew attention to the fact that use and development might have beneficial effects rather than adverse effects.

⁴³⁹ Refer Unison Networks Limited v Hastings District Council CIV2007-485-896

⁴⁴⁰ Submission 798

⁴⁴¹ Proposed RPS, Policies 3.2.3 and 3.2.5

⁴⁴² [2014] NZSC38 at [93]

⁴⁴³ See [2014] NZSC38 at [144]-[145]

723. The evidence we heard was that many of the outstanding landscapes in the District are working landscapes. Dr Read’s evidence is that the landscape character reflects the uses currently being made of it and in some cases, the character of the landscapes is dependent on it. Clearly continuation of those uses is not inconsistent with the values that lead to the landscape (or feature) in question being categorised as outstanding.
724. Our recommendation makes it clear that minor and temporary effects are not caught by this policy. That will permit changes to current uses that are largely consistent with those same values. If a proposal would have significant adverse effects on an ONL or an ONF, in our view and having regard to the obligation on us to recognise and provide for the preservation of ONLs and ONFs, that proposal probably should not gain consent.
725. In summary therefore, we recommend that there be two policies in relation to ONLs and ONFs in Chapter 3 (numbered 3.3.29 and 3.3.30) reading as follows:
- “Identify the District’s Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps.”*
- “Avoid adverse effects on the landscape and visual amenity values and natural character of the District’s Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor in extent and or not temporary in duration.”*
726. We consider that these policies are the most appropriate way to achieve Objective 3.2.5.1, in the context of the package of high-level policies recommended in this report.
727. Turning to non-outstanding landscapes, Policy 3.2.5.2.1 as notified read:
- “Identify the district’s Rural Landscape Classification on the District Plan maps, and minimise the effects of subdivision, use and development on these landscapes.”*
728. With the exception of UCES⁴⁴⁴, who submitted (consistently with its submission on Policy 3.2.5.1.1) that there should be no determinative landscape classifications on planning maps, most submitters accepted the first half of the policy (identifying the Rural Landscape Classification on the maps) and focussed on the consequences of that identification. Many submitters sought that adverse effects on these landscapes be avoided, remedied or mitigated either by amending the policy or by adding a stand-alone policy to that effect⁴⁴⁵. Some of those submitters also sought reference to inappropriate subdivision, use and development.
729. Another option suggested was to substitute ‘manage’ for ‘minimise’⁴⁴⁶.
730. Mr Paetz recommended that the policy be deleted on the basis that both aspects of the policy were better addressed in Chapter 6.
731. We do not concur. Consequential on the recommendation as above, that the policies for ONLs and ONFs should state both the intention to identify those landscapes and features on the planning maps and separately and in broad terms, the course of action proposed, we consider

⁴⁴⁴ Submission 145: Supported in FS1097; Opposed in FS1162

⁴⁴⁵ Submissions 437, 456, 513, 515, 522, 531, 532, 534, 535, 537, 608, 643, 696, 805: Supported in FS1097, FS1256, FS1286, FS1292, and FS1322; Opposed in FS1034, FS1068, FS1071 and FS1120

⁴⁴⁶ Submission 519, 598: Supported in FS1015, FS1117 and FS1292; Opposed in FS1282 and FS1356

that it follows that Chapter 3 should also follow the same format for non-outstanding landscapes.

732. It is also consequential on the recommendations related to the ONL and ONF policies that that we do not recommend that the UCES submission be accepted. Having identified ONLs and ONFs on the planning maps, there seems to be little point in not identifying the balance of the rural landscape.

733. Accordingly, the only suggested changes are minor drafting issues and a change of terminology, consequential on the recommendation as above that these balance rural landscapes be termed Rural Character Landscapes so that the renumbered Policy 3.3.31 would read:

“Identify the District’s Rural Character Landscapes on the District Plan Maps.”

734. Turning to the consequences of identification, a number of the submitters on this policy noted the need for it to reflect the terminology and purpose of the Act. This is an example of the general point made at an earlier part of this report, where utilising the terminology of the Act provides no direction or guidance as to the nature of the course of action to be undertaken.

735. This is still more the case with those submissions seeking that adverse effects be managed.

736. For these reasons, we do not recommend acceptance of the relief sought in these submissions.

737. We do, however, accept that the focus on minimising adverse effects is not entirely satisfactory.

738. While we do not accept the opinion of Mr Ben Farrell (that a policy of minimising adverse effects is ambiguous), the relevant objective we have recommended seeks that rural character and amenity values in these landscapes be maintained and enhanced by directing new subdivision, use and development to occur in appropriate areas – areas that have the potential to absorb change without materially detracting from those values.

739. We also have regard to notified Policy 6.3.5.1 which states that subdivision and development should only be allowed *“where it will not degrade landscape quality or character, or diminish identified visual amenity values.”*

740. We think that particular policy goes too far, seeking no degradation of landscape quality and character and diminution of visual amenity values and needs to have some qualitative test inserted⁴⁴⁷, but the consequential effect of aligning the policy with the objective together with incorporating elements from Policy 6.3.5.1 is that the policy addressing activities in Rural Character Landscapes should be renumbered 3.3.32 and read:

“Only allow further land use change in areas of the Rural Character Landscape able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded.”

741. We consider that the recommended Policies 3.3.31 and 3.3.32 are the most appropriate way to achieve Objectives 3.2 1.9 and 3.2.5.2, in the context of the package of high-level policies recommended in this report.

⁴⁴⁷ To that extent we accept the substance of Submissions 456, 598 and 806 on Policy 6.3.5.1.

3.17. Section 3.2.5.3 – Policies – Urban Development

742. As notified, this policy read:

“Direct urban development to be within urban growth boundaries (UGBs) where these apply, or within the existing rural townships.”

743. Mr Paetz recommended that this policy be amended to provide both for urban development within and outside UGBs.

744. Either in its notified form or as Mr Paetz has recommended it be amended, this policy entirely duplicates the policies discussed above related to urban development (the recommended revised versions of Policies 3.2.2.1.2 and 3.2.2.1.6).

745. Accordingly, we recommend that the most appropriate way to achieve the objectives of this chapter related to urban development is that it be deleted, consistent with the Real Journeys’ submission that duplication generally be avoided.

3.18. Section 3.2.5.4 Policies – Rural Living

746. As notified, these two policies addressed provision for rural living as follows:

“3.2.5.4.1 Give careful consideration to cumulative effects in terms of character and environmental impact when considering residential activity in rural areas.

3.2.5.4.2 Provide for rural living opportunities in appropriate locations.”

747. There were two submissions on Policy 3.2.5.4.1, one seeking its deletion on the basis that it may conflict with case law related to weighting of cumulative effects, the permitted baseline and the future environment⁴⁴⁸ and the other seeking more effective guidance on how much development is too much⁴⁴⁹.

748. Most of the submissions on Policy 3.2.5.4.2 supported the policy in its current form. One submitter⁴⁵⁰ sought that the Council should continue with its plans to rezone land west of Dalefield Road to Rural Lifestyle or Rural Residential, but did not seek any specific amendment to the policy. Mr Paetz did not recommend any change to the wording of these policies.

749. While we do not support the submission seeking that Policy 3.2.5.4.1 be deleted, the submitter has a point in that the policy is expressed so generally that it may have consequences that cannot currently be foreseen. Notwithstanding that, clearly cumulative effects of residential activity is an issue requiring careful management, as we heard from Dr Read. The problem is that a policy indicating that cumulative effects will be given *“careful consideration”* is too non-specific as to what that careful consideration might entail. As Submission 806 suggests, greater clarity is required as to how it will operate in practice.

750. The policies of Section 6.3.2 (as notified) give some sense of what is required (acknowledging the finite capacity of rural areas to accommodate residential development, not degrading landscape character and visual amenity, taking into account existing and consenting

⁴⁴⁸ Submission 519: Supported in FS1015; Opposed in FS1356

⁴⁴⁹ Submission 806: Supported in FS1313

⁴⁵⁰ Submission 633

subdivision or development). We recommend that some of these considerations be imported into policy 3.2.5.4.1 to confine its ambit, and thereby address the submitter's concern.

751. One issue in contention was whether the description in the ODP of rural non-outstanding landscapes as being "*pastoral (in the poetic and picturesque sense rather than the functional sense) or Arcadian landscapes*"⁴⁵¹ should be retained. Mr Goldsmith⁴⁵² argued that this description, which was coined by the Environment Court⁴⁵³, should be retained if circumstances have not changed.
752. The evidence of Dr Read was that this description has proven confusing, and has been interpreted as a goal, rather than as a description. Her June 2014 Report⁴⁵⁴ fleshed this out, suggesting that neither lay people nor professionals have had a clear understanding of what an arcadian landscape is, and that a focus on replicating arcadia has produced an English parkland character in some areas of the Wakatipu Basin that, if continued, would diminish the local indigenous character.
753. Dr Read also emphasised the need to acknowledge the differences between the character of the Upper Clutha Basin and the Wakatipu Basin.
754. Mr Goldsmith acknowledged those differences but suggested to us that the PDP treated the Wakatipu Basin as if it were the Hawea Flats, whereas his description of the ODP was that it did the reverse (i.e. treated the Hawea Flats as they were the Wakatipu Basin)⁴⁵⁵.
755. We take his point and have accordingly looked for a broader description that might exclude ONL's and ONF's (where the focus is necessarily on protection rather than enabling development), but capture both areas, while allowing their differences (and indeed the differences in landscape character within the Wakatipu Basin that Mr Goldsmith sought recognition for) to be taken into account.
756. Mr Jeff Brown⁴⁵⁶ suggested to us that the ultimate goal is met if the character of an area remains '*rural*'⁴⁵⁷, and therefore the test should be if the area retains a rural '*feel*'. While this comes perilously close to a test based on the '*vibe*'⁴⁵⁸, we found Mr Brown's evidence helpful and have adapted his suggested approach to provide a more objective test.
757. The interrelationship with Policy 3.2.5.4.2 also needs to be noted. Better direction as to what a careful consideration of cumulative effects means, requires, among other things, identification of where rural living opportunities might be appropriate. As Submission 633 notes, one obvious way in which the PDP can and does identify such appropriate locations is through specific zones. Another is by providing greater direction of areas within the Rural Zone

451 ODP 4.2.4(3)

452 Addressing us on this occasion on behalf of GW Stalker Family Trust and others

453 In C180/99

454 '*Wakatipu Basin Residential Subdivision and Development: Landscape Character Assessment*'

455 Legal Submissions for GW Stalker and others at 6.3(c)

456 Giving evidence on behalf of Ayrburn Farms Ltd, Bridesdale Farms Developments Ltd, Shotover Park Ltd and Trojan Helmet Ltd

457 NZIA's Submission 238 makes a similar point

458 Refer the film, 'The Castle' (1997)

where rural living developments are not appropriate⁴⁵⁹. We agree that a greater level of direction would assist plan users in this regard.

758. In summary, we recommend the following amendments to Policies 3.2.5.4.1 and 3.2.5.4.2 (renumbered 3.3.22 and 3.3.24), together with addition of a new Policy 3.3.23 as follows:

“Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for rural living developments.

Identify areas on the District Plan maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas.

Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character.”

759. We consider that the combination of these policies operating in conjunction with recommended Policies 3.3.29-3.3.32, are the best way in the context of high-level policies to achieve Objectives 3.2.1.8, 3.2.5.1 and 3.2.5.2, as those objectives relate to rural living developments.
760. It is appropriate at this point that we address the many submissions we had before us from infrastructure providers seeking greater recognition of the needs of infrastructure.
761. Objective 3.2.1.9 discussed above is the reference point for any additional policies on infrastructure issues.
762. In the rural environment, the principal issue for determination is whether infrastructure might be permitted to have greater adverse effects on landscape values than other development, and if so, in what circumstances and to what extent. Consideration also has to be given as to whether recognition needs to be given at a strategic level to reverse sensitivity effects on infrastructure in the rural environment.
763. Among the suggestions from submitters, new policies were sought to enable the continued operation, maintenance, and upgrading of regionally and nationally significant infrastructure and to provide that such infrastructure should where practicable, mitigate its impacts on ONLs and ONFs ⁴⁶⁰.

⁴⁵⁹ Mr Goldsmith (on this occasion when appearing for GW Stalker Family Trust and Others) suggested to us that specific areas might be identified and nominated the north side of Malaghans Road and a portion of Speargrass Flat Road as potential areas that could be specifically identified as being unable to absorb further development, rather than relying on generic policies. Mr Ben Farrell similarly supported what he termed a finer grained approach to management of the Wakatipu Basin. We note that PDP Chapter 24 notified as part of the Stage 2 Variations seeks to provide greater guidance to development within the Wakatipu Basin

⁴⁶⁰ Submissions 251, 433: Supported in FS1077, FS1092, FS1097, FS1115, FS1121 and FS1211; Opposed in FS1040 and FS1132

764. Transpower New Zealand Limited⁴⁶¹ sought the inclusion of a new definition for regionally significant infrastructure which would include:
- a. *“Renewable electricity generation facilities, where they supplied the National Electricity Grid and local distribution network; and*
 - b. *The National Grid; and*
 - c. *The Electricity Distribution Network; and*
 - d. *Telecommunication and Radio Community facilities; and*
 - e. *Road classified as being of national or regional importance; and*
 - f. *Marinas and airports; and*
 - g. *Structures for transport by rail”.*
765. Transpower’s focus on nationally and regionally significant infrastructure is consistent with Policy 4.3.2 of the Proposed RPS, which now reads:
- a. *“Recognise the national and regional significance of all of the following infrastructure:*
 - b. *Renewable electricity generation activities, where they supply the national electricity grid and local distribution network;*
 - c. *Electricity transmission infrastructure;*
 - d. *Telecommunication and radiocommunication facilities;*
 - e. *Roads classified as being of national or regional importance;*
 - f. *Ports and airports and associated navigation infrastructure;*
 - g. *Defence facilities;*
 - h. *Structures for transport by rail.”*
766. This policy wording differs from the corresponding policy (3.5.1) in the notified version of the Proposed RPS that was the relevant document at the date of hearing⁴⁶² in the following material respects:
- a. (a) now applies to renewable electricity generation “activities”, rather than facilities;
 - b. Reference to associated navigation infrastructure has been added to (e);
 - c. Recognition of defence facilities is new.

In addition, the term ‘*electricity transmission infrastructure*’ is now defined to mean the National Grid (adopting the definition in the NPSET 2008).

767. The submission of Aurora Energy Limited⁴⁶³ suggested a different definition of regionally significant infrastructure that varied from both that suggested by Transpower and the Proposed RPS, but included among other things, electricity distribution networks, community water supply systems, land drainage infrastructure and irrigation and stock water infrastructure. Aurora also sought the inclusion of an additional definition for ‘*critical electricity lines*’⁴⁶⁴.
768. Mr Paetz’s Section 42A Report largely adopted the ‘*definition*’ of regionally significant infrastructure in the notified version of the Proposed RPS with the following changes:

⁴⁶¹ Submission 805: Supported in whole or in part in FS1077, FS1106, FS1121, FS1159, FS1208, FS1211, FS1253 and FS1340

⁴⁶² And that obviously formed the basis of the relief sought in the Transpower submission

⁴⁶³ Submission 635: Supported in whole or in part in FS1077, FS1097 and FS1211; Opposed in FS1132

⁴⁶⁴ Opposed in FS1301 and FS1322

- a. Mr Paetz recommended that renewable electricity generation facilities qualify where they are operated by an electricity operator (a defined term under the Electricity Act 1992) so as to exclude small and community-scale electricity generators;
 - b. He suggested reference to '*designated*' airports;
 - c. He deleted reference to ports, there being none in a landlocked District;
 - d. He deleted reference to rail structures, there being no significant rail lines within the District.
769. This recommendation produced considerable discussion and debate during the course of the hearing.
770. QAC pointed out that Glenorchy is a designated airport, but one would struggle to regard it as regionally significant. QAC agreed that reference might appropriately be limited to Queenstown and Wanaka airports.
771. Transpower New Zealand Limited expressed considerable concern that the National Grid was not specifically mentioned. We found this a little puzzling since the NPSET uses the term '*electricity transmission infrastructure*' and the National Grid clearly comes within that term (the NPSET 2008 in fact defines them to be one and the same thing). Also, quite apart from the NPSET 2008, no one could seriously contend that the National Grid was not regionally and nationally significant.
772. The discussion we had with representatives of Transpower did however, highlight an issue at the other end of the spectrum. While the Decisions Version of the Proposed RPS now puts it beyond doubt (by adopting the NPSET 2008 definition), the general term '*electricity transmission infrastructure*' could be argued to include every part of the electricity transmission network, down to individual house connections, which while extremely important to the individuals concerned, could not be considered regionally significant.
773. We invited the representative of Aurora Energy, Ms Dowd, to come back to us with further information on those parts of Aurora's electricity distribution network that might properly be included within the term regionally significant infrastructure. She identified those parts of the Aurora Network operating at 33kV and 66kV and four specific 11kV lines servicing specific communities. Ms Dowd also drew our attention to the fact that a number of other Regional Policy Statements and District Plans have a focus on "*critical infrastructure*".
774. In Mr Paetz's reply evidence, he suggested a further iteration of this definition to limit electricity transmission infrastructure to the National Grid (necessarily excluding any electricity transmission lines in the Aurora network), add reference to key centralised Council infrastructure, and refer only to Queenstown and Wanaka airports.
775. Having regard to the Proposed RPS, as we are bound to do, we take the view that the focus should primarily be on regionally significant infrastructure (not some more broad ranging description such as '*critical*' infrastructure).
776. Secondly, identification of '*regionally*' significant infrastructure is primarily a matter for the Regional Council, except where the Proposed RPS might be considered ambiguous or inapplicable.
777. We therefore agree with Mr Paetz that reference to ports and rail structures might be deleted.

778. We cannot recommend acceptance of Mr Paetz’s suggestion that key Council infrastructure should be included. While it would satisfy the Aurora test of critical infrastructure, the Regional Council has not chosen to identify it as regionally significant and while critical to the District, it is difficult to contend that it has significance beyond the District boundaries.
779. For similar reasons, we do not recommend identifying particular aspects of the Aurora distribution network. Again, while they would meet a test of critical infrastructure from the District’s perspective, the Regional Council has not identified them as *‘regionally significant’* – in the Decisions Version of the Proposed RPS, the Regional Council has explicitly excluded electricity transmission infrastructure that does not form part of the National Grid. Mr Farrell’s contention that tourism infrastructure should be included within *‘regionally significant infrastructure’* fails for the same reasons.
780. We also think that the reference to roads of national or regional significance can be simplified. These are the state highways.
781. Reference to Airports can, as QAC suggested, be limited to Queenstown and Wanaka Airports, but as a result of the amendment in the Proposed RPS to the relevant policy, reference should be made to associated navigation infrastructure.
782. We do not consider, however, that reference needs to be made to defence facilities. NZ Defence Force did not seek that relief in its submission⁴⁶⁵ which is limited to relief related to temporary activities (in Chapter 35), from which we infer the Defence Force has no permanent facilities in the District. Certainly, we were not advised of any.
783. Lastly, the representatives of Transpower New Zealand Limited advised us that there are no electricity generation facilities supplying the National Grid in the District. The Roaring Meg and Wye Creek hydro generation stations are embedded in the Aurora line network and the Hawea Control Structure stores water for the use of the large hydro generation plants at Clyde and Roxburgh (outside the District) but does not generate any electricity of its own. We think that having regard to Policy A of the NPSREG 2011, this aspect of the definition needs to be amended to recognise the national significance of those activities.
784. In summary, we recommend that the Stream 10 Hearing Panel consider a definition of regionally significant infrastructure for insertion into the PDP as follows:
- “Regionally significant infrastructure – means:*
- a. Renewable electricity generation activities undertaken by an electricity operator; and*
 - b. The National Grid; and*
 - c. Telecommunication and radiocommunication facilities; and*
 - d. State highways; and*
 - e. Queenstown and Wanaka Airports and associated navigation infrastructure.”*

785. This then leaves the question of the extent to which recognition of regionally significant infrastructure is required in the PDP.

786. Mr Paetz did not recommend an enabling approach to new infrastructure given the potential conflicts with section 6(a) and (b) of the Act.

⁴⁶⁵ Submission 1365

787. We appreciate his point. The Proposed RPS would not require that and in the extensive discussion earlier regarding the inter-relationship between significant infrastructure, in particular the National Grid, and the objective related to ONLs and ONFs, we concluded that the NPSET 2008 did not require provisions that would permit development of the National Grid in ways that would have significant adverse effects on ONLs and ONFs.
788. We do think, however, that it would be appropriate to provide some recognition to the locational constraints that infrastructure can be under.
789. Nor are locational constraints solely limited to infrastructure. The District has a number of examples of unique facilities developed for the visitor industry in the rural environment that by their nature, are only appropriate in selected locations. We have also already discussed submissions on behalf of the mining industry seeking to provide for the location-specific nature of mining⁴⁶⁶.
790. As with infrastructure, provisions providing for such developments cannot be too enabling, otherwise they could conflict with the Plan's objectives (and the relevant higher order provisions) related to the natural character of waterways, ONLs and ONFs and areas of indigenous vegetation and significant habitats of indigenous fauna. However, we consider that it is appropriate to make provision for such facilities.
791. Accordingly, we recommend that the following policy (numbered 3.3.25) be inserted:
- “Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the quality of the rural environment.”*
792. So far as regionally significant (and other) infrastructure in rural areas is concerned, this general recognition will need to be augmented by more specific policies. We will return to the point in the context of Chapter 6.
793. We have also considered the separate question, as to whether specific provision needs to be made for reverse sensitivity effects on infrastructure (regionally significant or otherwise) at a strategic level, in the rural environment. Clearly the Proposed RPS (Policy 4.3.4) supports some policy provision being made and we accept that this is an issue that needs to be addressed. The only issue is where it is best covered. We have concluded that this is a matter that can properly be left for the Utilities and Subdivision Chapters of the PDP.
794. This leaves open the question of provision for infrastructure in urban environments. We have taken the view that with limited exceptions, the high-level policy framework for urban development should be addressed in an integrated manner in Chapter 4. Consistent with that position, we will return to the question of infrastructure in that context.
795. It follows that we consider that recommended Policy 3.3.25 is the most appropriate way to achieve Objectives 3.2.1.8, 3.2.1.9, 3.2.5.1 and 3.2.5.2 as they relate to locationally-constrained developments, supplemented by more detailed policies in Chapters 4, 27 and 30.

3.19. Section 3.2.5.5 Policies – Ongoing Agricultural Activities

796. As notified there are two related policies on this subject that read as follows:

⁴⁶⁶ Policy 5.3.5 of the Proposed RPS also supports recognition of mining in this context

- “3.2.5.5.1 Give preference to farming activity in rural areas except where it conflicts with significant nature conservation values;
 3.2.5.5.2 Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of farming and that evolving forms of agricultural land use which may change the landscape are anticipated.”

797. These policies attracted a number of submissions.
798. Some submissions sought deletion of Policy 3.2.5.5.1⁴⁶⁷.
799. Many other submissions sought that Policy 3.2.5.5.1 be broadened to refer to “*other activities that rely on rural resources*.”⁴⁶⁸
800. Some submissions sought deletion of the qualification referring to significant nature conservation values⁴⁶⁹.
801. Many of the same submitters sought that Policy 3.2.5.5.2 be broadened, again to refer to activities that rely on rural resources, and to expand the reference to agricultural land use to include “*other land uses*”⁴⁷⁰.
802. Other more minor changes of emphasis were also sought.
803. Consideration of these policies takes place against a background of evidence we heard from Mr Philip Bunn of the challenges farmers have in continuing to operate in the District, particularly in the Wakatipu Basin.
804. The theme of many of the submitters who appeared before us was to challenge the preference given to farming over other land uses. As such, this formed part of the more general case seeking recognition of non-farming activities in the rural environment, particularly visitor industry related activities and rural living, but also including recreational use⁴⁷¹.
805. We discussed with the counsel and expert planners appearing for those submitters the potential ambit of a reference to activities “*relying on rural resources*”. From the answers we received, this is a somewhat elastic concept, depending on definition. Some counsel contended, for instance, that rural living (aka houses) would satisfy the test of being reliant on rural resources⁴⁷².

⁴⁶⁷ Submissions 598, 608, 696: Supported in FS1097 and FS1287; Opposed in FS1034, FS1091, and FS1132

⁴⁶⁸ Submissions 345, 375, 437, 456, 513, 515, 522, 531, 532, 534, 535, 537: Supported in FS1097, FS1256, FS1286 and FS1322; Opposed in FS1068, FS1071, FS1120 and FS1282

⁴⁶⁹ Submissions 701 and 784: Supported in FS1162

⁴⁷⁰ Submissions 343, 345, 375, 437, 456, 515, 522, 531, 532, 534, 535: Supported in FS1097, FS1292 and FS1322; Opposed in FS1068, FS1071 and FS1282. See also Submissions 607, 615, 643; Supported in FS1097, FS1105 and FS1077 to like effect

⁴⁷¹ See e.g. submission 836

⁴⁷² For example, Ms Wolt advanced that position, appearing for Trojan Helmet Ltd, and supported by Mr Jeff Brown’s evidence. Mr Tim Williams, giving planning evidence for Skyline Enterprises Ltd, Totally Tourism Ltd, Barnhill Corporate Trustee Ltd & DE, ME Bunn & LA Green, AK & RB Robins & Robins Farm Ltd, Slopehill JV, expressed the same opinion from a planning perspective. By contrast Chris Ferguson, the planning witness for Darby Planning LP and Hansen Family Partnership, suggested that a slightly different test (functional need) would be met by rural contracting depots but not by ‘*rural living*’.

806. We have made recommendations above as to how use of rural land for rural living should be addressed at a strategic policy level. We therefore do not consider that changes are necessary to these policies to accommodate that point, particularly given the potential ambiguities and definitional issues which might arise.
807. Turning to use of rural land by the visitor industry, Policy 6.3.8.2 provides wording that in our view is a useful starting point. As notified, this policy read:
- “Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis that they would protect, maintain or enhance landscape quality, character and visual amenity values.”*
808. This wording would respond to the evidence of Mr Jeff Brown on behalf of Kawarau Jet Services Limited supporting specific reference to commercial recreational activities in recreational areas and on lakes and rivers in the district⁴⁷³. We do not think that specific reference needs to be made to lakes and rivers in this context, as, with the exception of Queenstown Bay, they are all within the Rural Zone. As discussed above, any unique issues arising in relation to waterways can more appropriately be addressed in Chapter 6.
809. Policy 6.3.8.2 was supported by Darby Planning LP⁴⁷⁴, but a number of other submissions with interests in the visitor industry sector sought amendments to it. Some submissions⁴⁷⁵ sought that the policy refer only to managing adverse effects of landscape quality, character and visual amenity values. Others sought that the policy be more positive towards such activities. Real Journeys Limited⁴⁷⁶ for instance sought that the policy be reframed to encourage commercial recreation and tourism related activities that enhanced the appreciation of landscapes. Submissions 677⁴⁷⁷ and 696⁴⁷⁸ suggested a *“recognise and provide for”* type approach, combined with reference only to appreciation of the District’s landscapes. Lastly, Submission 806 sought to remove any doubt that recreational and tourism related activities are appropriate where they enhance the appreciation of landscapes and have a positive influence on landscape quality, character and visual amenity values, as well as provision of access to the alpine environment.
810. Mr Barr did not recommend any change to this policy in the context of Chapter 6 and we were left unconvinced as to the merits of the other amendments sought in submissions. In particular, converting the policy merely to one which states the need to manage adverse effects does not take matters very far.
811. Similarly, appreciation of the District’s landscapes is a relevant consideration, but too limited a test, in our view, for the purposes of a policy providing favourably for the visitor industry.
812. We have already discussed the defects of a *“recognise and provide for”* type approach in the context of the District Plan policies.

⁴⁷³ J Brown, EIC at 4.11

⁴⁷⁴ Submission 608: Opposed in FS1034

⁴⁷⁵ Submissions 610, 613: Supported in FS1097.

⁴⁷⁶ Submission 621: Supported in FS1097

⁴⁷⁷ Supported in FS1097; Opposed in FS1312

⁴⁷⁸ Supported in FS1097

813. Lastly, incorporation of provision of access to the alpine environment as being a precondition for appropriateness would push the policy to far in the opposite direction, excluding visitor industry activities that enable passive enjoyment of the District’s distinctive landscapes.
814. In summary, we recommend that Policy 6.3.8.2 be shifted into Chapter 3, renumbered 3.3.21 but otherwise not be amended.
815. Reverting to farming activities in rural areas, we accept that the policy of giving preference to farming might go too far, particularly where it is not apparent what the implications are of that preference. Mr Paetz recommended that these two policies be amended to read:
- “3.2.5.5.1 Enable farming activity in rural areas except where it conflicts with significant nature conservation values;*
- 3.2.5.5.2 Provide for evolving forms of agricultural land use.”*
816. We agree that an enabling focus better expresses the underlying intent of the first policy (as well as being consistent with Policy 5.3.1 of the Proposed RPS), but we also think that some reference is required to landscape character, since as already discussed, not all farming activities are consistent with maintenance of existing landscape character.
817. We also think that while it is appropriate to enable changing agricultural land uses (to address the underlying issue of lack of farming viability), reference to landscape character has been lost, and that should be reinserted, along with reference to protection of significant nature conservation values.
818. We also see the opportunity for these two policies to be combined. We recommend one policy replace Policies 3.2.5.5.1 and 2, numbered 3.3.20 and worded as follows:
- “Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes.”*
819. We are satisfied that recommended Policy 3.3.20 is the most appropriate way to achieve Objectives 3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1 and 3.2.5.2 in the context of a package of high-level policies and taking account of the additional policies we recommend for Chapter 6.
- 3.20. Section 3.2.6.3 Policies – Urban Development**
820. Policies 3.2.6.3.1 and 3.2.6.3.2 related to the location and design of open spaces and community facilities. While Mr Paetz recommended that these policies remain as is, for similar reasons as above, we recommend that these are more appropriately deleted from Chapter 3 and their subject matter addressed in the context of Chapter 4.
- 3.21. Overall Conclusion on Chapter 3 Policies**
821. We have considered all the of the policies we have recommended for this chapter. We are satisfied that individually and collectively, they are the most appropriate way to achieve the Chapter 3 policies at this high level, taking account of the additional policies we recommend for Chapters 4 and 6. We note that the revised version of Chapter 3 annexed as Appendix 1 contains three additional policies we have not discussed (3.3.33-35 inclusive). These policies are discussed in the Stream 1A Report and included in our revised Chapter 3 for convenience,

in order that the chapter can be read as a whole. Lastly, we consider that understanding of the layout of the policies would be assisted by insertion of headings to break up what would otherwise be a list of 35 policies on diverse subjects. We have therefore inserted headings intended to capture the various groupings of policies.

4. PART B RECOMMENDATIONS

822. Attached as Appendix 1 is our recommended Chapter 3.

823. In addition, as discussed in our report, we recommend to the Stream 10 Hearing Panel that the following new and amended definitions be included in Chapter 2:

“Nature Conservation Values – means the collective and interconnected intrinsic values of indigenous flora and fauna, natural ecosystems (including ecosystem services), and their habitats.

Regionally significant infrastructure - means:

- a. Renewable electricity generation activities undertaken by an electricity operator; and
- b. The National Grid; and
- c. Telecommunication and radio communication facilities; and
- d. State Highways; and
- e. Queenstown and Wanaka airports and associated navigation infrastructure.

Urban Development – means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development.

Resort- means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing temporary visitor accommodation and forming part of an overall development focused on on-site visitor activities.”

824. Lastly, as discussed in the context of our consideration of Objective 3.2.5.2, if the Council intends that provisions related to the Rural Character Landscape apply in the Wakatipu Basin, and more generally, outside the Rural Zone, we recommend Council notify a variation to the PDP to make that clear.

4 URBAN DEVELOPMENT

4.1

Purpose

The purpose of this Chapter is to set out the objectives and policies for managing the spatial location and layout of urban development within the District. This chapter forms part of the strategic intentions of this District Plan and will guide planning and decision making for the District's major urban settlements and smaller urban townships. This chapter does not address site or location specific physical aspects of urban development (such as built form) - reference to zone and District wide chapters is required for these matters.

The District experiences considerable growth pressures. Urban growth within the District occurs within an environment that is revered for its natural amenity values, and the District relies, in large part for its social and economic wellbeing on the quality of the landscape, open spaces and the natural and built environment. If not properly controlled, urban growth can result in adverse effects on the quality of the built environment, with flow on effects to the impression and enjoyment of the District by residents and visitors. Uncontrolled urban development can result in the fragmentation of rural land; and poses risks of urban sprawl, disconnected urban settlements and a poorly coordinated infrastructure network. The roading network of the District is under some pressure and more low density residential development located remote from employment and service centres has the potential to exacerbate such problems.

The objectives and policies for Urban Development provide a framework for a managed approach to urban development that utilises land and resources in an efficient manner, and preserves and enhances natural amenity values. The approach seeks to achieve integration between land use, transportation, services, open space networks, community facilities and education; and increases the viability and vibrancy of urban areas.

Urban Growth Boundaries are established for the key urban areas of Queenstown-Frankton, Wanaka, Arrowtown and Lake Hawea Township, providing a tool to manage anticipated growth while protecting the individual roles, heritage and character of these areas. Specific policy direction is provided for these areas, including provision for increased density to contribute to more compact and connected urban forms that achieve the benefits of integration and efficiency and offer a quality environment in which to live, work and play.

4.2

Objectives and Policies

4.2.1 Objective - Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges. (from Policies 3.3.12 and 3.3.13)

Policies	4.2.1.1	Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.
	4.2.1.2	Focus urban development on land within and at selected locations adjacent to the existing larger urban settlements and to a lesser extent, accommodate urban development within smaller rural settlements.
	4.2.1.3	Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.

- 4.2.1.4 Ensure Urban Growth Boundaries encompass a sufficient area consistent with:
 - a. the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;
 - b. ensuring the ongoing availability of a competitive land supply for urban purposes;
 - c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;
 - d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;
 - e. a compact and efficient urban form;
 - f. avoiding sporadic urban development in rural areas;
 - g. minimising the loss of the productive potential and soil resource of rural land.
- 4.2.1.5 When locating Urban Growth Boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise degradation of the values derived from open rural landscapes
- 4.2.1.6 Review and amend Urban Growth Boundaries over time, as required to address changing community needs.
- 4.2.1.7 Contain urban development of existing rural settlements that have no defined Urban Growth Boundary within land zoned for that purpose.

4.2.2A **Objective** - A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.

4.2.2B **Objective** - Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna. (From Policy 3.3.13, 3.3.17, 3.3.29)

Policies 4.2.2.1 Integrate urban development with the capacity of existing or planned infrastructure so that the capacity of that infrastructure is not exceeded and reverse sensitivity effects on regionally significant infrastructure are minimised.

- 4.2.2.2 Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to:
- a. its topography;
 - b. its ecological, heritage, cultural or landscape significance if any;
 - c. any risk of natural hazards, taking into account the effects of climate change;
 - d. connectivity and integration with existing urban development;
 - e. convenient linkages with public transport;
 - f. the need to provide a mix of housing densities and forms within a compact and integrated urban environment;
 - g. the need to make provision for the location and efficient operation of regionally significant infrastructure;
 - h. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;
 - i. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and
 - j. the need to locate emergency services at strategic locations.
- 4.2.2.3 Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.
- 4.2.2.4 Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.
- 4.2.2.5 Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.
- 4.2.2.6 Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.
- 4.2.2.7 Explore and encourage innovative approaches to design to assist provision of quality affordable housing.
- 4.2.2.8 In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse effect on housing affordability.
- 4.2.2.9 Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design".
- 4.2.2.10 Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.

- 4.2.2.11 Ensure that the location of building platforms in areas of low density development within Urban Growth Boundaries and the capacity of infrastructure servicing such development does not unnecessarily compromise opportunities for future urban development.
- 4.2.2.12 Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.

Wakatipu Basin Specific Policies

- 4.2.2.13 Define the Urban Growth Boundary for Arrowtown, as shown on the District Plan Maps that preserves the existing urban character of Arrowtown and avoids urban sprawl into the adjacent rural areas.
- 4.2.2.14 Define the Urban Growth Boundaries for the balance of the Wakatipu Basin, as shown on the District Plan Maps that:
 - a. are based on existing urbanised areas;
 - b. identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases over the planning period;
 - c. enable the logical and sequenced provision of infrastructure to and community facilities in new areas of urban development;
 - d. avoid Outstanding Natural Features and Outstanding Natural Landscapes;
 - e. avoid sprawling and sporadic urban development across the rural areas of the Wakatipu Basin.
- 4.2.2.15 Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.
- 4.2.2.16 Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.
- 4.2.2.17 Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.
- 4.2.2.18 Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.
- 4.2.2.19 Manage the adverse effects of noise from Queenstown Airport by conditions in Designation 2 including a requirement for a Noise Management Plan and a Queenstown Airport Liaison Committee.
- 4.2.2.20 Ensure that development within the Arrowtown Urban Growth Boundary provides:
 - a. an urban form that is sympathetic to the character of Arrowtown, including its scale, density, layout and legibility, guided by the Arrowtown Design Guidelines 2016;

- b. opportunity for sensitively designed medium density infill development in a contained area closer to the town centre, so as to provide more housing diversity and choice and to help reduce future pressure for urban development adjacent or close to Arrowtown's Urban Growth Boundary;
- c. a designed urban edge with landscaped gateways that promote or enhance the containment of the town within the landscape, where the development abuts the urban boundary for Arrowtown;
- d. for Feehley's Hill and land along the margins of Bush Creek and the Arrow River to be retained as reserve areas as part of Arrowtown's recreation and amenity resource;
- e. recognition of the importance of the open space pattern that is created by the inter-connections between the golf courses and other Rural Zone land.

4.2.2.21 Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Wakatipu Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.

Upper Clutha Basin Specific Policies

- 4.2.2.22 Define the Urban Growth Boundaries for Wanaka and Lake Hawea Township, as shown on the District Plan Maps that:
- a. are based on existing urbanised areas;
 - b. identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases in the Upper Clutha Basin over the planning period;
 - c. have community support as expressed through strategic community planning processes;
 - d. utilise the Clutha and Cardrona Rivers and the lower slopes of Mt. Alpha as natural boundaries to the growth of Wanaka; and
 - e. avoid sprawling and sporadic urban development across the rural areas of the Upper Clutha Basin.
- 4.2.2.23 Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Upper Clutha Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan
Report 3
Report and Recommendations of Independent Commissioners Regarding
Chapter 3, Chapter 4 and Chapter 6

Commissioners

Denis Nugent (Chair)

Lyal Cocks

Cath Gilmour

Trevor Robinson

Mark St Clair

PART C - CHAPTER 4

5. OVERVIEW

825. The stated purpose of this chapter is to set out the objectives and policies for managing the spatial location and layout of urban development within the District. It is closely linked to Objectives 3.2.2.1 and 3.2.3.1 and to the policies relating to those objectives. The reader is referred to the discussion of those provisions in Part B of this report.
826. Consideration of the submissions on Chapter 4 necessarily occurs against the background of the recommendations we have already made in relation to those higher-level provisions, among other things:
- That urban growth boundaries (UGBs) should be defined for the existing urban areas of the Wakatipu Basin, Wanaka and Lake Hawea Township;
 - That urban development, as defined, should occur within those urban growth boundaries and within the existing zoned areas for smaller settlements, and avoided outside those areas;
 - That many of the existing policies in Chapter 3 should be deleted and that the matters addressed by those policies be amalgamated with the existing policies of Chapter 4 in a way that avoids unnecessary duplication.
827. It follows that submissions seeking that Chapter 4 should be entirely or almost entirely deleted from the Plan, or alternatively that reference to urban growth boundaries should be deleted⁴⁷⁹ must necessarily be rejected. As with similarly broad submissions on Chapter 3, seeking its deletion, such submissions however set an outer limit of the 'collective scope' of submissions (and the jurisdiction for our recommendations).
828. We note also that suggestions that the possibility of urban development occurring outside UGBs be acknowledged⁴⁸⁰ are inconsistent with the recommendations we have already made.
829. Submitter 335 raised a slightly different point, suggesting that it needs to be made clear that UGBs are not a permanent fixture.
830. Our view is that this point is already addressed in the policies related to UGBs – see in particular Policy 4.2.2.5.
831. We also note another general submission⁴⁸¹ that Chapter 4 should be amended to avoid repetition with Chapter 3. We agree with that submission in principle, while noting that in some cases a degree of repetition may provide context for the more detailed policies in Chapter 4. To an extent, this has already been addressed by our recommendations to delete a number of policies in Chapter 3 addressing urban growth issues⁴⁸², but this will be a matter for review on a provision by provision basis.

⁴⁷⁹ Submissions 414, 653, 807, 842: Supported in FS1255; Opposed in FS1071

⁴⁸⁰ E.g. Submission 806: Supported in FS1313

⁴⁸¹ Submission 806

⁴⁸² This also addresses the suggestion by Mr Nicholas Geddes, giving evidence for Clark Fortune McDonald and Associates, that if Chapter 3 achieves the desired outcome, there is no merit in having Chapter 4.

832. Mr Dan Wells, giving planning evidence for Bridesdale Farm Developments Ltd and Winton Partners Funds Management (No 2) Ltd suggested to us that Chapter 4 might be clarified and cut down⁴⁸³. While our recommendation that some of the urban development policies of Chapter 3 be imported into Chapter 4 will necessarily have the opposite effect, we agree in principle with that suggestion also and will keep it in mind in the discussion that follows.

6. CHAPTER 4 TEXT

6.1. Section 4.1 – Purpose

833. The initial statement of purpose in Chapter 4 attracted a limited number of submissions. QAC⁴⁸⁴ sought inclusion of specific recognition of airport related issues. NZIA⁴⁸⁵ sought reference to ecological responsiveness and the quality of the built environment as additional matters on which the District relies together with a change to the last line of section 4.1 to refer to the legibility of compact and connected urban forms enhancing identity and allowing for diversity and adaptability.

834. Transpower⁴⁸⁶ sought specific reference to the benefits of well-planned urban growth and land use for regionally significant infrastructure such as the national grid, as well as more detailed wording changes.

835. Mr Paetz did not recommend any changes to the Statement of Purpose.

836. This is a very general introduction focussing on the key aspects of Chapter 4. We do not see the need to refer specifically either to Queenstown Airport or to other regionally significant infrastructure in this context, given that they are addressed already in Chapter 3, and will be addressed in the policies of Chapter 4.

837. We accept that the term '*environmental image*' is neither particularly clear nor helpful. However, we do not regard the alternative wording suggested by NZIA ('*ecological responsiveness and quality of the built environment*') as entirely satisfactory either. We are unsure what it means to be ecologically responsive, but agree that some reference could usefully be made both to the natural environment (which includes all relevant aspects of '*ecology*') and the built environment.

838. Similarly, the benefits of a more compact and connected urban form need, in our view, to link back both to the previous paragraphs which refer to the issues uncontrolled urban development has for infrastructure and the roading network, and to the strategic objectives and policies in Chapter 3, which we have recommended. The latter focus on a built environment that among other things provides "*desirable and safe places to live, work and play*"⁴⁸⁷. Reference could also usefully be made to the quality of the built environment for contributing to that outcome. The same sentence refers to '*specific policy*'. This would more clearly and correctly refer to '*policy direction*' given that there is more than one policy addressing the point.

⁴⁸³ The submissions Mr Wells was addressing took a somewhat broader approach, seeking deletion of Section 4.1, Objectives 4.2.2-4.2.4 and the related policies

⁴⁸⁴ Submission 433: Supported in FS1077; Opposed in FS1097 and FS1117

⁴⁸⁵ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁴⁸⁶ Submission 805: Supported in FS1211

⁴⁸⁷ Recommended new Objective 3.2.2.1

839. The text requires consequential amendment to recognise our Chapter 3 recommendations as regards the greater recognition given to the Frankton area as a discrete urban centre and the addition of a UGB for Lake Hawea Township. The reference to urban centres also requires amendment to avoid confusion with the Chapter 3 objectives focussing on the role of town centres.
840. As regards other aspects of detail, however, we regard the existing text of Section 4.1 as being fit for purpose.
841. In summary, we recommend that “*the natural and built environment*” be substituted for “*environmental image*” in the second paragraph and that the last paragraph of 4.1 be amended to read:

“Urban Growth Boundaries are established for the key urban areas of Queenstown-Frankton-Jacks Point, Wanaka, Arrowtown and Lake Hawea Township, providing a tool to manage anticipated growth while protecting the individual roles, heritage and character of these areas. Specific policy direction is provided for these areas, including provision for increased density to contribute to more compact and connected urban forms that achieve the benefits of integration and efficiency, and offer a quality built environment in which to live, work and play.”

But that otherwise, no further amendments are required.

6.2. Section 4.2 – Objectives and Policies – Ordering and Layout

842. The format of Chapter 4 as notified was that it had six objectives, of which two (4.2.1 and 4.2.3) related to the manner in which urban development would occur, one (4.2.2) related to the use of UGBs, and three objectives (4.2.4-4.2.6) related to location specific urban growth issues for Queenstown, Arrowtown and Wanaka respectively.
843. Reflecting the logic of Chapter 3, we regard the establishment of UGBs as the first point for consideration, followed by management of urban growth more generally. Accordingly, we propose that what was Objective 4.2.2 should be the first objective in Chapter 4 and the discussion following adopts that approach.

6.3. Objective 4.2.2 and related policies – Urban Growth Boundaries

844. As notified, Objective 4.2.2. read:
- “Urban Growth Boundaries are established as a tool to manage the growth of major centres within distinct and defensible urban edges”.*
845. Submissions seeking changes to this objective principally sought its deletion (as part of a broader opposition to the use of UGBs)⁴⁸⁸. For the reasons stated above, these submissions must necessarily be rejected given our earlier recommendations.
846. Other submissions sought acknowledgement of potential for extensions to the UGB, or alternatively urban activities outside the UGB⁴⁸⁹.

⁴⁸⁸ Submission 608 for instance sought its deletion, along with Policies 4.2.2.1-5: Opposed in FS1034

⁴⁸⁹ Submission 807: Supported in FS1324, FS1244 and FS1348

847. A related but more specific submission⁴⁹⁰ sought specific recognition of the outer growth boundary for Wanaka as established by the Wanaka 2020 structure planning process as providing a longer-term limit on urban growth in that community. We will come back to Submission 773 in the context of the objectives and policies related to the Wanaka UGB.
848. Addressing the general propositions advanced in Submission 807, the potential for amendments to UGBs is a matter for future decision makers considering plan changes. Notified Policy 4.2.2.5 already addressed the point of concern to the submitter, and as we will discuss in a moment, we accept other submissions suggesting that the rationale for the UGBs that have been defined needs to be specified with greater particularity in order to provide a reference point for such future Plan Change decisions. We do not think, therefore, that amendment is required to the objective on this account. The request for acknowledgement of the potential for urban development outside UGBs is, however, inconsistent with the recommendations discussed above and must necessarily be rejected.
849. Mr Paetz did not recommend any amendments to this objective. In summary, the only amendments we recommend to Objective 4.2.2 are those consequential on earlier recommendations:
- a. With recommended Policy 3.3.12 addressing establishment of UGBs, the complementary role of this objective is to speak to the outcome from their use;
 - b. With the expansion of UGBs to include Lake Hawea Township, the description of them as managing growth of “*major centres*” is no longer appropriate.
850. Accordingly, we recommend that the objective be numbered 4.2.1 and amended to read:
- “Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges.”*
851. We regard this formulation as the most appropriate way to achieve the purpose of the Act in relation to managing urban growth, having regard to our recommendations on amendments to the provisions in Chapter 3.
852. Turning to the policies related to this objective, notified Policy 4.2.2.1 read:
- “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.”*
853. Putting aside the general submissions seeking deletion of all provisions in Chapter 4 related to UGBs, which have been addressed already, the only submission specifically on this policy sought its retention.
854. Mr Paetz did not recommend any amendment to it.
855. We consider that the policy would be better expressed if it started with a verb rather than, as at present, being more framed as an outcome (i.e. objective).
856. As a matter of formatting, we consider that the policies would flow more logically if the first policy stated the proposed course of action (defining UGBs) more succinctly and that a second policy captured in greater detail how that proposed course of action would be pursued.

⁴⁹⁰ Submission 773

Accordingly, we recommend that the second half of Policy 4.2.2.1 be transferred into a new policy.

857. Addressing the first limb of the policy then, it appears to us to be too broadly stated. UGBs provide the limits of urban development for the settlements where they are defined. While the bulk of urban development will occur in those settlements, some urban development will occur in the smaller settlements with no UGB.

858. In summary, we recommend that Policy 4.2.2.1 be renumbered 4.2.1.1 and amended to read:

“Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.”

859. Before addressing the exact wording of the proposed new policy, we consider notified Policy 4.2.1.1, which relates to the location of urban development and as such is more appropriately considered under this objective at this point. As notified, it read:

“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.”

860. Aside from the general submissions already noted and addressed, the only submission specifically on this policy was that of NZIA⁴⁹¹ seeking to delete reference to land ‘adjacent to’ major urban settlements and any reference to urban development in the smaller townships.

861. Mr Paetz recommended acceptance of the first element of the NZIA submission but not the second.

862. We have already observed that the UGBs are drawn in a way that provides for urban growth in selected locations within the UGB adjacent to existing built up areas. While submissions on the maps (and therefore the exact location of the UGBs) are the subject of later hearings, it would be inappropriate to exclude reference to land adjacent to those settlements given the need (as discussed shortly) for UGBs to provide for future growth of urban areas. Having said that, it also needs to be clear that existing urban settlements cannot grow outwards in all directions. In the case of Queenstown, for instance, the topography and the outstanding landscape values of much of the surrounding land effectively preclude that as an option.

863. In addition, as with the previous policy, we consider it would be better reframed to commence with a verb so as not to be stated as an outcome, and the same consequential amendment is required (to broaden the reference to major urban settlements).

864. Lastly, and for consistency, we consider the reference should be to smaller rural ‘settlements’. We also recommend some minor amendments to the language at the end of the policy so it reads more easily.

865. In summary, we recommend that the second half of Policy 4.2.1.1 be relocated, renumbered 4.2.1.2, and amended to read:

“Focus urban development on land within and at selected locations adjacent to the existing larger urban settlements, and to a lesser extent, accommodate urban development within smaller rural settlements.”

⁴⁹¹ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248, and FS1249

866. Reverting to our desire to capture the purpose of UGB's, the first point is that it needs to start with a verb and project a course of action. The second point is that given that the recommended Policy 4.2.2.1 (renumbered 4.2.1.1) refers to defining UGBs, the same language should be employed. Lastly the exception provided for in Chapter 3 (urban growth within smaller rural settlements) needs to be acknowledged as a consequential change.
867. The end result is a new policy numbered 4.2.1.3 that would read:
- “Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.”*
868. It is acknowledged that this policy largely repeats Policies 3.3.14 and 3.3.15, but we regard that as helpful in this context, so that the policies can be read in a logical way without reference back to Chapter 3.
869. Accordingly, we recommend a new policy worded as above, be inserted.
870. The next logical issue to address is to identify the general considerations that bear on identification of the location of UGBs. A number of policies in the PDP are relevant to this including:
- “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.*
- 4.2.2.4 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.*
- 4.2.1.6 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.”*
871. Addressing each of these in turn, the only submission specifically on Policy 4.2.2.⁴⁹² supports the provision. Submissions seeking its deletion as part of a broader submission seeking deletion of all of the policies in this section⁴⁹³ do, however, need to be noted, since they set the outer limits of the jurisdiction for any changes we might recommend.

⁴⁹² Submission 238. While a number of Further Submissions oppose this submission, they provide no jurisdiction for any alternative policy for the reasons discussed in Section 1.7 of this Report.

⁴⁹³ Such as submission 608: Opposed in FS1034

872. The only submission specifically seeking an amendment to Policy 4.2.2.4 is that of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Te Rūnanga o Moeraki, Hokonui Rūnanga ⁴⁹⁴, seeking reference to the significance of land to Manawhenua.
873. Policy 4.2.1.6 was the subject of four substantive submissions. The first⁴⁹⁵ sought that it be limited to avoiding sporadic urban development. The second⁴⁹⁶ sought its deletion. The last two⁴⁹⁷ sought recognition of the adverse effects of uncontrolled and sporadic urban development on public transport and other infrastructure.
874. Policy 4.2.1.7 attracted two substantive submissions seeking its amendment. The first⁴⁹⁸ sought that it be amended to refer to minimising the loss of high value soils within rural areas. The second⁴⁹⁹ sought either deletion of the policy or its amendment to delete reference to “productive” potential and “soil” resources.
875. Mr Paetz recommended three changes to these policies. The first was to insert reference to intensification of urbanisation in Policy 4.2.2.4. The second was to recognise potential adverse effects of sporadic urban development on the efficiency and functionality of infrastructure in Policy 4.2.1.6. The third suggested amendment was to insert reference in Policy 4.2.1.7 to the location of urban development, so that it maintains the productive potential and soil resource of rural land.
876. We also note the planning evidence of Mr Jeff Brown⁵⁰⁰ suggesting the need for criteria for expansion of UGBs including:
- a. Efficient provision of development capacity;
 - b. Feasible, efficient and cost-effective provision of infrastructure;
 - c. Support for public transport, walking and cycling;
 - d. Avoidance of areas with significant landscape, ecological or cultural values or with significant hazard risks;
 - e. Avoidance, remediation or mitigation of urban/rural conflicts; and
 - f. Boundaries aligning with landscape boundaries or topographical features or with roads, electricity lines/corridors or aircraft flight paths.
877. While the focus of Mr Brown’s evidence was on Policy 4.2.2.5, which we will discuss shortly, we regard his evidence as pulling together criteria that might equally be relevant to the initial location of UGBs, as to their future expansion.
878. We also note the guidance provided by the higher order documents. The RPS provisions related to the built environment⁵⁰¹ are expressed too generally to be of any great assistance. Policy 4.5.1 of the Proposed RPS, however, has rather more concrete provisions on how urban growth and development should be managed, including:
- a. *“Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for the demand for such land, over at least the next 20 years;*

⁴⁹⁴ Submission 810

⁴⁹⁵ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, S1248 and FS1249

⁴⁹⁶ Submission 608: Opposed in FS1034

⁴⁹⁷ Submissions 719 and 798

⁴⁹⁸ Submission 608: Opposed in FS1034

⁴⁹⁹ Submission 836

⁵⁰⁰ J Brown, EIC at [5.4]

⁵⁰¹ See in particular RPS Policy 9.5.5

- b. Coordinating urban growth and development in the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way;
- c. Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:
 - i. Minimise adverse effects on rural activities and significant soils;
 - ii. Minimise competing demands for natural resources;
 - iii. Maintain or enhance significant biological diversity, landscape or natural character values;
 - iv. Maintain important cultural or historic heritage values;
 - v. Avoid land with significant risk from natural hazards;
- d. Considering the need for urban growth boundaries to control urban expansion;
- e. Ensuring efficient use of land;
- f. Encouraging the use of low or no emission heating systems;
- g. Giving effect to the principles of good urban design in Schedule 5;
- h. Restricting the location of activities that may result in adverse sensitivity effects on existing activities.”

879. The RPS and the Proposed RPS must now be read in the light of the NPSUDC 2016. We have approached the NPSUDC 2016 on the basis⁵⁰² that while not totally clear, both Queenstown and Wanaka are “urban environments” as defined in the NPSUDC 2016, and that all objectives and policies of the document apply, because Queenstown is a “high-growth area”.

880. The view expressed by counsel for the Council is that at a general level, the objectives and policies of the NPSUDC 2016 are given effect by the provision of the PDP. Counsel’s Memorandum did not discuss the extent to which the strategic chapters, as opposed to the balance of the PDP, do so, but did identify that the objectives and policies of the NPSUDC 2016 are pitched at a relatively high level – “direction setting” as she put it. We agree with that general description. The objectives and policies of the NPSUDC are a long way from the prescriptive NZCPS provisions considered by the Supreme Court in *King Salmon*, or even the relatively prescriptive provisions of the NPSET 2008⁵⁰³.

881. Even so, Objectives OA1 and OA2 clearly bear upon consideration of the policies of the PDP set out above:

“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.”*

882. Policy PA1 is an exception to the relative generality of the NPSUDC, requiring that local authorities ensure that sufficient housing and business land development capacity is feasible

⁵⁰² As advised by counsel for the Council in her memorandum of 3 March 2017

⁵⁰³ Adopting the High Court’s description of Policy 10 discussed below in Section 6.4

and zoned to meet demand over the short to medium term (10 years from now)⁵⁰⁴. The policy provides further that land development capacity sufficient to meet demand over the long term (10-30 years) is “*identified*” in relevant plans.

883. There are obvious overlaps between the matters identified in both the Proposed RPS Policy 4.5.1 and the NPSUDC 2016 objectives and policies, and between those provisions and Mr Brown’s suggested criteria. Although, having determined that we would support the notified proposal for identification of UGBs, some of the matters identified are in our view better dealt with in the policies governing the form of development within UGBs.
884. Taking all of these matters into account, we are of the view that the four policies noted above need to be collapsed into one comprehensive policy. All relate to the process for fixing UGBs in various ways, although we accept that Policy 4.2.2.4 (and Mr Paetz’s suggested amendment to add reference to intensification) also relates to the nature of urban development within UGBs once they are fixed.
885. Starting with Policy 4.2.2.2, it is currently framed as an outcome (i.e. objective) rather than a policy. It needs to commence with a verb. The purpose of the policy is to state the criteria that will determine where UGBs should be. That sense needs to come through.
886. We also regard a statement that UGBs should be of a “*scale and form*” to meet anticipated demand as over-complicating the issue. UGBs are lines on a map. They have no scale and form. The land within them has scale and form, and in this regard, the UGBs have to encompass a sufficient area of suitable land to give effect to the NPSUDC 2016. Again, we think that the policy should be simplified and clarified in this regard.
887. Another obvious point is that the policy talks of meeting demand without saying where the demand might be located. The reality is that all the UGBs are either in the Wakatipu Basin or the Upper Clutha Basin and the evidence we heard was that that was where the demand for urban development is also. It would be pointless as well as impractical to provide for large-scale urban development at Kingston, for instance, in order to meet demand in Queenstown over the planning period. The policy should acknowledge that practical reality.
888. It also appears clear to us that fixing UGBs in order to meet anticipated demand necessarily requires an assumption as to the density of development that will occur within those boundaries. One of the policies we have recommended be deleted from Chapter 3, by reason of the overlap/duplication with Chapter 4 policies, is Policy 3.2.2.1.5, which as notified, read: “*Ensure UGBs contain sufficiently suitable zoned land to provide for future growth and a diversity of housing choice.*”
889. Another policy we have recommended be deleted from Chapter 3 is Policy 3.2.4.8.1, which as notified, read:
- “*Concentrate development within existing urban areas, promoting higher density development that is more energy efficient and supports public transport, to limit increases in greenhouse gas emissions in the District.*”
890. A third policy, we have recommended be deleted from Chapter 3 is Policy 3.2.6.2.1, reading:

⁵⁰⁴ The Policy has provisions relating to provision of infrastructure that are matters for Council to address in its other capacities

“Promote mixed densities of housing in new and existing urban communities.”

891. Yet another related Chapter 3 policy is 3.2.2.1.6:

“Ensure that zoning enabled effective market competition through distribution of potential housing supply across a large number and range of ownerships, to reduce the incentive for land banking in order to address housing supply and affordability.”

892. Submissions on Policy 3.2.2.1.5 varied between seeking its deletion⁵⁰⁵, seeking greater clarity as to the relationship between UGBs and zoning⁵⁰⁶ and seeking reference to community activities and facilities as well as to housing⁵⁰⁷. Consideration of this policy now also has to take the requirements of the NPSUDC 2016 into account.

893. Submissions on Policy 3.2.4.8.1 ranged from seeking to soften the extent of direction⁵⁰⁸, delete reference to greenhouse gas emissions⁵⁰⁹ and challenging the relationship drawn between a positive response to climate change and concentration of future development within existing urban areas⁵¹⁰.

894. There were no submissions specifically on Policy 3.2.6.2.1, but a number of submissions sought deletion of Policy 3.2.2.1.6⁵¹¹. We read those submissions as reacting to the implied criticism of land developers in the District. As Submission 91 observed, owners of land can defer development, or decide not to develop it at all for a variety of perfectly valid reasons.

895. Having said that, whatever the motivation for land remaining undeveloped, planning for future growth needs to take account of it and seek to mitigate its influence on land supply and demand dynamics by ensuring competition in the supply of land.

896. The theme of these four policies is that development within UGBs should desirably be compact, energy efficient, involve a mix of housing densities and housing forms, and be enabled by a competitive land supply market. We agree with the point made in Submission 524 that the focus cannot solely be on housing needs and recommend that all these considerations be imported into the combined Policy 4.2.1.6/4.2.1.7/4.2.2.2/4.2.2.4.

897. The notified Policy 4.2.2.2 refers to the relevance of the appropriateness of the land to accommodate growth without saying what matters might be relevant to determining appropriateness in this context.

898. Policy 4.2.2.4 provides greater guidance as to what matters are likely to be relevant. In that regard, we think that Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Te Runanga o Moeraki and Hokonui Runanga have a valid point suggesting that cultural constraints need to be borne in mind at this point (as Mr Brown acknowledged and Proposed RPS Policy 4.5.1 provides for) and we recommend that the combined policy reflect that (but not using the term Manawhenua, given the submitter’s advice in the Stream 1A hearing that that is no longer

⁵⁰⁵ Submissions 608 and 807: Opposed in FS1034

⁵⁰⁶ Submission 806

⁵⁰⁷ Submission 524: Supported in FS1059

⁵⁰⁸ Submission 519: Supported in FS1015; Opposed in FS1356

⁵⁰⁹ Submissions 519, 598: Supported in FS1015 and FS1287; Opposed in FS1356

⁵¹⁰ Submission 798

⁵¹¹ Submissions 91, 249, 608 and 807: Opposed in FS1034

sought). In addition, while an obvious constraint on urban development in the Queenstown context, in particular, it is worth making reference to the topography as a relevant factor.

899. Policy 4.2.1.6 seeks to avoid sporadic urban development for a range of reasons, many of which overlap with considerations identified in Policy 4.2.2.4. The inter-relationship between fixing UGBs and the efficient provision and operation of infrastructure is, however, an additional matter worthy of noting (as Mr Brown accepted, and Mr Paetz recommended).

900. Turning to the relevance of the matters currently covered in Policy 4.2.1.7, we think that Submission 628 has a point, seeking to soften the focus on not losing productive rural land and the accompanying soil resource. The reality is that if all soil resources/productive rural land were to be preserved, no urban development on rural land would be possible. We accept, therefore, that minimising the loss of productive soils and the soil resource is an appropriate focus. It is also consistent with the suggested approach in Policy 4.5.1 of the Proposed RPS.

901. Stitching all these various policy elements together in one coherent policy, we recommend that Policies 3.2.2.1.5, 3.2.2.1.6, 3.2.4.8.1, 3.2.6.4.1, 4.2.1.6, 4.2.1.7, 4.2.2.2 and 4.2.2.4 be combined in one policy numbered 4.2.1.4 to read as follows:

“Ensure urban growth boundaries encompass a sufficient area consistent with:

- a. the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;*
- b. ensuring the ongoing availability of a competitive land supply for urban purposes;*
- c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;*
- d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;*
- e. a compact and energy efficient urban form;*
- f. avoiding sporadic urban development in rural areas;*
- g. minimising the loss of the productive potential and soil resource of rural land.”*

902. Although our suggested policy, as above, notes the relevance of landscape issues as a potential constraint on urban development, we consider that this is deserving of more specific guidance, given the significance of landscape values both for their own sake and as a contributor to the economic prosperity of the District.

903. Notified Policy 6.3.1.7 read:

“When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise degradation of the values derived from open rural landscapes.”

904. Given that this policy relates to UGBs and urban growth generally, we regard it as more appropriately located in Chapter 4.

905. The submissions on it sought variously its deletion⁵¹², or alternatively, that the policy provide for avoiding, remedying or mitigating the effects of any impingement on ONLs or ONFs⁵¹³.

⁵¹² Submission 806

⁵¹³ Submission 378: Supported in FS1097; Opposed in FS1049, FS1095 and FS1282

906. Mr Duncan White, giving planning evidence for Allenby Farms Ltd and Crosshill Farms Ltd initially suggested that reference to ONFs should be deleted from this policy, given that there are existing examples of ONFs within UGBs.
907. However, he accepted in discussions with us that his suggested relief did not follow from that inconsistency, and withdrew that aspect of his evidence.
908. Mr Wells was on rather stronger ground supporting Mr Goldsmith’s legal argument that protection for ONFs (and ONLs) is conferred by other provisions in the PDP and that UGBs served a different purpose – in effect to fix the outer limits of urban development. As Mr Wells noted, there are existing examples of ONFs sitting within the mapped UGBs. While some of those apparent inconsistencies may yet be resolved, that does suggest that the wording of this policy needs to be reconsidered. Having said that, given the strategic objective we have recommended related to ONLs and ONFs (3.2.5.1), clearly deletion of this policy would be inappropriate. Moreover, it is difficult to conceive that urban development could have anything other than a more than minor adverse effect if located on ONLs or ONFs and accordingly, in our view, an avoid, remedy or mitigate policy would similarly be inappropriate (quite apart from the lack of direction it provides).
909. In our view, the solution is to link the fixing of a UGB more clearly to the extent and location of urban development.
910. Accordingly, we recommend that notified Policy 6.3.1.7 be shifted into this part of Chapter 4, renumbered 4.2.1.5 and be amended to read;
- “When locating Urban Growth Boundaries or extending urban settlements through plan changes, avoid urban development impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise degradation of the values derived from open rural landscapes.”*
911. Policy 4.2.2.5, as notified read:
- “Urban Growth Boundaries may need to be reviewed and amended over time to address changing community needs.”*
912. The only submission specifically on it⁵¹⁴ supported the provision. Mr Paetz recommended no amendment to it.
913. Mr Goldsmith⁵¹⁵ submitted to us that this policy undermines the whole concept of UGBs and that it is difficult to know what it achieves. We think the first point is not correct – it merely acknowledges the practical reality that future plan changes have the ability to alter UGBs. There is more to the second point given that the policies in the Plan do not and cannot constrain future plan changes, but providing clearer criteria for fixing the location of UGBs both generally, as above, and at a more site specific basis⁵¹⁶, will provide a better starting point for such future processes. We think therefore that there is a role for this policy.

⁵¹⁴ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, S1248 and FS1249

⁵¹⁵ On this occasion, when representing Ayrburn Farm Estates Ltd, Bridesdale Farm Developments Ltd, Shotover Country Ltd and Mt Cardrona Station Ltd

⁵¹⁶ As Mr Goldsmith in fact urged on us, when appearing for a different group of submitters

914. At present, this policy is not framed as a course of action. It does not commence with a verb. It is more framed as a statement of fact, although the course of action it envisages is reasonably obvious and therefore reinstating it as a course of action is a minor change. We therefore recommend that this Policy be renumbered 4.2.1.6 and reframed to the same effect as follows:

“Review and amend Urban Growth Boundaries over time as required to address changing community needs.”

915. Lastly under this objective, we note Policy 4.2.1.5 which as notified read:

“Urban development is contained within or immediately adjacent to existing settlements.”

916. The only submission on this policy seeking amendment to it⁵¹⁷ sought that the submission state simply:

“Urban development is contained.”

917. Mr Paetz recommended that the words *“or immediately adjacent to”* be deleted from the policy.

918. To the extent that this policy could be read as applying to those urban settlements for which a UGB has been defined, it simply duplicates Policy 4.2.1.1 (renumbered 4.2.1.2). We regard it as having a role in guiding urban development within the smaller rural settlements, but agree with Mr Paetz that describing such development as being possible in areas *“immediately adjacent to”* existing rural settlements is not satisfactory. At one level, it is too confining (read literally) and at another, insufficiently clear, because it does not give any guidance as to where an existing rural settlement might be considered to end.

919. We do not regard the relief sought in Submission 238 as being particularly helpful. It would be even less clear, if adopted.

920. The Policy we have recommended in Chapter 3 related to development of the smaller rural settlements is to direct that urban development be located within the land zoned for that purpose (recommended Policy 3.3.15). We recommend that this be the basis for revision of Policy 4.2.1.5. While involving a level of duplication, again, we regard this as appropriate in this context, so that Chapter 4 does not have holes in it that have to be filled by a reference back to Chapter 3.

921. In summary, therefore, we recommend that Policy 4.2.1.5 be renumbered 4.2.1.7 and amended to read:

“Contain urban development in existing rural settlements that have no defined Urban Growth Boundary within land zoned for that purpose.”

922. We have reviewed the policies recommended in this section and consider that individually and collectively they are the most appropriate way to achieve Objective 4.2.1.1.

6.4. Objectives 4.2.1 and 4.2.3 and related policies – Urban Development and Urban Form

923. We consider that these two objectives need to be considered together. As notified, they read:

⁵¹⁷ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1242, FS1248 and FS1249

“4.2.1 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.

4.2.3 Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.”

924. Submissions seeking amendments to Objective 4.2.1 included as relief:
- a. Deletion of Section 4.2.1 entirely⁵¹⁸;
 - a. Seeking provision that infrastructure development either be sized for all foreseeable growth or be able to be adapted to meet same and that people in residential zones should be within a given distance to key amenities⁵¹⁹;
 - b. Restricting the objective to focus solely on coordination with infrastructure and services⁵²⁰;
 - c. Amending reference to protecting aspects of the environment and substituting “maintains or enhances”⁵²¹;
 - d. Amending the reference to protecting aspects of the environment and substituting “maintains and where appropriate enhances”, along with limiting the focus further to just adjoining land⁵²²;
 - e. Substituting “integrated” for “coordinated”⁵²³;
 - f. Adding reference to urban growth as well as urban development and including reference to protection of infrastructure⁵²⁴;
 - g. Including reference to indigenous flora and fauna⁵²⁵.
925. The only amendment recommended by Mr Paetz is to substitute “integrated” for “co-ordinated”.
926. Turning to Objective 4.2.3, submissions seeking amendment to the objective were limited to a request to refer to urban areas rather than UGBs⁵²⁶ and an amendment to refer to development, operation and use of infrastructure⁵²⁷.
927. Mr Paetz did not recommend any amendment to this objective.
928. We consider that the overlap in the focus of both of these objectives on infrastructure and services means that they should be revised to separate out infrastructure considerations in one objective, and other relevant points in a second objective.
929. Looking first at aspects that might be drawn from Objective 4.2.1 we do not understand there to be any meaningful difference between the words “integrated” and “co-ordinated”. While

⁵¹⁸ Submission 285

⁵¹⁹ Submission 117

⁵²⁰ Submission 608: Opposed in FS1034

⁵²¹ Submission 378: Supported in FS1097; Opposed in FS1044 and FS1095

⁵²² Submission 635

⁵²³ Submission 719

⁵²⁴ Submission 805

⁵²⁵ Submission 809

⁵²⁶ Submission 608: Opposed in FS1034

⁵²⁷ Submission 635

there is some merit in consistency of terminology⁵²⁸, an objective referring to integration with infrastructure would read awkwardly when combined with reference to “*a compact and integrated urban form*”, drawn from Objective 4.2.3.

930. We consider that the submitters focussing on the extent of protection for the environment and rural amenity have a point. It would be more appropriate if some of those aspects were maintained and enhanced⁵²⁹, in line with recommended Objective 3.2.5.2, but protection is appropriate for ONLs and ONFs given the terms of recommended Objective 3.2.5.1.

931. We do not accept the suggestion that this objective refer to protection of all indigenous flora and fauna, as sought by Submission 809. Consistent with Proposed RPS Policy 4.5.1 (and indeed section 6(c) of the Act), the focus should be on significant areas and habitats.

932. In terms of those aspects of infrastructure and services urban development needs to coordinate/integrate with, we consider that Objective 4.2.3 correctly focuses on the efficient provision and operation of infrastructure and services. We do not see any meaningful difference between that and the relief sought in Submission 635 (development, operation and use).

933. Lastly, given the recommended terms of Objective 4.2.2 (now renumbered 4.2.1) and the related policies, urban development will necessarily occur within UGBs. Accordingly, we consider that the focus might more appropriately be on a compact and integrated urban form, as per Objective 4.2.3.

934. Combining these various considerations in objectives that are framed as environmental outcomes, we recommend that the replacement objectives for 4.2.1 and 4.2.3 be worded as follows:

“A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.”

Urban development within the Urban Growth Boundaries that maintains and enhances the environment and rural amenity, and protects Outstanding Natural Landscapes, Outstanding Natural Features and areas supporting significant indigenous flora and fauna.”

935. We consider that collectively, these two objectives are the most appropriate way to achieve the purpose of the Act.

936. Because the policies that follow seek to achieve both of these objectives, we have numbered them 4.2.2A and 4.2.2B, to make that clear.

937. Policy 4.2.1.2 as notified read:

“Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks.”

938. Submissions on it included:

a. Seeking its deletion⁵³⁰;

⁵²⁸ As Mr MacColl suggested to us, giving evidence for NZTA

⁵²⁹ As Ms Taylor, giving evidence for Peninsula Bay JV, suggested

⁵³⁰ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

- b. Amending it to include reference to reverse sensitivity effects on significant infrastructure⁵³¹;
 - c. Adding reference to planned expansion of infrastructure networks⁵³²;
 - d. Deleting the requirement that infrastructure must necessarily be public in nature⁵³³;
 - e. Support for it as currently proposed⁵³⁴.
939. Mr Paetz did not recommend any change to this policy.
940. We recommend that this policy be reframed so it commences with a verb and therefore identifies a clear course of action, rather, than as at present, being stated as an environmental outcome/objective.
941. We accept the point made in Submission 635. Not all relevant infrastructure is public infrastructure. The evidence we heard was that some existing urban areas were serviced by private infrastructure (Jacks Point). Similarly, the local electricity line network is not “*public*” infrastructure. Nor is it obvious why it should matter who owns any relevant infrastructure. In our view, the policy should not constrain development by reference to the capacity of ‘*public*’ infrastructure.
942. Similarly, Submission 608 makes a valid point suggesting that urban development might take account of planned infrastructure enhancements.
943. Given our recommendation as to the wording of the objective sought to be implemented by this policy, we also agree that some reference to reverse sensitivity effects on infrastructure, particularly regionally significant infrastructure, is appropriate. We do not, however, accept that all adverse effects on regionally significant infrastructure should be avoided given the interpretation of a policy focus on ‘*avoiding*’ adverse effects in *King Salmon*. While the High Court has described Policy 10 of the NPSET as “*relatively prescriptive*”⁵³⁵, it does not purport to require avoidance in all cases. (Policy 10 refers to managing activities to avoid reverse sensitivity effects “*to the extent reasonably possible*”). As the High Court noted, where development already exists, it will not generally be possible to avoid reverse sensitivity effects. It may, however, be reasonably possible to avoid further compromising the position.
944. The Proposed RPS likewise does not provide for avoidance of all reverse sensitivity effects on regionally significant infrastructure. Policy 4.3.4 has a tiered approach, providing for avoidance of significant adverse effects and avoiding, remedying or mitigating other effects. To the extent there is a difference between the two higher order documents, we consider that we should take our lead from the NPSET 2008, that being the document we are required to give effect to.
945. We therefore consider that adverse effects on infrastructure should be minimised – this being the extent of restriction we consider to be “*reasonably possible*”.
946. Consideration of Policy 4.2.1.2 also needs to take account of Policy 4.2.3.4 which as notified, read:

⁵³¹ Submission 271 and 805: Supported in FS1121, FS1211 and FS1340: Opposed in FS1097 and FS1117

⁵³² Submission 608: Opposed in FS1034

⁵³³ Submission 635

⁵³⁴ Submission 719

⁵³⁵ Transpower New Zealand Ltd v Auckland Council NZHC 281 at [85]

“Urban development occurs in locations that are adequately serviced by existing public infrastructure, or where infrastructure can be efficiently upgraded.”

947. Submissions on this Policy varied from those seeking its deletion⁵³⁶, amendment to delete the requirement for infrastructure to be ‘public’⁵³⁷ and amendment to make reference to potential adverse effects on regionally significant infrastructure⁵³⁸. Mr Paetz did not recommend any change to this policy.

948. Policy 4.2.3.4 almost entirely overlaps and duplicates Policy 4.2.1.2. We do not consider that two policies are required to say the same thing.

949. Notified Policy 4.2.3.5 also relates to the inter-relationship between urban development and infrastructure. It read:

“For urban centres where Urban Growth Boundaries apply, new public infrastructure networks are limited exclusively to land within defined Urban Growth Boundaries.”

950. Submissions on this policy ranged from support⁵³⁹ to seeking its deletion⁵⁴⁰. On this occasion, there was no middle ground.

951. Mr Paetz did not recommend any change to the Policy.

952. This Policy seems to us to be misconceived. While it might work as intended in Wanaka, where the UGB defines a single urban area, working out from the existing township, the urban areas defined by UGBs in the Wakatipu Basin are in fact a series of geographically separated areas and infrastructure (both public and private) must necessarily connect those separate geographical areas and therefore be located outside the UGBs. We would not wish to preclude expansion of existing infrastructure merely because it is not located within a UGB. We see that as being counterproductive, potentially defeating expansion of urban development into appropriate new areas.

953. We should note at this point the emphasis in Policy 4.5.2 of the Proposed RPS on staging development or releasing land sequentially where UGBs have been defined. While staging of development would promote greater efficiency of land use and infrastructure, we do not have the evidence, nor, we think, the jurisdiction to recommend how it might be provided for in any systematic way within the defined UGBs⁵⁴¹. Accordingly, we can take it no further.

954. In summary, we recommend Policies 4.2.3.4 and 4.2.3.5 be deleted and Policy 4.2.1.2 be renumbered 4.2.2.1 and amended to read:

“Integrate urban development with existing or planned infrastructure so that the capacity of that infrastructure is not exceeded and reverse sensitivity effects on regionally significant infrastructure are minimised.”

⁵³⁶ Submission 807

⁵³⁷ Submission 635

⁵³⁸ Submission 805: Supported in FS1211

⁵³⁹ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, S1248 and FS1249

⁵⁴⁰ Submissions 805 and 807

⁵⁴¹ This is a different concept to the suggestion discussed elsewhere that the outer urban boundary identified in the Wanaka Structure Plan might be recognised in the PDP

955. Policy 4.2.2.3 as notified, read:

“Within Urban Growth Boundaries, land is allocated into various zones which are reflective of the appropriate land use.”

956. The only submissions on this policy supported its current form and Mr Paetz did not recommend any further amendments.

957. Aside from the need to reformulate the policy so it commences with a verb and more clearly states a proposed course of action, we have no particular issue with this policy, so far as it goes. The problem with it is that it leaves at large the identification of considerations that would determine what land uses are appropriate. We have already referred to a number of policies that have a dual role, guiding the location of UGBs and the nature of the urban development that might occur within them.

958. Policy 4.2.3.1 is relevant in this context. As notified, it read:

“Provide for a compact urban form that utilises land and infrastructure in an efficient and sustainable manner, ensuring:

- a. Connectivity and integration;*
- b. The sustainable use of public infrastructure;*
- c. Convenient linkages to the public and active transport network; and*
- d. Housing development does not compromise opportunities for commercial or community facilities in close proximity to centres.”*

959. Submissions on it included:

- a. Support while querying the meaning of the fourth bullet point⁵⁴²;
- b. Seeking addition of provision to ensure reverse sensitivity effects on significant infrastructure is avoided⁵⁴³;
- c. Broadening of the reference to infrastructure so it is not limited to public infrastructure⁵⁴⁴;
- d. Amendment to refer to connectivity and integration *“of land use and transport”*⁵⁴⁵;
- e. Amendment to the reference to public infrastructure, substituting regionally significant infrastructure, and making specific provision for the national grid⁵⁴⁶.

960. Mr Paetz did not recommend any change to this policy.

961. We view many aspects of Policy 4.2.3.1 as already subsumed within other policies. The query in Submission 238 as to the meaning of the fourth bullet point raises a fair point given the emphasis in Policy 4.2.3.2 on enabling an increased density of residential development close to town centres, community and education facilities. They do not appear to be consistent.

962. However, it is desirable to retain specific reference to connectivity and integration, and to linkages with public transport. NZTA’s submission suggests though that reference to the first needs to be refined so it is clearer that connectivity and integration relates to the links between existing developed areas and new areas of urban development generally, not just to

⁵⁴² Submission 238: Opposed in FS1107, FS1226, FS1234, FAS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁴³ Submission 271

⁵⁴⁴ Submission 635: Supported in FS1121; Opposed in FS1097 and FS1117

⁵⁴⁵ Submission 719: Supported in FS1097

⁵⁴⁶ Submission 805: Supported in FS1211

transport (the latter being addressed by what was the third bullet of Policy 4.2.3.1). We recommend deletion of reference in this context to linkages to active transport networks, since that is addressed separately by notified policy 4.2.1.4., discussed further below. The other aspect of Policy 4.2.3.1 that we consider deserves specific reference is the interrelationship between land zoning and infrastructure. As some of the submitters on the policy note, the policy is not focussed on reverse sensitivity effects and we consider that some reference is required to such effects.

963. Some commentary is also required on the role of zoning for open spaces. Open spaces (and community facilities) are addressed in two closely related policies in Section 3.2.6.3 that we have recommended be deleted from Chapter 3. As notified they read:

“3.2.6.3.1 Ensure that open spaces and community facilities are accessible for all people;

3.2.6.3.2 That open spaces and community facilities are located and designed to be desirable, safe, accessible places.”

964. The submissions specifically on these policies variously supported their retention⁵⁴⁷, sought that reference be inserted to multiple use⁵⁴⁸, or sought (in the alternative) that ‘community activities’ be substituted for ‘community facilities’⁵⁴⁹. The purpose of the latter change was to ensure that the policy is read to include educational facilities. To the extent there is any ambiguity, we think (as the submitter sought as their primary relief) that this is better dealt with in the definition of community facility given that the policies are about places rather than activities. We therefore refer that point for the consideration of the Stream 10 Hearing Panel.
965. In the context of defining what land uses are appropriate, clearly desirable, safe, and accessible open spaces and community facilities ought to be on that list. We therefore recommend that the substance of these policies be retained, amended to fit that altered context. The altered context also means, in our view, that it is not necessary to refer to multiple use of open space areas generally, or use for the purposes of infrastructure, which was the point of submission 805.
966. Policy 4.2.2.4 also needs to be considered in this context. While the matters it covers are important, in our view, we agree with the evidence we heard from Ms Louise Taylor that health and safety is not the only consideration for determining the appropriate form and location of urban development; those matters need to be factored into the consideration of a broader range of matters determining the appropriateness of the form urban development takes. As discussed above, while implicit, it is worth making specific reference to the topography, which is both an obvious constraint on urban development and a defining feature of the local environment. As discussed earlier, in the context of our consideration of Objective 3.2.4.8 and Policy 3.2.4.8.1, the inter-relationship between natural hazards and climate change also needs to be noted⁵⁵⁰.
967. We also bear in mind the strategic objectives and policies related to the function and role of the town centres and other commercial and industrial areas. We consider that those objectives and policies likewise need to be brought to bear in identifying appropriate land uses.

⁵⁴⁷ Submissions 378 and 806: Opposed in FS1049 and FS1095

⁵⁴⁸ Submission 805

⁵⁴⁹ Submission 524

⁵⁵⁰ Accepting the substance of the relief sought in Submission 117.

968. Aside from the submission for Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Te Runanga o Moeraki and Hokonui Runanga⁵⁵¹ that we have already commented on, we also reflect on the evidence we heard from the New Zealand Fire Service Commission⁵⁵² regarding provision for emergency services. In our report on Chapter 3 issues, we recommended rejection of a submission by the Fire Service that a new objective be inserted into Section 3.2.1 providing for emergency services on the basis that this was more appropriately dealt with in the more detailed provisions⁵⁵³. In our view, this is the appropriate location for that recognition.

969. In summary, we recommend that Policy 4.2.2.3 be renumbered 4.2.2.2 and expanded to amalgamate material from other policies (in particular 3.2.3.6.1, 3.2.6.3.2, 4.2.1.6, 4.2.2.4 and 4.2.3.1) to read as follows:

“Allocate land within Urban Growth Boundaries into zones that are reflective of the appropriate land use having regard to:

- a. its topography;*
- b. its ecological, heritage, cultural or landscape significance, if any;*
- c. any risk of natural hazards, taking into account the effects of climate change;*
- d. connectivity and integration with existing urban development;*
- e. convenient linkages to public transport;*
- f. the need to provide a mix of housing densities and form within a compact and integrated urban environment;*
- g. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;*
- h. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 strategic objectives 3.2.1.2 – 3.2.1.5 and associated policies;*
- i. the need to make provision for the location and efficient operation of regionally significant infrastructure;*
- j. the need to locate emergency services at strategic locations.”*

970. We regard this reformulated policy as appropriately addressing the request in the Council’s corporate submission⁵⁵⁴ for a new policy targeting optimisation of ecosystem services.

971. Policy 4.2.3.2 as notified read:

“Enable an increased density of residential development in close proximity to town centres, public transport routes, community and education facilities.”

972. This policy needs also to be considered against the background of Policy 4.2.1.3, which read:

“Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycle ways or are in close proximity to community and education facilities.”

⁵⁵¹ Submission 810

⁵⁵² Submission 438: Supported in FS1160

⁵⁵³ Refer paragraph 213 above

⁵⁵⁴ Submission 383

973. Submissions on Policy 4.2.3.2 sought either its deletion⁵⁵⁵ or recognition of the need to avoid, remedy or mitigate the adverse effects of increased density⁵⁵⁶.
974. Submitter 208 made the same submission in relation to Policy 4.2.1.3. The only other submissions on that policy supported its current form.
975. Mr Paetz did not recommend any amendment to either of these policies.
976. When the representatives of Submitter 208 appeared before us, they elaborated on this submission, clarifying their concern that increased density of residential development might be out of step with the existing character of residential areas, leading to a loss of residential amenity. The submitter's concern in this regard overlaps with its submission on Policy 3.2.3.1.1., which usefully might be considered in this context. As notified it read:
- “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 the character in certain locations.”*
977. Submissions on it sought variously that reference to good design be included⁵⁵⁷, that acceptance of change be qualified to limit situations where it is appropriate and where adverse effects can be avoided, remedied or mitigated⁵⁵⁸, and that it be deleted (along with the Objective 3.2.3.1 and the other policies supporting it)⁵⁵⁹.
978. As we have already noted, Mr Walsh who provided a brief of planning evidence for this submitter, was unable to appear before us but provided answers in writing to a series of questions that we posed to tease out aspects of his evidence. Mr Walsh agreed with Mr Clinton Bird, who provided evidence for the Council, that Queenstown's surrounds are the dominant feature of the character of the area, but also considered that the buildings of Queenstown urban area have an influence on the appreciation of those surroundings. Mr Walsh also emphasised the value of good urban design⁵⁶⁰.
979. We think that these are valid points, but where Mr Walsh's evidence suffered was in being somewhat elusive as to what exactly the character of Queenstown's residential areas was, and how it might be adversely affected by more intensive development, other than in a very general way. Expert opinion on these issues was mixed⁵⁶¹, but we accept both that good design will assist in minimising adverse effects from increased densities and that urban character needs to be given some policy recognition to ensure that to the extent there is an identifiable local character, it is taken into account.

⁵⁵⁵ Submission 807

⁵⁵⁶ Submission 208

⁵⁵⁷ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1244, FS1248 and FS1249

⁵⁵⁸ Submission 208

⁵⁵⁹ Submissions 806 and 807

⁵⁶⁰ A point also made by the representatives of NZIA who appeared at the Stream 1B hearing

⁵⁶¹ Mr Bird was rather dismissive of the architectural merit of existing development in Queenstown and Frankton, and regarded that of Wanaka as having even less to recommend it. The representatives of NZIA by contrast emphasised the intensity of urban development in Queenstown and Wanaka as creating a character of its own, particularly in the town centres. We also note the submissions made on behalf of DJ and EJ Cassells, The Bulling Family, the Bennett family, M Lynch and Friends of Wakatipu Gardens and Reserves that the urban area adjacent to the Gardens has a special character and that it and other areas with special character or heritage values deserve policy recognition.

980. We therefore recommend that elements of Policy 3.2.3.1.1 (which we have recommended be deleted from Chapter 3) be incorporated into this policy.

981. We also note the evidence we heard from Mr Nicholas Geddes addressing a related point on behalf of Clark Fortune McDonald. Mr Geddes drew attention to the apparent inconsistency between a policy focus on increased density of residential development and the basis on which the Jacks Point development had proceeded. We think that Mr Geddes likewise made a valid point and that these policies need to acknowledge that in areas governed by existing structure plans, increased density of residential development may not be appropriate.

982. That said, clearly Policies 4.2.1.3 and 4.2.3.2 need to be collapsed together. There is significant overlap between the two and the matters they cover can be captured in one policy.

983. In summary, therefore, we recommend one combined policy numbered 4.2.2.3 to replace what was formerly Policies 4.2.1.3, 4.2.3.2 and 3.2.3.1.1, reading as follows:

“Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.”

984. Policy 4.2.1.4 as notified, read:

“Development enhances connections to public recreation facilities, reserves, open space and active transport networks.”

985. The only submissions specifically on this policy supported its continued inclusion. Mr Paetz did not recommend any amendment to it.

986. For our part we have no difficulty with the substance of the policy. At present, however, it is stated as an outcome/objective. It needs to commence with a verb. Further, in the context of a policy to achieve an urban development objective, it ought to be clear that what it is talking about is indeed urban development. Lastly, the scope for urban development to achieve this policy will depend on the scale and location. Small scale development may have no opportunity to enhance connectivity in the urban environment. The policy needs to recognise that practical reality.

987. For these reasons, we recommend that this policy be renumbered 4.2.2.4 and amended to read:

“Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.”

988. Picking up on the point made above, while small scale urban development may have little scope to achieve the PDP’s strategic aspirations, large scale development has much greater opportunity to make a positive contribution to achievement of those strategic objectives. Policy 3.2.3.1.2 sought to recognise that, providing:

“That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.”

989. Submissions on it sought variously its deletion⁵⁶², and that reference be inserted to comprehensive design *“according to best practice design principles”*⁵⁶³.
990. We do not regard a generalised reference to best practice design principles as being particularly helpful without some indication as to what those principles are, or where they may be found enunciated, but do think this policy is valuable in this context for its emphasis on comprehensive planning of larger-scale development. The Proposed RPS goes further, suggesting that specified principles of good urban design be given effect⁵⁶⁴. However, this is one of many aspects of the Proposed RPS that is the subject of appeal and thus it is unclear at present whether we can rely on the currently specified principles of good urban design or even that there will continue to be a schedule specifying such principles (in order that they might then be cross referenced in the PDP - which would be the obvious way to give substance and clarity to the relief NZIA sought). Accordingly, we recommend that Policy 3.2.3.1.2 be shifted into Chapter 4 and renumbered 4.2.2.5, only amended to commence it with a verb, so that it indicates more clearly the proposed course of action, as follows:

“Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.”

991. The NZIA submission did, however, highlight the need for the District Plan to provide additional guidance in terms of identifying best practice design guidelines that should be employed. NZIA also reminded us that the Council is a signatory to the NZ Urban Design Protocols. We note also Council’s own submission⁵⁶⁵ promoting development of a Residential Design Guide to help reinforce design expectations. As the Council submission noted, incorporation of a design guide may require a variation to the PDP and we note that a variation to include design guidelines for Arrowtown now forms part of the PDP. For our part, we think that there is value in such design guides and recommend that the Council progress development of design guides for the other urban areas of the District in order that they might be incorporated into the PDP by future variations/plan changes. If the Proposed RPS, when finalised, still has a schedule of good urban design principles, then obviously that schedule should be drawn on as the basis for such guidelines.
992. In the interim, Policy 3.2.3.1.3 has the potential to provide some guidance in this area. As notified, it read:
- “Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.”*
993. Aside from Submissions 806 and 807, seeking that all the policies under Objective 3.2.3.1 be deleted, there were no submissions seeking its amendment. Submission 806 queried, in the alternative, the effectiveness of all three policies and whether they might be better addressed within specific zones.

⁵⁶² Submissions 806 and 807

⁵⁶³ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1239, FS1241, FS1244, FS1248 and FS1249

⁵⁶⁴ Proposed RPS, Policy 4.5.1(g), cross referencing Schedule 5 to the Proposed RPS. See also Policy 4.5.3 encouraging the use of the specified good urban design principles more directly.

⁵⁶⁵ Submission 383

994. We take the view that while generally expressed, this particular policy does add value to implementation of the Chapter 4 objectives we have recommended. It is also consistent with Policies 4.5.4 and 4.5.5 of the Proposed RPS, encouraging use of low impact design principles and that subdivision and development be designed to reduce the effect of the region’s colder climate. Given that no alternative wording has been suggested for its consideration, we recommend Policy 3.2.3.1.3 be shifted to Chapter 4 and renumbered 4.2.2.6, but otherwise not be amended.
995. We have already discussed a number of policies formerly located in Chapter 3 that, in our view, are more appropriately located in Chapter 4. At this point, we should discuss three further such policies. The first is Policy 3.2.6.2.3, which, as notified, read:
- “Explore and encourage innovative approaches to design to provide access to affordable housing.”*
996. The only submissions specifically on this policy supported its continued inclusion. Once again though, this policy along with the balance of Section 3.2.6, is the subject of a more general submission seeking the deletion of the entire section, or a significant reduction in the number of objectives and policies⁵⁶⁶.
997. Mr Paetz recommended that the word *“provide”* be substituted by *“help enable”*. The point of Mr Paetz’s recommendation is to make the obvious point that design can only make a contribution to provision of affordable housing. We also note a theme of the NZIA submissions, reinforced when its representatives appeared before us, that affordable housing did not need to be, and should not be, of substandard quality. We accept that point also. With those qualifications, however, and with a little grammatical tweaking to make it read more easily, we consider that this is a policy that adds some value to the package of urban development policies we are considering.
998. In summary, we recommend that Policy 3.2.6.2.3 be shifted from Chapter 3 into this part of Chapter 4, renumbered 4.2.2.7, and be amended to read:
- “Explore and encourage innovative approaches to design to assist provision of quality affordable housing.”*
999. The second policy notified in Chapter 3 that we consider is more appropriately located at this point of Chapter 4 is Policy 3.2.6.1.2. As notified, that policy read:
- “In applying plan provisions, have regard to the extent to which minimum size, density, height, building coverage and other controls influence Residential Activity affordability.”*
1000. The only submission specifically on this policy⁵⁶⁷ sought addition of reference to utilisation of community land by the Council for housing development to deliver quality affordable housing.
1001. Mr Paetz did not recommend any amendment to this policy.
1002. We recognise that the NZIA submission makes some valid points. Reducing the cost of housing construction does not ensure the availability of affordable housing, and a focus solely on affordability may risk a series of low quality developments creating slum-like conditions. The

⁵⁶⁶ Submission 807

⁵⁶⁷ Submission 238: Opposed in FS1107, FS1157, FS1226, FS1234, FS1241, FS1242, FS1248 and FS1249

potential for affordability issues to be addressed by use of community land is, however, a matter for Council to consider under the Local Government Act. As regards the broader issues raised by NZIA, in terms of the functions of the territorial authority under this Act, and the role of the District Plan, we regard it as being important to have regard to the impact regulation has on affordability, while not losing sight of desirability of not allowing concerns about affordability to be used as an excuse to promote poor quality developments. Both considerations have to be balanced against one another. We recommend that this tension be captured in this context with appropriate policy wording.

1003. The NZIA submission referred to ‘housing’ rather than ‘residential activity’. We view the former as identifying the subject matter more clearly and simply than the notified policy.

1004. Accordingly, we recommend that Policy 3.2.6.1.2 be shifted and relocated to this part of Chapter 4, renumbered 4.2.2.8 and amended to read:

“In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse effect on housing affordability.”

1005. The third policy in Chapter 3 that we consider would add value if relocated into this context is Policy 3.2.6.4.1 which as notified, read:

“Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting “Crime Prevention Through Environmental Design.”

1006. This policy was not the subject of any submission seeking its amendment and Mr Paetz did not recommend any amendment to it.

1007. Accordingly, we recommend that Policy 3.2.6.4.1 be relocated to this part of Chapter 4 and renumbered 4.2.2.9 but not otherwise amended.

1008. We have reviewed the other policies related to urban development that we have recommended be deleted from Chapter 3. The level of overlap if not duplication between the existing and amended policies we have recommended for Chapter 4 and the balance of deleted Chapter 3 policies means that we do not consider that they would add value in implementing our recommended Objectives 4.2.2A and 4.2.2B.

1009. We should, however, note submissions seeking recognition of the maintenance of the ability to view and appreciate the naturalness of the night sky and to avoid unnecessary light pollution in Chapter 3⁵⁶⁸. While we do not consider that this matter passes the rigorous requirement for inclusion in the overarching strategic chapter, we think this is matter that might appropriately be considered in the context of new urban development, as an aspect of maintaining and enhancing the environment. Clearly, protection of the night sky cannot be pressed too far - the evidence for QAC emphasised the importance of navigation lights for its operations - but the submission focussed on avoiding unnecessary light pollution, which we consider, strikes the right balance. In section 32 terms, it is the most appropriate way to achieve the relevant objective.

⁵⁶⁸ Submissions 340 and 568.

1010. Accordingly, we recommend a new policy be inserted into Chapter 4, renumbered 4.2.2.10, and worded as follows:

“Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.”

1011. The same point arises also in the rural environment, and so we address it also in our Chapter 6 report.

1012. Proposed Policy 4.2.3.3 as notified read:

“Low density development does not compromise opportunities for future urban development.”

1013. The only submission specifically on this policy⁵⁶⁹ sought clarification as to how it would operate.

1014. Mr Paetz recommended that this policy be deleted in his Section 42A Report. Although Mr Paetz’s report did not explain his reasoning, when we discussed it with him, he explained that where land has been zoned for a certain intensity he thought it problematic to allow subsequent reconsideration of that position, notwithstanding the apparent inefficiency in land use. Mr Paetz emphasised that it was important to recognise that within the defined UGBs, there is a variable demand for residential development. In his words, it is not all about high density.

1015. While Mr Paetz’s recommendation could not be considered out of scope given more general submissions seeking deletion of the whole of Chapter 4, we consider that the policy does have a valid role in ensuring efficient use of the limited amount of land identified as appropriate for urban development. We agree with Mr Paetz that once low density development has occurred, it is problematic to impose intensification requirements. That is why, in fact, this policy is required, to ensure that where low density development occurs within UGBs, it is designed with an eye to subsequent potential infill development. The key aspects of design that determine the ability to accommodate infill development are the location of building platforms and the capacity of infrastructure (including roading), and we consider that these aspects should be referred to, to provide the clarification that NZIA seeks. Having said that, there is a practical limit to the extent future options can be preserved that needs to be acknowledged.

1016. In addition, as originally framed, the policy is expressed too broadly. It should apply only within UGBs, otherwise it might be read as constraining development of rural areas by reference to the demands of urban development that the PDP (as we recommend it be amended) seeks to avoid and that may well never occur.

1017. Lastly, the policy as notified was framed as an outcome/objective. It needs to start with a verb to state a course of action that will be followed.

1018. In summary, we recommend that Policy 4.2.3.3 be retained, renumbered 4.2.2.11, and clarified as sought by Submission 238 as follows:

⁵⁶⁹ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

“Ensure that the location of building platforms in areas of low density development within Urban Growth Boundaries and the capacity of infrastructure servicing such development do not unnecessarily compromise opportunities for future urban development.”

1019. Following that theme, Policy 4.2.3.7 as notified read:

“The edges of Urban Growth Boundaries are managed to provide a sensitive transition to rural areas.”

1020. This Policy attracted a number of submissions ranging from seeking its deletion⁵⁷⁰, support for the Policy as proposed⁵⁷¹, detailed amendments to more clearly identify what adverse effects are being managed at the interface of urban/rural areas⁵⁷², and lastly, seeking recognition that a sensitive transition may not be appropriate⁵⁷³. The last submission drew attention to experience of rural residential zoning being based around the edge of urban areas in this district, and then failing to withstand development pressure. This submission suggests that in many cases, a hard urban edge is a better and more defensible approach.

1021. Mr Paetz recommended that this policy be retained but qualified to make it clear that the desired transition be addressed within UGBs. That suggested amendment reflected the discussion we had with both Mr Paetz and with Mr Bird as to where the transition needed to occur. Both agreed that if one accepted the principle of UGBs, the desired transition should occur within those boundaries.

1022. We agree in principle with Mr Paetz’s recommendation, largely for the practical reasons that Submission 836 draws attention to.

1023. We consider, however, that Submission 836 is correct in another respect. There are existing situations where it is impractical to contemplate a sensitive transition from urban to rural activities. Much of the existing urban area of inner Queenstown township is already built hard up to the UGB as it is, with the land (or water - Lake Wakatipu is the boundary for much of the town) on the rural side of the boundary being classified as an ONL. That position is not going to change and nor should it in our view. The policy therefore has to accommodate the fact that there will not be a sensitive transition in all cases. On the other hand, further development of Wanaka township towards the Cardrona Valley invites an appropriate transition from urban to rural activities.

1024. Lastly, while we think that the changes sought in Submission 608 would put too much detail around this policy, we regard the word ‘sensitive’ as somewhat problematic because of the lack of clarity as to what exactly it might mean in any given case.

1025. In summary, we recommend that Policy 4.2.3.7 be renumbered 4.2.2.12 and amended to read:

“Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary”.

1026. Policy 4.2.3.8 as notified read:

⁵⁷⁰ Submission 238 and 807: Supported in FS1097; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁷¹ Submission 600: Supported in FS1209; Opposed in FS1034

⁵⁷² Submission 608: Opposed in FS1034

⁵⁷³ Submission 836

“Land Use within the Air Noise Boundary or Outer Control Boundary of the Queenstown Airport is managed to prohibit or limit the establishment of Activities Sensitive to Aircraft Noise.”

1027. Submissions on this policy ranged from supporting the policy in whole or in part⁵⁷⁴, seeking its deletion⁵⁷⁵ and seeking amendment to soften its effect⁵⁷⁶.
1028. We heard extensive evidence on the significance of Queenstown Airport, and on the terms of Plan Change 35 (to the ODP and that, as at the date of our hearing, it was nearing finalisation) that address management of reverse sensitivity effects on the airport. Mr Winchester submitted for the Council that while we are not bound by the outcome of the Plan Change 35 process, we should give it careful consideration given the amount of work that went into it and the very recent nature of the Environment Court’s consideration of these issues. We agree with that submission.
1029. Mr Paetz recommended that this particular policy be deleted and replaced by more specific policies under the heading of Objective 4.2.4, which relates to urban growth within the Queenstown UGB. We agree that this is the more logical place to provide for reverse sensitivity issues associated with Queenstown Airport.
1030. Accordingly, we recommend that Policy 4.2.3.8 be deleted. We will return to Queenstown Airport Issues as part of our consideration of Objective 4.2.4 and the policies related to it.
1031. In summary, we consider that the policies we have recommended are the most appropriate way to implement Objectives 4.2.2A and 4.2.2B, given they will be supplemented by the area specific policies discussed below.

6.5. Area Specific Objectives and Policies – Sections 4.2.4 – 4.2.6

1032. As notified, Chapter 4 provided three objectives outlining the outcomes sought in Queenstown, Arrowtown and Wanaka respectively:

“4.2.4 Manage the scale and location of urban growth in the Queenstown urban growth boundary;

4.2.5 Manage the scale and location of urban growth in the Arrowtown urban growth boundary;

4.2.6 Manage the scale and location of urban growth in the Wanaka urban growth boundary.”

1033. Many of the submissions on these objectives related to the location of the UGB in each case and have been considered in the appropriate mapping hearings. Submissions made on Objective 4.2.4 specifically sought that the first word be ‘confine’ rather than ‘manage’⁵⁷⁷, its

⁵⁷⁴ Submissions 238, 271 and 433: Supported in FS1077, Opposed in FS1097, FS1107, FS1117, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁷⁵ Submission 807

⁵⁷⁶ Submission 751: Supported in FS1061; Opposed in FS1061 and FS1340

⁵⁷⁷ Submission 238: Supported in FS1097 and FS1117; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

amendment to refer to the Queenstown urban area rather than the Queenstown UGB⁵⁷⁸ and the deletion of the objective (and the associated policies)⁵⁷⁹.

1034. A number of submissions on Objective 4.2.5 likewise focused on the location of the UGB and will need to be considered in the mapping hearings. We note specifically Submission 285 seeking that the UGB for Arrowtown (4.2.5.1), be deleted. Most other submissions supported retention of the objective in its current form.
1035. Submissions on Objective 4.2.6 followed a similar pattern. Submission 608 sought reference to the Wanaka urban area rather than the Wanaka UGB⁵⁸⁰.
1036. We note also the submission by that submitter that the diagrams identifying the UGBs for Wanaka and Queenstown should be deleted.
1037. Mr Paetz did not recommend any change to these three objectives.
1038. For our part, we regard these three objectives as adding no value to the PDP. Currently they are all framed as policies (courses of action) rather than objectives, but more importantly, they provide no clear outcome against which policies can be managed other than that there will be a UGB at each location; something which is not necessary given the terms of Objective 4.2.2 (renumbered 4.2.1).
1039. We recommend that these three objectives might appropriately be deleted.
1040. We also recommend acceptance of Submission 608, that the diagrams showing the UGBs should likewise be deleted. The diagrams are at too large a scale to be useful and merely duplicate the much more detailed and useful information provided by the planning maps. Although Submission 608 was limited to the Wanaka and Queenstown UGB diagrams, we recommend deletion of the Arrowtown diagram as well for consistency. As above, the diagram duplicates information on the planning maps and therefore falls within the category of duplication that the Real Journeys' submission sought to be removed.
1041. Policy 4.2.4.1 as notified read:
- “Limit the spatial growth of Queenstown so that:*
- a. The natural environment is protected from encroachment by urban development;*
 - b. Sprawling of residential suburbs into rural areas is avoided;*
 - c. Residential settlements become better connected through the coordinated delivery of infrastructure and community facilities;*
 - d. Transport networks are integrated and the viability of public and active transport is improved;*
 - e. The provision of infrastructure occurs in a logical and sequenced manner;*
 - f. The role of Queenstown Town Centre as a key tourism and employment hub is strengthened;*
 - g. The role of Frankton in providing local, commercial and industrial services is strengthened.”*

1042. That might be compared with the comparable policy for Arrowtown (4.2.5.1), which read:

⁵⁷⁸ Submission 608: Opposed in FS1034

⁵⁷⁹ Submission 807

⁵⁸⁰ Opposed in FS1034

“Limit the spatial growth of Arrowtown, so that:

- a. *Adverse effects of development outside the Arrowtown urban growth boundary are avoided;*
- b. *The character and identity of the settlement, and its setting within the landscape is preserved or enhanced.”*

1043. Lastly, one might also have regard to Policy 4.2.6.1 which read:

“Limit the spatial growth of Wanaka so that:

- a. *The rural character of key entrances to the town is retained and protected, as provided by the natural boundaries of the Clutha River and Cardrona River;*
- b. *A distinction between urban and rural areas is maintained to protect the quality and character of the environment and visual amenity;*
- c. *Ad hoc development of rural land is avoided;*
- d. *Outstanding Natural Landscapes and Outstanding Natural Features are protected from encroachment by urban development.”*

1044. The submissions specifically on Policy 4.2.4.1 included:

- a. Support for the policy, with suggested changes to expand on the description of Queenstown Town Centre and to make additional reference to Frankton as a separate township with its own identity⁵⁸¹;
- b. Amendment to refer to the outward expansion of the Queenstown urban area into the surrounding rural environment (rather than spatial growth), and to narrow reference to the natural environment⁵⁸²;
- c. Amendment of the reference to infrastructure to focus on where the cost burden falls⁵⁸³;
- d. Amendment to refer to integration of both land use and transport networks⁵⁸⁴;
- e. Amendment to provide that development should enable the efficient use of public transport services⁵⁸⁵.

1045. Policy 4.2.5.1 is not the subject of any submission specifically seeking amendment to it.

1046. Policy 4.2.6.1 is the subject of submissions seeking that the reference to protection of ONLs and ONFs from encroachment by urban development is replaced by a focus on avoiding, remedying or mitigating the effects of urban development within those areas⁵⁸⁶, focusing the policy on outward expansion of the Wanaka urban area into the surrounding rural environment (rather than on spatial growth) and removal of reference to ad hoc development of rural land⁵⁸⁷.

1047. These specific submissions also need to be read against the background of more general submissions seeking that Chapter 4 be deleted in whole or in large part⁵⁸⁸.

⁵⁸¹ Submission 238: Supported in FS1097 and FS1117; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁸² Submission 608: Opposed in FS1034

⁵⁸³ Submission 608: Opposed in FS1034

⁵⁸⁴ Submission 719: Supported in FS1079

⁵⁸⁵ Submission 798

⁵⁸⁶ Submission 378: Supported in FS1097; Opposed in FS1049 and FS1095

⁵⁸⁷ Submission 608; Opposed in FS1034

⁵⁸⁸ Submissions 414, 653, 807 842: Supported in FS1255; Opposed in FS1071

1048. The only amendment to these three policies Mr Paetz recommended was the addition of reference to integration of land use and transport networks in Policy 4.2.4.1, as sought in Submission 719.
1049. When he appeared before us, Mr Goldsmith⁵⁸⁹ critiqued these policies focussing on their largely generic nature and what he asserted to be a lack of evidence to support key points. He argued that the urban settlement patterns of Wanaka and the Wakatipu Basin were quite different and that the policies governing urban growth needed to reflect those differences.
1050. In relation to Wanaka, Mr Goldsmith argued that a more robust site specific policy regime would acknowledge and reference the extent of Wanaka Community Planning processes that has been undertaken identifying the actual threat of urban growth that Wanaka faces, identify any structural constraints relevant to a Wanaka UGB, reference any specific adjoining ONL that requires additional protection, identify the time period being planned for and identify intended or desirable limitations on extension of the Wanaka UGB during the identified planning period.
1051. His critique of Policy 4.2.4.1 argued there was a lack of evidence to support the different elements of policy, particularly those related to provision of infrastructure. He also drew attention to the apparent lack of connection between the last two bullet points (focussing on the role of Queenstown and Frankton respectively) on the location of a UGB.
1052. In relation to Policy 4.2.5.1, Mr Goldsmith queried what the first bullet point quoted above actually meant, but accepted that the second bullet point correctly identifies the real (and in his submission, probably the only) reason for the Arrowtown UGB.
1053. We note in passing that none of Mr Goldsmith's clients lodged submissions or further submissions on these policies. His argument in relation to them was presumably premised on the 'collective scope' argument provided, in particular, by general submissions seeking deletion of all of Chapter 4. For this reason, we have considered his submissions on their merits.
1054. We consider there is merit in some (but not all) of Mr Goldsmith's criticisms of Policies 4.2.4.1, 4.2.5.1 and 4.2.6.1. They do suffer from being excessively generic, and therefore provide little guidance as to the basis on which the existing UGBs have been determined or on which future plan changes considering amendment to the UGBs (or identification of new UGBs) might be undertaken.
1055. We also take the view that the area specific policies might be better compartmentalised into Wakatipu Basin specific policies and Upper Clutha Basin specific policies. This would have two benefits. The first is that while Arrowtown has discrete issues and a clear rationale for its UGB, that policy needs to be put in the context of the urban growth policies applied to the balance of the Wakatipu Basin. As Mr Goldsmith drew to our attention, the Arrowtown UGB does not purport to provide for the level of anticipated population growth that might occur in the absence of a UGB. Rather, the intention is that the UGBs provided in the balance of the Wakatipu Basin will meet the anticipated demand for housing across the Basin. Similarly, broadening the focus of what is currently Policy 4.2.6.1 is a necessary consequence of the

⁵⁸⁹ Initially in his capacity as counsel for Allenby Farms Limited (Submission 502) Crosshill Farm Limited (Submission 531) and Mt Cardrona Station Limited (Submission 407) and then as counsel for Ayrburn Farm Estate Limited (Submission 430), Bridesdale Farm Developments Limited (655), Shotover Country Limited (528) and Mt Cardrona Station Limited (Submission 407)

recommendation we have made that Lake Hawea Township should be defined by a UGB, given the interrelationship of the economy of that township and the Wanaka Township.

1056. To make that division clear, we recommend that appropriate headings be placed in this part of Chapter 4 to differentiate Wakatipu Basin specific policies from the Upper Clutha Basin specific policies.
1057. Turning to the content of the Wakatipu Basin-specific policies, we start with Arrowtown. Policy 4.2.5.1 seeks to avoid adverse effects of development outside the Arrowtown UGB. As Mr Goldsmith observed, this leaves it open to speculation as to what sort of adverse effects the policy is focussed on.
1058. In the context of defining a UGB, the adverse effects in question are those of uncontrolled urban sprawl. We think the policy should say that. The second limb of the policy, emphasising the desire to retain the character and identity of the Arrowtown settlement is clearly well accepted. We consider it might be stated more simply and clearly, but this is an issue of drafting rather than substance.
1059. Lastly, while we have recommended that the UGB diagrams be deleted, in favour of just relying on the planning maps to identify the location of UGBs, it would be helpful to the readers of Chapter 4 if they were directed to the District Plan maps to find the relevant UGB.
1060. We therefore recommend a cross reference be inserted in the policy.
1061. In summary, we recommend a new policy intended to state more clearly the course of action Policy 4.2.5.1 seeks to implement, worded as follows:
- “Define the urban growth boundary for Arrowtown, as shown on the District Plan Maps, that preserves the existing character of Arrowtown and avoids urban sprawl into the adjacent rural areas.”*
1062. Turning to the balance of the Wakatipu Basin, it is apparent that the areas defined by UGBs are based on existing or consented areas of urban development. Policy 4.2.4.1’s focus on avoidance of sprawling developments into rural areas is likewise an obvious issue.
1063. The existing focus on protecting the natural environment from encroachment by urban development needs clarification. In the context of the Wakatipu Basin, it is not all of the natural environment, but rather ONLs and ONFs that are the focus.
1064. Also, a key, but currently unacknowledged, rationale for the UGBs that have been defined, is making sufficient provision both within existing developed areas and future greenfield areas to accommodate predicted population increases over the planning period. As above, this is a key differentiating feature as between Arrowtown and the balance of the Wakatipu Basin. This is broader than just providing for sufficient areas of new housing to accommodate residential needs. The NPSUDC 2016 emphasises the need for a broader focus, including in particular, on working environments. Community well-being also requires provision of community (including recreation) facilities.
1065. We agree, however, with Mr Goldsmith’s submission that policies seeking to recognise and protect the role of Queenstown and Frankton town centres are not relevant to the fixing of UGBs.

1066. Mr Goldsmith also argued that there was no evidence that infrastructure constraints were relevant to the fixing of UGBs. We have already noted⁵⁹⁰ that the answers Mr Glasner provided to our written questions tended to support that contention, but that his evidence also identified that the ability to identify where urban growth would occur (and when) is a key determinant in the efficient rollout of Council infrastructure. That evidence supports recognition of the desirability of a logical and sequenced provision of infrastructure as currently provided for in Policy 4.2.3.1⁵⁹¹. We agree with that position in principle, but we consider that the way it is framed needs to be reframed to recognise that while planning for urban growth can make the efficient provision of the infrastructure easier to accomplish, it cannot ensure that it occurs.
1067. The reference in the existing policy to coordination of infrastructure and community facilities (so as to promote better connected residential areas) raises the same issue.
1068. We recommend that these considerations be combined in a single policy linking the definition of UGBs in the Wakatipu Basin with enabling logical and sequenced provision both of infrastructure and community facilities.
1069. Lastly, although the emphasis given to integration of transport networks was supported by a number of submissions, the current pattern of urban development (and UGBs) in the balance of the Wakatipu Basin, with a series of geographically separated residential areas, does not lend itself to integrated transport planning. Nor is it obvious how UGBs would be relevant to achieving such integration, or to improving public and active transport viability, other than by precluding further sporadic development – which in our view is better addressed more directly via other policies we have recommended (see Policies 4.2.1.2, 4.2.2.14 and 4.2.2.22).
1070. Similarly, while it is desirable that these separated residential settlements become better connected, the relevance of the UGBs to that outcome was not apparent to us.
1071. In summary, we recommend that the appropriate policy to implement the objectives in Chapter 3 and 4 related to urban development in the Wakatipu Basin other than Arrowtown is numbered 4.2.2.14 and reads as follows:

“Define the urban growth boundaries for the balance of the Wakatipu Basin, as shown on the District Plan Maps, that:

- a. *are based on existing urbanised areas;*
- b. *provide sufficient areas of urban development and the potential intensification of existing urban areas to accommodate predicted visitor and resident population increases over the planning period;*
- c. *enable the logical and sequenced provision of infrastructure to and community facilities in new areas of urban development.*
- d. *avoid Outstanding Natural Features and Outstanding Natural Landscapes;*
- e. *avoid sprawling and sporadic urban development across rural areas of the Wakatipu Basin.”*

1072. Policy 4.2.4.2 as notified read:

⁵⁹⁰ See the Chapter 3 (Part B) section of our report at [555]

⁵⁹¹ We note that although Darby Planning LP (Submission 608) sought to amend that aspect of the Policy, Mr Ferguson giving evidence for the submitter noted his acceptance of Mr Glasner’s evidence on this point.

“Ensure the development within the Queenstown Urban Growth Boundary:

- a. Provides a diverse supply of residential development to cater for the needs of residents and visitors;*
- b. Provides increased density and locations close to key public transport routes and with convenient access to the Queenstown town centre;*
- c. Provides an urban form that is sympathetic to the natural setting and enhances the quality of the built environment;*
- d. Provides infill development as a means to address future housing demand;*
- e. Provides a range of urban land uses that cater for the foreseeable needs of the community;*
- f. Maximises the efficiency of the existing infrastructure networks and avoids expansion of networks before it is needed for urban development;*
- g. Supports the co-ordinated planning for transport, public open space, walkways and cycleways and community facilities;*
- h. Does not diminish the qualities of significant landscape features.”*

1073. Submissions on this policy were largely supportive, but seeking specific amendments:
- a. To provide more emphasis on existing urban character and require that adverse effects of intensification be avoided, remedied or mitigated⁵⁹²;
 - b. To achieve a high quality urban environment responsive to the context of its surroundings, is respectful of view shafts, enhances and promotes Horne Creek and does not diminish the quality of other significant landscape features⁵⁹³;
 - c. To avoid reverse sensitivity effects on significant infrastructure⁵⁹⁴;
 - d. That refer to coordinated planning of education facilities⁵⁹⁵;
 - e. To delete reference to the UGB⁵⁹⁶;
 - f. To provide a more enabling approach to expansion of infrastructure networks⁵⁹⁷;
 - g. To add reference to wāhi tupuna⁵⁹⁸.
1074. The problem we have with Policy 4.2.4.2 is the extent of overlap and duplication with the policies in what is now Section 4.2.2. It also appears to us that Policy 4.2.4.2 over reaches in seeking to ensure a series of positive outcomes that at most, the District Plan can only encourage through an enabling zone and rule framework. From our perspective, the more general policies of what is now Section 4.2.2 better recognise the functions of the Council and the extent to which the District Plan can facilitate positive outcomes.
1075. We note also that the evidence of Mr Glasner did not support policies focussed on avoiding expansion of infrastructure networks within existing areas earmarked for urban development.
1076. In summary, we recommend that Policy 4.2.4.2 be deleted as not adding value to implementation of the relevant objectives (renumbered 4.2.2A and 4.2.2B).
1077. Policy 4.2.4.3 and 4.2.4.4 relate to Queenstown Airport issues. As notified, those policies read:

⁵⁹² Submission 208

⁵⁹³ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁵⁹⁴ Submissions 271 and 805: Supported in FS1097 and FS1117; Opposed in FS1079 and FS1211

⁵⁹⁵ Submission 524

⁵⁹⁶ Submission 608: Opposed in FS1034

⁵⁹⁷ Submission 635

⁵⁹⁸ Submission 810

“4.2.4.3. Protect the Queenstown Airport from reverse sensitivity effects, and maintain residential amenity, through managing the effects of aircraft noise within critical listening environments or new or altered buildings within the Air, Noise, Boundary or Outer Control Boundary.

4.2.4.4 Manage the adverse effects of noise from Queenstown Airport by conditions in Designation 2 including the requirement for a Noise Management Plan and a Queenstown Airport Liaison Committee.”

1078. We also recall that notified Policy 4.2.3.8 addressed Queenstown Airport related to noise issues and we have recommended that be addressed at this juncture.

1079. Submissions on these policies ranged from querying whether they were expressed too strongly in favour of the airport⁵⁹⁹, seeking that the effect of the policies be strengthened⁶⁰⁰, to seeking to differentiate existing residential areas from rural and industrial areas and to add a new objective and policies on the subject⁶⁰¹.

1080. These provisions were the subject of extensive evidence and submission. Representatives of QAC emphasised to us that the Environment Court has only just resolved the final form of Plan Change 35 addressing these issues (as at the conclusion of the Stream 1 hearing, there was one issue only outstanding⁶⁰²) and counsel argued that the PDP ought not to deviate substantively from the result of Plan Change 35. The planning evidence from both Mr Kyle and Ms O’Sullivan for QAC suggested that there were substantive differences in meaning and outcome between Plan Change 35 and the PDP, both as notified, and as recommended by Council staff in the Section 42A Report.

1081. While, as counsel for the Council noted in his submissions, we are not legally bound by the outcome of the Plan Change 35 process, there is obvious sense in our being guided by the Environment Court as to how best to deal with reverse sensitivity effects on the airport’s operations in the absence of cogent evidence justifying an alternative approach. By contrast, Council staff appearing before us indicated that while they recommended changes from the wording of Plan Change 35, there was no intention for the end result to be substantively different. As already noted, we sought to reduce the issues in contention by directing expert caucusing.

1082. By the end of the hearing, Mr Paetz recommended a suite of objectives and policies addressing the issue and reflecting his discussions with the representatives of QAC and other stakeholders. The objectives recommended by Mr Paetz were in fact policies, not specifying an environmental outcome. We do not think objectives are necessary in this context given our recommendation that the objective governing urban development within UGBs is that it be integrated with provision and operation of infrastructure and services, of which Queenstown Airport is obviously one example.

1083. We accept, however, the policies that Mr Paetz recommended, renumbered 4.2.3.15-18 inclusive, with minor wording changes as follows:

⁵⁹⁹ Submission 238: Opposed in FS1077, FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶⁰⁰ Submission 271: Opposed in FS1097, FS1117 and FS1270

⁶⁰¹ Submission 433: Supported in FS1077; Opposed in FS1097 and FS1117

⁶⁰² As at the date of our finalising this report, the Council’s website noted that it was still under appeal.

“Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.

Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.

Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.

Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.”

1084. Mr Paetz did not recommend retention of existing Policy 4.2.4.4. Although the policy does no more than record the terms of the QAC designation, we consider that it provides a useful role for stakeholders reading the provisions related to Queenstown Airport to highlight the relevance of those designation provisions. Accordingly, we recommend that it be renumbered 4.2.2.19, but otherwise be retained unamended.
1085. Policy 4.2.5.2 provides guidance as to the nature of development within the Arrowtown UGB. Unlike Policy 4.2.4.2, the policy is quite detailed as to what it is seeking to achieve and Arrowtown-specific.
1086. The only submission specifically on this policy sought reference to coordinated planning for transport, public open space, walkways and cycleways, and community and education facilities⁶⁰³.
1087. Mr Paetz did not recommend any amendment to this policy. Subsequent to the hearing, the Council resolved to amend this policy⁶⁰⁴ to update the reference to the Arrowtown Design Guidelines to reflect notification of revised Design Guidelines in 2016 (Variation 1 to the PDP) and the recommendations on that variation are set out in Report 9B⁶⁰⁵. We consider that as amended, this is an appropriate policy to assist implementation of recommended Objectives 4.2.2A and 4.2.2B, subject only to correction of a cross reference to the Rural General zone, renumbering it 4.2.2.20 and some minor drafting changes. We do not recommend the amendments sought in submission 524 which are generic in nature and would largely duplicate recommended Policy 4.2.2.2. As a result, the wording recommended is:

“Ensure that development within the Arrowtown Urban Growth Boundary provides:

- a. an urban form that is sympathetic to the character of Arrowtown, including its scale, density, layout and legibility, guided by the Arrowtown Design Guidelines 2016;*
- b. opportunity for sensitively designed medium density infill development in a contained area closer to the town centre, so as to provide more housing diversity and choice and to help reduce future pressure for urban development adjacent or close to Arrowtown’s Urban Growth Boundary;*

⁶⁰³ Submission 524: Supported in FS1061

⁶⁰⁴ Pursuant to Clause 16(2)

⁶⁰⁵ Section 6.1 in that Report

- c. *a designed urban edge with landscaped gateways that promote or enhance the containment of the town within the landscape, where the development abuts the urban boundary for Arrowtown;*
- d. *for Feehley's Hill and land along the margins of Bush Creek and the Arrow River to be retained as reserve areas as part of Arrowtown's recreation and amenity resource; and*
- e. *recognition of the importance of the open space pattern that is created by the inter-connections between the golf courses and other Rural Zone land."*

1088. We note in passing that if the changes proposed in the Stage 2 Variations remain substantively as at present, Policy 4.2.2.2(e) will require consequential amendment.

1089. Lastly, in relation to policies governing urban development in the Wakatipu Basin, we recommend a new policy be inserted to clarify the role of UGBs and the process for providing for additional urban development land.

1090. As will be seen shortly, notified Policy 4.2.6.2 provides such guidance for development of rural land outside of the Wanaka UGB. We consider that exactly the same considerations would apply to development of rural land outside the UGBs of the Wakatipu Basin.

1091. The need for such a policy is consequential on our recommendation that urban development outside of UGBs be avoided.

1092. We recommend that this issue be addressed by Policy 4.2.2.21, reading:

"Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Wakatipu Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes."

1093. We regard this as largely implicit in the objectives and policies we have recommended as above, but for similar reasons to other policies, we feel that providing this guidance would assist stakeholders reading Chapter 4 as a standalone guide to urban-development.

1094. Turning to the Upper Clutha area, we accept Mr Goldsmith's submission that Policy 4.2.6.1 needs to be more closely directed towards the specific situation in Wanaka (and now Lake Hawea Township, given our recommendation that a UGB be defined for that township). We also accept that a key feature of the Upper Clutha Basin is that long standing strategic community planning processes, identifying the boundaries to both Wanaka and Lake Hawea Township, have occurred and have widespread community support. We note in passing that we do not accept the criticism of Mr Dan Wells giving planning evidence for Bridesdale Farm Developments Ltd and Winton Partners Funds Management (No 2) Ltd, regarding the efficacy of community based structure plans as an expression of local opinion.

1095. In the case of Wanaka, we also consider that specific reference should be made to the natural boundaries provided by the Clutha and Cardrona Rivers, and Mount Alpha. Policy 4.2.6.1 refers to the rural character of the key entrances provided by the two rivers. We think that Mr Goldsmith's critique of that particular provision is well founded but we also agree with him that these key natural features (along with Mount Alpha) do have an important role – just not the role currently identified in the policy.

1096. As with Wakatipu Basin UGBs, it is clear that the existing UGB for Wanaka and that proposed by submitters for Lake Hawea are based on the existing urbanised area and are drawn with the intention of meeting anticipated population growth over the planning period. The policy should say that, and that the UGB has a role in avoiding sprawling and sporadic urban development across rural areas.

1097. In summary, we recommend the following policy, numbered 4.2.2.22, to replace existing Policy 4.2.6.1:

“Define the urban growth boundaries for Wanaka and Lake Hawea Township, as shown on the District Plan Maps, that:

- a. are based on existing urbanised areas;*
- b. provide sufficient areas of urban development and the potential intensification of existing urban areas to accommodate the predicted visitor and resident population increases in the Upper Clutha Basin over the planning period;*
- c. have community support as expressed through strategic community planning processes;*
- d. utilise the Clutha and Cardrona Rivers and the lower slopes of Mount Alpha as natural boundaries to the growth of Wanaka; and*
- e. avoid sprawling and sporadic urban development across the rural areas of the Upper Clutha Basin.”*

1098. Policy 4.2.6.2 contains provisions seeking to guide development within the Wanaka UGB. As with the comparable policy for Queenstown (4.2.4.2) the suggested policy largely duplicates the more general policies we have recommended in 4.2.2.1 – 4.2.2.12. Hence, while submissions specifically on this policy are largely supportive, we do not view it as adding any great value to implementation of recommended Objective 4.2.2. and recommend that it be deleted.

1099. Lastly, existing Policy 4.2.6.2 reads:

“Rural land outside of the urban growth boundaries is not developed until further investigations indicate that more land is needed to meet demand.”

1100. Submissions vary from seeking that this aspect of the policy be expressed with greater finality (that rural land should not be developed irrespective of demand⁶⁰⁶) to submissions seeking that it be deleted⁶⁰⁷.

1101. We also bear in mind submissions seeking that the UGB should not be regarded as being set in stone⁶⁰⁸ and in the case of Wanaka should specifically identify the Outer Growth Boundary identified in the Wanaka 2020 structure plan process as the longer-term limit on urban sprawl⁶⁰⁹.

1102. We do not regard it as necessary to explicitly incorporate the Outer Growth Boundary at this time given the proposed recognition of the relevance of strategic community planning processes to fixing of the Wanaka UGB. We also consider that it is unrealistic to close the door on urban growth irrespective of demand in Wanaka. The situation is different to that in

⁶⁰⁶ Submission 69 and 795: Opposed in FS1012

⁶⁰⁷ Submission 608: Opposed in FS1034

⁶⁰⁸ Submission 335

⁶⁰⁹ Submission 773

Arrowtown, where a confined urban settlement pattern is sought to be preserved for reasons of urban character and the amenity that results from that character.

1103. Having said that, we regard it as important that the process by which the UGBs now being fixed might be changed should be clear. Accordingly, we recommend the same wording as for the comparable Wakatipu Basin Policy, numbered 4.2.2.23 and reading as follows:

“Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Upper Clutha Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.”

1104. We consider that the area-specific policies we have recommended individually, and collectively with the policies in the balance of Section 4.2.2, are the most appropriate way to achieve Objectives 4.2.2A and 4.2.2B.

7. PART C - RECOMMENDATIONS

1105. We have set out in Appendix 1 the objectives and policies we are recommending for Chapter 4.
1106. We also draw the Council’s attention to our recommendation⁶¹⁰ that it develop urban design guidelines for the balance of the Wakatipu Basin, Wanaka and Lake Hawea Township, drawing on any guidance in the Proposed RPS following resolution of the appeals on that document, and introduce those guidelines into the PDP by variation/plan change.

⁶¹⁰ At paragraph [985] above

6 LANDSCAPES AND RURAL CHARACTER

6.1

Purpose

The purpose of this chapter is to provide greater detail as to how the landscape, particularly outside urban settlements, will be managed in order to implement the strategic objectives and policies in Chapter 3. This chapter needs to be read with particular reference to the objectives in Chapter 3, which identify the outcomes the policies in this chapter are seeking to achieve. The relevant Chapter 3 objectives and policies are identified in brackets following each policy.

Landscapes have been categorised to provide greater certainty of their importance to the District, and to respond to regional policy and national legislation. Categorisations of landscapes will provide decision makers with a basis to consider the appropriateness of activities that have adverse effects on those landscapes.

6.2

Values

The District's landscapes are of significant value to the people who live in, work in or visit the District. The District relies in a large part for its social and economic wellbeing on the quality of the landscape, open spaces and the natural and built environment. Those landscapes also have inherent values, particularly to tangata whenua.

The landscapes consist of a variety of landforms created by uplift and glaciations, which include mountains, ice-sculpted rock, scree slopes, moraine, fans, a variety of confined and braided river systems, valley floors and lake basins. These distinct landforms remain easily legible and strong features of the present landscape.

Indigenous vegetation also contributes to the quality of the District's landscapes. While much of the original vegetation has been modified, the colour and texture of indigenous vegetation within these landforms contribute to the distinctive identity of the District's landscapes.

The open character of rural land is a key element of the landscape character that can be vulnerable to degradation from subdivision, development and non-farming activities. The prevalence of large farms and landholdings contributes to the open space and rural working character of the landscape. The predominance of open space over housing and related domestic elements is a strong determinant of the character of the District's rural landscapes.

Some rural areas, particularly those closer to the Queenstown and Wanaka urban areas and within parts of the Wakatipu Basin, have an established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses, earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open character exhibited by larger scale farming activities.

While acknowledging these rural areas have established rural living and development, and a substantial amount of further subdivision and development has already been approved in these areas, the landscape values of these areas are vulnerable to degradation from further subdivision and development. Areas where rural living development is at or is approaching the finite capacity of the landscape need to be identified if the District's distinctive rural landscape values are to be sustained. Areas where the landscape can accommodate sensitive and sympathetic rural living developments similarly need to be identified.

The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.

Landscapes have been categorised into three classifications within the Rural Zone. These are Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF), where their use, development and protection are a matter of national importance under Section 6 of the RMA. The Rural Landscapes (RLC) makes up the remaining Rural Zoned land and has varying types of landscape character and amenity values. Specific policy and assessment matters are provided to manage the potential effects of subdivision and development in these locations ¹.

6.3

Policies

Rural Landscape Categorisation

- 6.3.1 Classify the Rural Zoned landscapes in the District as:
- Outstanding Natural Feature (ONF);
 - Outstanding Natural Landscape (ONL);
 - Rural Character Landscape (RCL) (3.2.5.1, 3.2.5.2, 3.3.29, 3.3.31).
- 6.3.2 Exclude identified Ski Area Sub-Zones and the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps from the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories applied to the balance of the Rural Zone and from the policies of this chapter related to those categories. (3.2.1.1, 3.4.4.4, 3.3.21).
- 6.3.3 Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply unless otherwise stated. (3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.2, 3.3.20-24, 3.3.32).

Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone

- 6.3.4 Avoid urban development and subdivision to urban densities in the rural zones. (3.2.2.1, 3.2.5.1, 3.2.5.2, 3.3.13-15, 3.3.23, 3.3.30, 3.3.32).
- 6.3.5 Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character. (3.2.5.1, 3.2.5.2, 3.3.19, 3.3.20, 3.3.30, 3.3.32).
- 6.3.6 Ensure the District's distinctive landscapes are not degraded by production forestry planting and harvesting activities. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.29, 3.3.31).
- 6.3.7 Enable continuation of the contribution low-intensity pastoral farming on large landholdings makes to the District's landscape character. (3.2.1.7, 3.2.5.1, 3.2.5.2, 3.3.20).

¹. Greyed out text indicated the provision is subject to variation and is therefore not part of the Hearing Panel's recommendation.

- 6.3.8 Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.30, 3.3.32).
- 6.3.9 Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land. (3.2.1.7, 3.2.4.1, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.20, 3.3.30, 3.3.32).
- 6.3.10 Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s). (3.2.5.1, 3.3.30).
- 6.3.11 Encourage any landscaping to be ecologically viable and consistent with the established character of the area. (3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.30, 3.3.32).

Managing Activities in Outstanding Natural Landscapes and on Outstanding Natural Features

- 6.3.12 Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application. (3.2.1.1, 3.2.5.1, 3.3.21, 3.3.30).
- 6.3.13 Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua, including tōpuni and wahi tūpuna. (3.2.3.1, 3.2.5.1, 3.2.7.1, 3.3.16, 3.3.30, 3.3.33 - 35, Chapter 5).
- 6.3.14 Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities that may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected. (3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1, 3.3.20, 3.3.30).
- 6.3.15 The landscape character and amenity values of Outstanding Natural Landscapes are a significant intrinsic, economic and recreational resource, such that new large scale renewable electricity generation or new large scale mineral extraction development proposals are not likely to be compatible with them. (3.2.5.1, 3.3.25, 3.3.30).
- 6.3.16 Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present. (3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1, 3.3.20-21, 3.3.30).
- 6.3.17 Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases. (3.2.1.9, 3.2.5.1, 3.3.25, 3.3.30).
- 6.3.18 In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features. (3.2.1.9, 3.2.5.1, 3.3.25, 3.3.30).

Managing Activities in Rural Character Landscapes

- 6.3.19 Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan. (3.2.1.1, 3.2.1.7, 3.2.5.2, 3.3.20-24, 3.3.32).
- 6.3.20 Encourage plan changes applying Rural Lifestyle and Rural Residential Zones to land as the appropriate planning mechanism to provide for any new rural lifestyle and rural residential developments in preference to ad-hoc subdivision and development and ensure these zones are located in areas where the landscape can accommodate the change. (3.2.1.8, 3.2.5.2, 3.3.22, 3.3.24, 3.3.32).
- 6.3.21 Require that proposals for subdivision or development for rural living in the Rural Zone take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects. (3.2.1.8, 3.2.5.2, 3.3.23, 3.3.32).
- 6.3.22 Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads. (3.2.1.1, 3.2.1.7, 3.2.5.2, 3.3.21, 3.3.24-25, 3.3.32).
- 6.3.23 Ensure incremental changes from subdivision and development do not degrade landscape quality or character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.21, 3.3.24, 3.3.32).
- 6.3.24 Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases. (3.2.1.9, 3.2.5.2, 3.3.25, 3.3.32).
- 6.3.25 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised. (3.2.1.9, 3.2.5.2, 3.3.25, 3.3.32).
- 6.3.26 Avoid adverse effects on visual amenity from subdivision, use and development that:
- a. is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or
 - b. forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads. (3.2.1.1, 3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.30, 3.3.32).
- 6.3.27 In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries that would degrade openness where such openness is an important part of its landscape quality or character. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.32).
- 6.3.28 In the Upper Clutha Basin, have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.20-21, 3.3.24-26, 3.3.32).
- 6.3.29 Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where it will minimise disruption to natural landforms and to rural character. (3.2.1.1, 3.2.1.8, 3.3.21, 3.3.24, 3.3.32).

Managing Activities on Lakes and Rivers

- 6.3.30 Control the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies and ensure these structures maintain or enhance landscape quality and character, and amenity values. (3.2.1.1, 3.2.4.1, 3.2.4.3, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.26, 3.3.30, 3.3.32).
- 6.3.31 Recognise the character of the Frankton Arm including the established jetties and provide for these on the basis that the visual qualities of the District's distinctive landscapes are maintained and enhanced. (3.2.4.3, 3.2.5.1, 3.3.30).
- 6.3.32 Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District's distinctive landscapes. (3.2.1.1, 3.2.4.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.30, 3.3.32).
- 6.3.33 Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures. (3.2.1.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.21, 3.3.30, 3.3.32).

6.4

Rules

- 6.4.1 The Landscape Chapter and Strategic Direction Chapter's objectives and policies are relevant and applicable in all zones where landscape values are at issue.
- 6.4.2 The landscape assessment matters do not apply to the following within the Rural Zone:
- ski Area Activities within the Ski Area Sub Zones;
 - the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps;
 - the Gibbston Character Zone;
 - the Rural Lifestyle Zone;
 - the Rural Residential Zone ¹.

¹. Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan
Report 3
Report and Recommendations of Independent Commissioners Regarding
Chapter 3, Chapter 4 and Chapter 6

Commissioners

Denis Nugent (Chair)

Lyal Cocks

Cath Gilmour

Trevor Robinson

Mark St Clair

PART D - CHAPTER 6

8. OVERVIEW

1107. The purpose of this chapter is to recognise the landscape as a significant resource to the District which requires protection from inappropriate activities that could degrade its qualities, character and values. General submissions on Chapter 6 included requests that the entire chapter, or alternatively the objectives and policies in the chapter, be deleted and either replaced with the provisions already in section 4.2 of the ODP or unspecified elements thereof⁶¹¹.
1108. Some of these submissions made quite specific suggestions as to desired amendments to the existing section 4.2 of the ODP. Others were more generalised. A variation was in submissions such as submissions 693⁶¹² and 702 asking that Chapter 6 be deleted, and parts amalgamated with the Rural Chapter Section.
1109. Collectively, these submissions provide a broad jurisdiction to amend Chapter 6.
1110. We have addressed at some length in the context of our discussion of submissions on Chapter 3 whether it is appropriate to revert to the approach taken in the ODP to landscape management and have concluded that while a number of aspects of the ODP remain both relevant and of considerable assistance, the changed circumstances some 17 years after the initial key decision of the Environment Court on the form of the ODP⁶¹³ mean that a more strategic, directive approach is required. The commentary provided by Mr Barr in his Section 42A Report on Chapter 6 provides additional support for this view.
1111. Accordingly, we do not recommend wholesale changes to Chapter 6 to bring it into line with the ODP. Nor do we recommend it be amalgamated into the rural chapters. We consider it provides valuable strategic direction, consistent with the general structure of the PDP, with separate 'strategic' chapters. At an overview level, though, we recommend that the title of the chapter be amended to "*Landscapes and Rural Character*" to more correctly describe its subject matter. We regard this as a minor non-substantive change.
1112. Another theme of submissions on landscape issues was that the PDP's provisions were too protective of landscape values and existing activities that contribute to those values⁶¹⁴. In his evidence, Mr Jeff Brown put to us the proposition that growth will inevitably affect landscape values, that this needed to be accepted and that the focus of PDP needed to be on appropriate management of those effects⁶¹⁵. Counsel for Skyline Enterprises Ltd and others, Ms Robb, put a similar proposition to us, submitting⁶¹⁶:

⁶¹¹ Submissions 145, 632, 636, 643, 669, 688, 693, 702: Opposed in FS1097, FS1162, FS1254 and FS1313

⁶¹² Supported in FS1097

⁶¹³ C180/99

⁶¹⁴ See e.g. Submission 806

⁶¹⁵ J Brown, EIC at [2.2]

⁶¹⁶ Summary of legal submissions for Skyline Enterprises Ltd, Totally Tourism Ltd, Barnhill Corporate Trustee Ltd, DE, ME Burn and LA Green, AK and RB Robins and Robins Farm Ltd and Slopehill JV at 6.1.-6.3

“The regime does not recognise the fundamental need for development to accommodate inevitable growth (both in the tourism and living sectors) or that certain development will contribute to people and communities’ appreciation of the District.

The assumption to be gained from the PDP is that Council is trying to protect rural areas from any development (other than productive rural activity) when in fact that is not what the PDP should be striving to achieve, at all.

Overall the PDP does not strike an appropriate balance between the protection, use and development of all resources. Accordingly, it is not the most appropriate regime to achieve the purpose of the Act.”

1113. Such submissions raise questions of the extent to which the PDP can and should provide for growth.
1114. We posed the question to Ms Black, who gave evidence on behalf of Real Journeys Ltd, whether it might be time to put out the “full up” sign at the entrance to Queenstown, rather than seek to cater for an ever-expanding influx of visitors to the District. Her initial reaction was one of surprise that one could contemplate such a position. Having reflected on the point, she suggested that it was very difficult to stop development. She drew our attention to the economic benefits to other districts from the number of visitors drawn to Queenstown and Wanaka, and also to the national objectives of the tourism industry.
1115. All of these matters are worthy of note, but Ms Black accepted also that there is a risk of too much development in the District ‘killing the golden goose’. Ms Black’s opinion might also be contrasted with the view expressed by Mr Goldsmith⁶¹⁷ that Queenstown can’t just keep growing.
1116. Overlaid on these considerations is now the NPSUDC 2016 which aims “to ensure that planning decisions enable the supply of housing needed to meet demand” while not anticipating “development occurring with disregard to its effect”⁶¹⁸.
1117. Ultimately, it is about arriving at the best balance we can between the use, development and protection of the District’s natural and physical resources⁶¹⁹, while complying with the legal obligations the Act imposes.
1118. We have not considered submissions⁶²⁰ that although nominally on Chapter 6, in fact raise issues outside the Council’s jurisdiction.
1119. Lastly, we note that our consideration of submissions on Chapter 6 needs to take into account the variation of some of its provisions notified on 23 November 2017. At a purely practical level, to the extent that the Stage 2 Variations delete or amend parts of Chapter 6, we do not need to make recommendations on those parts and existing submissions on them have been automatically transferred to the variation hearing process, by virtue of Clause 16B(1) of the First Schedule to the Act.

⁶¹⁷ When giving submissions for Ayrburn Farms Ltd, Bridesdale Farm Ltd, Shotover Country Ltd and Mt Cardrona Station Ltd

⁶¹⁸ NPSUDC 2016 Forward at pages 3 and 4

⁶¹⁹ Noting that that was how Ms Robb concluded her submissions – putting her position in terms of how the PDP had struck that balance.

⁶²⁰ See Submission 380

1120. Our recommended version of Chapter 6 in Appendix 1 therefore shows the provisions of the notified Chapter the subject of the Stage 2 Variation greyed out, to differentiate them from the provisions we recommend.

8.1. Section 6.1 - Purpose

1121. This section provides a general outline of the Purpose of the chapter as whole.

1122. The only submission seeking specific amendments to it was that of NZIA⁶²¹ seeking that it also refer to urban landscapes.

1123. Mr Barr recommended only drafting changes in his Section 42A Report.

1124. The primary focus of Chapter 6 is on rural landscapes, and the visual amenity issues in urban areas are dealt with in Chapter 4, and the more detailed provisions of Part Three of the PDP. However, Chapter 6 is not solely on rural landscapes and we accept that some amendment to the Statement of Purpose in Section 6.1 is appropriate to recognise that.

1125. In addition, submissions on Chapter 3 discussed above⁶²² sought greater guidance on the relationship between Chapter 3 and the balance of the PDP. We have recommended an amendment to Section 3.1 to provide such guidance. As a consequential measure, we recommend that parallel changes should be made to Section 6.1.

1126. Lastly, the second paragraph of Section 6.1 requires amendment in various respects:

- a. It is something of an overstatement to say categorisation of landscapes will provide certainty of their importance to the District. We recommend inserting the word “*greater*” to make it clear that this is an issue of degree;
- b. The reference to regional legislation needs to be corrected. The relevant instruments are Regional Policy Statements;
- c. Saying that categorisation of landscapes has been undertaken “*to align with*” regional [policy] and national legislation is somewhat misleading. Certainly, categorisation of landscapes aligns with the Proposed RPS, but it would be more correct to say that categorisation of landscapes “*responds to*” regional policy and national legislation;
- d. The reference to the RMA at the end of the second paragraph appears an unnecessary duplication, as well as lacking clarity. Given the specific reference to ONLs and ONFs, this is shorthand for consideration of adverse effects.

1127. In summary, we recommend that the Statement of Purpose be amended to read as:

“The purpose of this chapter is to provide greater detail as to how the landscape, particularly outside urban settlements, will be managed in order to implement the strategic objectives and policies in Chapter 3. It needs to be read with particular reference to the objectives in Chapter 3, which identify the outcomes the policies in this chapter are seeking to achieve.

Landscapes have been categorised to provide greater certainty of their importance to the District, and to respond to regional policy and national legislation. Categorisations of landscapes will provide decision makers with a basis to consider the appropriateness of activities that have adverse effects on those landscapes.”

⁶²¹ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶²² Submissions 179, 191, 781: Supported in FS1121; Opposed in FS1132

8.2. Section 6.2 - Values

1128. Section 6.2 contains a general discussion of landscape values that provide the background to the objectives and policies that follow in the balance of the chapter.
1129. Submissions on Section 6.2 include:
- a. Requesting that it be more descriptive and acknowledge the inherent values of the District's rural landscapes, especially ONLs and ONFs⁶²³;
 - b. Requesting it acknowledge urban landscapes and their values, and that references to farmland, farms and farming activities be amended⁶²⁴;
 - c. Requesting it acknowledge the role of infrastructure and the locational constraints that activity has⁶²⁵;
 - d. Requesting that it note the form of landscape Council wishes to retain and plan for a variety of future housing in both urban and rural areas⁶²⁶;
 - e. Requesting it acknowledge the appropriateness of rural living, subject to specified preconditions⁶²⁷;
 - f. Requesting insertion of a broader acknowledgement of activities that might be enabled in rural locations⁶²⁸;
 - g. Support for its current text⁶²⁹ or its intent⁶³⁰.
1130. Mr Barr recommended an amendment to the text to acknowledge that there is some, albeit limited, capacity for rural living in appropriate locations in rural areas, but otherwise recommends only minor drafting changes.
1131. We also record that the Stage 2 Variations delete the final (eighth) paragraph of the notified Section 6.2. Our recommended version of Chapter 6 accordingly shows that paragraph as greyed out, and we have not addressed submissions on it.
1132. We accept NZIA's request that reference in the fourth paragraph to productive farmland be amended to "*rural land*". While Dr Marion Read noted in her evidence the relationship of farming to rural character, its open character is not related to the productivity of the land. Otherwise, we do not recommend acceptance of the NZIA submissions, reflecting the fact that the primary focus of the chapter is on rural landscapes.
1133. We agree with Mr Barr that some acknowledgement of rural living is required. We take the view, however, that the amendments to the sixth paragraph of Section 6.2 need to be a little more extensive than Mr Barr suggests. If the discussion is going to acknowledge that rural living is appropriate in some locations, it needs to provide greater guidance as to where those locations might be (and equally where the locations are where such development would not be appropriate). We do not consider that the broader acknowledgement requested in submission 608 is required in an introductory discussion.

⁶²³ Submission 110: Opposed in FS1097

⁶²⁴ Submission 238: Opposed in FS1107, FS1226, FS1234, FS1238, FS1241, FS1242, FS1248, FS1249 and FS1255

⁶²⁵ Submissions 251, 433, 805: Supported in FS1077, FS1092, FS1097, FS1115 and FS1117

⁶²⁶ Submission 442

⁶²⁷ Submissions 375, 430, 437, 456: Supported in FS1097; Opposed in FS1084, FS1087, FS1160 and FS1282

⁶²⁸ Submission 608: Supported in FS1097, FS1154 and FS1158; Opposed in FS1034

⁶²⁹ Submission 600: Opposed in FS1034

⁶³⁰ Submission 755

1134. Similarly, we do not recommend that specific reference be made to infrastructure requirements in this context. While these issues are important and need to be addressed in the policies of Chapter 6, this introductory discussion does not purport to discuss every matter addressed in the substantive provisions that follow, nor need it to do so.
1135. We acknowledge that landscapes have inherent values, and agree that such values might be acknowledged.
1136. Other submissions are expressed too generally for us to base substantive amendments on.
1137. The first paragraph of Section 6.2 uses the term ‘*environmental image*’. The same term was used in Section 4.1 and we have recommended that “*the natural and built environment*” be substituted in that context. For consistency, the same amendment should be made in this context.
1138. The fifth paragraph refers to rural areas closer to Queenstown and Wanaka town centres as having particular characteristics. It would be more accurate to refer to rural areas closer to Queenstown and Wanaka urban areas.
1139. In summary, we recommend the following changes to Section 6.2:
- a. Substitute “*the natural and built environment*” for “*environmental image*” at the end of the first paragraph and add a further sentence:

“Those landscapes also have inherent values, particularly to tangata whenua.”

- b. Substitute “*rural land*” for “*productive farmland*” in the first line of the fourth paragraph;
- c. Substitute reference to “*urban areas*” for “*town centres*” in the fifth paragraph;
- d. Amend the sixth paragraph to read as follows:

“While acknowledging these areas have established rural living and development, and a substantial amount of further subdivision and development has already been approved in these areas, the landscape values of these areas are vulnerable to degradation from further subdivision and development. Areas where rural living development is at or approaching the finite capacity of the landscape need to be identified if the District’s distinctive rural landscape values are to be sustained. Areas where the landscape can accommodate sensitive and sympathetic rural living developments similarly need to be identified.”

8.3. Section 6 Objectives

1140. A number of submissions have been made on the objectives of Chapter 6. Mr Barr recommended one objective be deleted and that amendments be made to the balance. We have taken a broader view of the matter.
1141. The objectives all overlap with the objectives of Chapter 3, insofar as the latter address landscape values and rural character. The submissions on the objectives, if accepted, would not materially alter this position⁶³¹. The Chapter 3 objectives already specify the desired end result and our view is that Chapter 6 need only specify additional policies to assist achievement of those broad objectives.

⁶³¹ Many submissions, if accepted, would make the objectives inconsistent with the direction provided in Chapter 3, or alternatively would make them generalised to the point where they provide no meaningful assistance in achieving the purpose of the Act.

1142. In summary, therefore, to avoid duplication⁶³² we recommend deletion of all of the objectives in Chapter 6 as being the most appropriate way to achieve the purpose of the Act, as it relates to landscape and rural character.
1143. We have generally classified the many submissions seeking to soften the effects of the objectives as notified in a multitude of different ways as ‘Accepted in Part’.
1144. Some submitters have sought additional objectives be inserted into Chapter 6. In particular, NZIA⁶³³ requests addition of a new objective framed:
- “Recognise the importance of high quality town centre landscapes within the District’s natural landscape.”*
1145. We do not recommend that this objective be inserted for the following reasons:
- It is not framed as an objective (an environmental end point) and it is difficult to discern how it could be redrafted in order to do so.
 - The urban areas of the District are too small to constitute a landscape in their own right⁶³⁴.
 - As above, the principal focus of Chapter 6 is on rural landscapes.
1146. None of the other objectives suggested appeared to us to add value against the background of the provisions recommended in Chapter 3.

8.4. Policies – Categorising Rural Landscapes

1147. As notified, Policies 6.3.1.1. and 6.3.1.2 provided for identification of ONLs and ONFs on the planning maps and classification of Rural Zoned landscapes as ONL, ONF and Rural Landscape Classification.
1148. The only submissions specifically seeking changes to them, sought their deletion⁶³⁵, identification of the balance of rural landscapes on the planning maps⁶³⁶ and a change in the label for those rural landscapes⁶³⁷.
1149. Policy 6.3.1.1 duplicated recommended Policy 3.3.29 and accordingly, we recommend that it be deleted.
1150. As regards Policy 6.3.1.2, the notified version of Chapter 6 has a number of other provisions relating to the landscape classifications: Policy 6.3.8.3 and 6.3.8.4 together with Rules 6.4.1.2-4. It is appropriate that those provisions be considered here, subject to the effect of the Stage 2 Variations.
1151. As notified, Policy 6.3.8.3 read:

⁶³² Consistent with Real Journeys Limited’s submission (Submission 621)

⁶³³ Submission 238: Supported in FS1097; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶³⁴ See the discussion for example in *Lakes District Rural Landowners Society Inc and Ors v Queenstown Lakes District Council C75/2001* at paragraph 7 on the need for a ‘landscape’ to meet a minimum areal requirement.

⁶³⁵ Submission 806

⁶³⁶ Submission 761

⁶³⁷ Submissions 375 and 456: Opposed in FS1282

“Exclude identified Ski Area Sub-Zones from the landscape categories and full assessment of the landscape provisions while controlling the impact of the ski field structures and activities on the wider environment.”

1152. Policy 6.3.8.4 read:

“Provide a separate regulatory regime for the Gibbston Valley, identified as the Gibbston Character Zone, in recognition of its contribution to tourism and viticulture while controlling the impact of buildings, earthworks and non-viticulture related activities on the wider environment.”

1153. Lastly, Rules 6.4.1.2-4 read:

“6.4.1.2 The landscape categories apply only to the Rural Zone. The Landscape Chapter and Strategic Directions Chapter’s objectives and policies are relevant and applicable in all zones where landscape values are in issue.

6.4.1.3 The landscape categories do not apply to the following within the Rural Zones:

- a. Ski Area Activities within the Ski Area Sub-Zones;*
- b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape Line as shown on the District Plan maps;*
- c. The Gibbston Character Zone;*
- d. The Rural Lifestyle Zone;*
- e. The Rural Residential Zone.*

6.4.1.4 The landscape categories apply to lakes and rivers. Except where otherwise stated or shown on the Planning Maps, lakes and rivers are categorised as Outstanding Natural Landscapes.”

1154. The Stage 2 Variations have made amendments to both Rules 6.4.1.2 and 6.4.1.3, which will need to be considered as part of the hearing process for these variations. Specifically:

- a. The first sentence of Rule 6.4.1.2 has been deleted;
- b. The first line of Rule 6.4.1.3 has been amended to refer to landscape “assessment matters” rather than landscape “categories”;
- c. Rules 6.4.1.3 c., d. and e. have been deleted.

1155. The submissions on the provisions quoted included:

- a. Support for exclusion of the ski areas from landscape categories⁶³⁸;
- b. A request to extend the ski area exclusion to include access corridors, delete reference to environmental controls and add recognition of the importance of these areas⁶³⁹;
- c. A request to extend the ambit of Rule 6.4.1.2 to exclude Chapter 6 from having any application outside the Rural Zone⁶⁴⁰;
- d. A request for clarification as to whether landscape classification objectives and policies apply to special zones like Millbrook⁶⁴¹;
- e. A request for clarification that landscape classification objectives and policies do not apply to the Rural Lifestyle Zone and the Rural Residential Zone⁶⁴²;

⁶³⁸ Submissions 608, 610, 613: Opposed in FS1034

⁶³⁹ Submission 806: Supported in FS1229

⁶⁴⁰ Submissions 443 and 452

⁶⁴¹ Submission 696

⁶⁴² Submissions 669 and 694

- f. A request to revise the drafting of Rule 6.4.1.2 and 6.4.1.3 to more clearly express what is included or excluded⁶⁴³;
 - g. A request to add the Hydro Generation Zone as a further zone excluded from the landscape classifications⁶⁴⁴;
 - h. A request to add reference to trails undertaken by the Queenstown Trail or Upper Clutha Tracks Trusts⁶⁴⁵;
 - i. A request to delete Rule 6.4.1.4 or clarify the reference to ONLs⁶⁴⁶.
1156. Mr Barr recommended deletion of Rules 6.4.1.2 and 6.4.1.4 and amendment of Rule 6.4.1.3 to refer to landscape assessment matters (rather than landscape categories) and to delete reference in the Rule to the Gibbston Character Zone, the Rural Lifestyle Zone and the Rural Residential Zone. Some of those recommendations have been overtaken by the Stage 2 Variations and do not need to be considered further. Mr Barr did not recommend amendment to the two policies noted above (which are not the subject of the Stage 2 Variations).
1157. We found these provisions collectively exceedingly confusing, overlapping, and, in part, contradictory. It is not surprising there were so many submissions seeking clarification of them.
1158. Mr Barr’s recommendations did not materially assist and, in one view, confused the matter still further by implying that while the landscape assessment criteria apply only in the Rural Zone, the landscape categorisations as ONL, ONF and Rural Character Landscape (as relabelled) apply as shown on the planning maps, with the sole exceptions of the Ski Area Sub-Zones and the Gibbston Valley Character Zone (by virtue of Policies 6.3.8.3 and 6.3.8.4). That would mean all of the special zones, the Rural Lifestyle Zone and the Rural Residential zone are subject to the landscape categorisations. Inclusion of the special zones would in turn be inconsistent with Mr Barr’s recommended revised Policy 6.3.1.1. (that like notified Policy 6.3.1.2) indicates that the intention is to classify the “*Rural Zoned Landscapes*”. On the face of the matter, land in the Rural Lifestyle Zone and the Rural Residential Zone would not qualify as “*Rural Zoned landscapes*” either (given it refers to “*Rural Zoned*” rather than “*rural zoned*” landscapes).
1159. The effect of the Stage 2 Variations is to remove the explicit statements in Section 6.2 and Rule 6.4.1.2 that the landscape categories apply only in the Rural Zone, but does not change notified Policy 6.3.1.2.
1160. Last, but not least, as some submitters pointed out at the hearing, the planning maps identify ONFs within special zones in Arrowtown and at Jacks Point. The Stage 2 Variations do not change that position either.
1161. Stepping back from the explicit and implicit statements in the PDP regarding application of the landscape categories, we make the following observations:
- a. The Planning Maps do not clearly or consistently identify the boundaries of the areas denoted ONL, ONF and (particularly) RLC (now RCL) in all locations.
 - b. Land in the Rural Residential and Rural Lifestyle Zones has been identified as such either because it is already developed or because it has the capacity (in landscape terms) to absorb a greater density of development than the balance of rurally zoned areas. If more

⁶⁴³ Submission 836: Supported in FS1085

⁶⁴⁴ Submission 580: Opposed in FS1040

⁶⁴⁵ Submission 671

⁶⁴⁶ Submission 836

land is identified as appropriately having one or other of these zones applied to it following the mapping hearings, it will be for the same reasons. While the objectives and policies of Chapter 22 refer to the potential for such zones to be located in sensitive landscapes, and have provisions to address that situation, those provisions are not framed with reference to the landscape categories.

- c. The Gibbston Character Zone has its own specific provisions to manage landscape character and there might similarly be considered to be a case for it to sit outside the categorisation process as a result;
- d. The special zones are just that, "*special*". They vary in nature, but a common feature is that landscape provisions have already been taken into account in identifying the land as subject to a special zone. In addition, to the extent that Mr Barr's recommended relief would or might have the effect that special zones are subject to the landscape classifications, we consider there is no scope to make that change. Submission 836 (that Mr Barr has relied upon), seeks only non- substantive drafting changes. As regards the specific request by Contact Energy Ltd to add specific reference to the Hydro Generation Zone, this is neither necessary nor appropriate. The Hydro Generation Zone is a '*special*' zone under the ODP. Assuming it retains that status in subsequent stages of the District Plan process, it will be excluded automatically. More to the point, if we were to list that particular zone, we would presumably have to list all the special zones, to avoid the implication that they were not excluded;
- e. The Frankton Arm is not readily considered under a classification that seeks to retain its rural character. It is obviously not "*rural*". As such, it might appropriately be excluded from the classification process entirely, having been identified as not outstanding. That raises questions in our minds as to the apparent classification of a large section of the Hawea River, and the lower section of the Cardrona River, above its confluence with the Clutha, as Rural Character Landscapes, but those rivers might be considered small enough that the policies related to that classification are still applicable;
- f. The fact that the District Plan maps show parts of ONFs in Arrowtown and Jacks Point respectively as being within special zones is an anomaly if the intention is that all ONFs and ONLs be managed in accordance with the objectives and policies governing ONLs and ONFs. The special zone at Arrowtown will be considered as part of a subsequent stage of the District Plan review and we recommend the area occupied by the ONF be zoned Rural as part of that process. The Jacks Point Structure Plan already recognises the landscape values of the areas currently identified as ONF and ONL within the boundary of the zone, with provisions precluding development in those areas, reinforced by the recommended provisions of Chapter 41, and so there is not the same imperative to address it.
- g. The fact that the PDP maps shows ONL and ONF lines as extending into residential zones appears to be an error, given the provisions of the PDP already noted. We discussed the incursion of the Mt Iron ONF line into the residential zoned land on the west side of the mountain with Mr Barr and he advised it was a mapping error. We will treat that (and the other examples we noted) as being something to be addressed in the mapping hearings, assuming there is jurisdiction and evidence to do so.
- h. Although perpetuating the ODP in this regard, the exclusion for the Ski Area Sub-Zones is anomalous because it is contrary to case law⁶⁴⁷ holding that the inquiry as to whether a landscape is outstanding is a discrete issue that needs to be resolved on landscape grounds, and that the planning provisions are a consequence of its categorisation as outstanding, not the reverse. Counsel for Darby Planning LP argued that the ski areas were properly excluded from the ONL classification because they are not '*natural*'. That may be the case (Darby Planning did not adduce expert evidence to support that contention), but the ski areas appear too small to constitute a separate '*landscape*' based

⁶⁴⁷

Man O'War Station Limited v Auckland Council [2015] NZHC 767: Affirmed [2017] NZCA 24

on the tests previously applied by the Environment Court. In any event, we have no submission that would give us jurisdiction to delete the exclusion for the ski area subzones in Policy 6.3.8.3⁶⁴⁸ and thus we only note it as an anomaly. The Council should consider whether it is necessary to initiate a variation in this regard;

- i. Given the *Man O'War* decisions (referred to above) though, the submissions for Queenstown Park Limited⁶⁴⁹ and Queenstown Trails Trusts seeking additional exclusions from the consequences of classification as ONL (or ONF) cannot be accepted.

1162. We also note that it was not at all clear to us whether the contents of Section 6.4.1 are correctly described as “rules”.

1163. While section 76(4) of the Act is silent as to what a rule in a District Plan may do, normally rules govern activities having an adverse effect on the environment. Rules 6.4.1.2-4 quoted above are (as the heading for Section 6.4.1 suggests) essentially explanations as to how policies should be interpreted and applied. Rule 6.4.1.1. is a clarification of the term “*subdivision and development*”. Rule 6.4.1.5 is similarly a clarification as to the applicability of the objectives and policies of the landscape chapter to utilities. Mr Barr recommended, in any event, that it be deleted as it is not necessary.

1164. Mr Barr recommended in his reply evidence that Section 6.4 might more appropriately be headed Implementation Methods. That recommendation has now been overtaken by the Stage 2 Variations, meaning that Rules 6.4.1.2-3 must remain in Chapter 6, as amended, for future consideration. We consider, however, that the content of Rule 6.4.1.4 would more appropriately be addressed in policies in common with notified Policies 6.3.8.3 and 6.3.8.4. Rule 6.4.1.1 might appropriately be shifted to the definition section (Chapter 2). Currently that rule reads:

“The term ‘subdivision and development’ includes subdivision, identification of building platforms, any buildings and associated activities such as roading, earthworks, lighting, landscaping, planting and boundary fencing and access/gateway structures”.

1165. A submission was made on this ‘rule’ by PowerNet Limited⁶⁵⁰ seeking that “*subdivision and development*” should not include “*infrastructure structures and activities that are not associated with the subdivision and development*”.

1166. It is not clear whether the submitter seeks an exclusion from the policies in Chapter 6 for infrastructure that is associated with subdivision and development (read literally that would be the effect of the submission, if accepted). If that is the intention, we do not accept it. It is important that the effects of a subdivision be considered holistically. It would be unrealistic and undesirable if, for instance, the effects of a subdivision on landscape character were considered without taking into account the effects of the internal roading network necessitated by the subdivision. No amendment is necessary for infrastructure not associated with the subdivision and development because the existing rule only includes “*associated*” activities as it is.

1167. In summary, we recommend no change to the rule, but that it be shifted to Chapter 2. The end result will of course be the same.

⁶⁴⁸ The exclusion formerly in Rule 6.4.1.2(a) has been effectively removed by the Stage 2 Variations.

⁶⁴⁹ Submission 806

⁶⁵⁰ Submission 251: Supported in FS1092 and FS1097

1168. We agree with Mr Barr that Rule 6.4.1.5 is an unnecessary duplication and should be deleted.
1169. Turning then as to how Rule 6.4.1.4 might be amalgamated into the policies along with 6.3.8.3 and 6.3.8.4, we have no jurisdiction to expand notified Policy 6.3.1.2 to apply beyond the Rural Zone. Its deletion (as sought in Submission 806) would have the effect that the landscape categories would not have any policy support indicating where they apply. Given the deletions from the text of Chapter 6 accomplished by the Stage 2 Variations and the lack of consistency in the planning maps identifying their location, we do not regard that as a satisfactory outcome – the lack of clarity, legitimately the subject of a number of submissions, would be exacerbated.
1170. We do not regard retention of Policy 6.3.1.2 as inconsistent with the varied provisions notified in November 2017. While Rule 6.4.1.2, as revised by the Stage 2 Variations, states that the objectives and policies of Chapters 3 and 6 apply in all zones where landscape values are in issue, that application presumably must depend on the terms of the relevant objective or policy. Recommended Objective 3.2.5.1 for instance will not apply to landscapes that are not ONL's.
1171. In summary, therefore, we recommend that Policy 6.3.1.2 be renumbered 6.3.1, and refer to Rural Character Landscapes, but otherwise be retained unamended, and that two amended policies numbered 6.3.2 and 6.3.3 be inserted to follow it, building on existing policies as follows:
- “Exclude identified Ski Area Sub-Zones and the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps from the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape landscape categories applied to the balance of the Rural Zone.*
- Provide a separate regulatory regime for the Gibbston Character Zone, Rural Residential Zone, Rural Lifestyle Zone and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape landscape categories, and the policies of this chapter related to those categories, do not apply unless otherwise stated.”*
1172. While the two policies have a similar end result and could potentially be collapsed together, we consider there is some value in differentiating the zones that have discrete chapters in the PDP outlining how they are to be managed, from the Ski Area Sub-Zones and the Frankton Arm that are part of the Rural Zone.
1173. We recommend that Rule 6.4.1.4 should be deleted, as a consequence.
1174. We consider that these policies, operating in conjunction with the policies of Chapter 3 related to categorisation of landscapes are the most appropriate way to achieve Objectives 3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.5.1 and 3.2.5.2 at a strategic level, having regard to the jurisdictional limitations on our consideration of these matters.
- 8.5. Policies – Managing Activities in the Rural Zones**
1175. Consequential on the suggested deletion of the objectives in this chapter, there is a need to organise the policies flowing from categorisation of rural landscapes into a logical order. We recommend that this be done first by grouping the policies managing activities throughout the

rural zones (that is, within the Rural, Rural Residential, Rural Lifestyle and Gibbston Character Zones); secondly by gathering the policies that are specific to managing activities in ONLs and ONFs; thirdly by grouping together policies related to managing activities in RCLs; and lastly by grouping together the policies related to managing activities related to lakes and rivers. We recommend that this division be made clear by including suitable headings as follows:

- a. *“Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone;*
- b. *Managing Activities in Outstanding Natural Landscapes and on Outstanding Natural Features;*
- c. *Managing Activities in Rural Character Landscapes;*
- d. *Managing Activities on Lakes and Rivers”.*

1176. Insertion of headings for the balance of the chapter requires a new heading for the three policies related to land categorisation that we have already recommended. We recommend the heading *“Rural Landscape Categorisation”* be inserted.

1177. Turning to the policies falling under the first bullet pointed heading above, the first that requires consideration is what was formerly numbered Policy 6.3.1.5, which read:

“Avoid urban subdivision and development in the rural zones.”

1178. Submissions on this policy sought a wide range of relief from its deletion to significant amendments. Mr Barr recommended its amendment to read:

“Discourage urban subdivision and urban development in the rural zones.”

1179. The substance of this policy has already been addressed in the context of our Chapter 3 report above and we have recommended that urban development outside the defined UGBs and existing settlements where UGBs have not been defined should be avoided. It follows that we recommend that all of the submissions on this policy (apart from the single submission seeking its retention) be rejected. The only amendment we recommend to the policy is to clarify what is meant by *“urban subdivision”*.

1180. Accordingly, we recommend that Policy 6.3.1.5 be renumbered 6.3.4 and amended to read:

“Avoid urban development and subdivision to urban densities in the rural zones”.

1181. The second policy common to all of the rural zones is Policy 6.3.1.8 which as notified, read:

“Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or the night sky.”

1182. Submissions on this policy sought variously its deletion⁶⁵¹, shifting provision for lighting into the rural chapter⁶⁵², carving out an exception for navigation and safety lighting⁶⁵³, and generally to give greater prominence to the significance of the night sky as a key aspect of the District’s natural environment⁶⁵⁴.

651 Submission 761

652 Submission 806

653 Submission 621: Supported in FS1097; Opposed in FS1282

654 Submission 340

1183. We also note a separate submission seeking recognition of the maintenance of the ability to view and appreciate the naturalness of the night sky and to avoid unnecessary light pollution in Chapter 3⁶⁵⁵. As discussed in Part C of our report, while we do not consider that this passes the rigorous requirement for inclusion in Chapter 3, we have taken this submission into account in this context.

1184. Mr Barr recommended the policy be amended to read:

“Ensure that the location and direction of lights avoids degradation of the night sky, landscape character and sense of remoteness where it is an important part of that character.”

1185. As Submission 568 (G Bisset) pointed out, the issue under this policy is views of the night sky (rather than degradation of the night sky per se). The night sky itself cannot be impacted by any actions taken on the ground.

1186. Second, we think that Real Journeys is correct, and provision needs to be made for navigation and safety lighting. We suggest that the policy refer to “unnecessary” degradation of views of the night sky. We also take on board a point made by Mr Ben Farrell in his evidence, that Mr Barr’s recommendation omitted reference to glare, the minimisation of which is important to night-time navigation on Lake Wakatipu.

1187. Mr Barr’s reasoning⁶⁵⁶ was that zone provisions control glare. However, in our view, some reference to glare is required at broader policy level. Again though, it is not all glare that needs to be avoided.

1188. We also think that Mr Barr’s suggested reformulation treats loss of remoteness as a discrete issue when (where applicable) it is an aspect of landscape character. It might also be seen to introduce some ambiguity as to what the qualifier (where it is an important part of that character) refers to. This can be avoided with a little redrafting.

1189. Accordingly, we recommend that Policy 6.3.1.8 be renumbered 6.3.5 and amended to read:

“Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and landscape character, including of the sense of remoteness where it is an important part of that character.”

1190. Policy 6.3.1.9 as notified read:

“Ensure the District’s distinctive landscapes are not degraded by forestry and timber harvesting activities.”

1191. One submission on this policy sought clarification of linkages with provisions related to indigenous vegetation and biodiversity and as to the extent of any limitations on timber harvesting⁶⁵⁷. Another submission sought that the policy be deleted in this context and shifted to the rural chapter⁶⁵⁸.

⁶⁵⁵ Submission 568

⁶⁵⁶ In the Section 42A Report at page 22

⁶⁵⁷ Submission 117

⁶⁵⁸ Submission 806

1192. We do not recommend the latter as this is a landscape issue common to all rural zones. We do recommend minor changes responding to Submission 117, to make it clear that this policy has no connection to indigenous vegetation or biodiversity provisions and to limit the breadth of the reference to timber harvesting (which might otherwise be seen as inconsistent with the policy focus on controlling wilding species). Accordingly, we recommend that Policy 6.3.1.9 be renumbered 6.3.6 and amended to read:

“Ensure the District’s distinctive landscapes are not degraded by production forestry planting and harvesting activities.”

1193. Policy 6.3.1.10, as notified, read:

“Recognise that low-intensity pastoral farming on large land holdings contributes to the District’s landscape character.”

1194. Submissions on this policy sought variously deletion of specific reference to pastoral farming and to the size of land holdings⁶⁵⁹, deletion of the reference to the size of land holdings⁶⁶⁰, deletion of the policy entirely or its amendment to recognise that it is the maintenance of landscape values that contributes to landscape character⁶⁶¹.

1195. Mr Barr did not recommend any change to his policy. Consequent with our recommendations in relation to notified Policy 3.2.5.5.1, we recommend that the focus of this policy should be enabling low intensity pastoral farming to continue its contribution to landscape character. While it is understandable that submitters take the view that many activities contribute to rural landscape character, large pastoral land holdings in the District have a particular role in this regard and we consider it is appropriate that they be recognised. We also consider no specific reference is required to more intensive farming⁶⁶², since the policy does not purport to enable that.

1196. In summary, we recommend that Policy 6.3.1.10 be renumbered 6.3.7 and amended to read:

“Enable continuation of the contribution low-intensity pastoral farming on large land holdings makes to the District’s landscape character.”

1197. Policy 6.3.7.2, as notified, read:

“Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District’s distinctive landscapes.”

1198. Submissions on this policy sought variously its deletion⁶⁶³, its retention⁶⁶⁴ or softening the policy to refer to avoiding, remedying or mitigating indigenous vegetation clearance⁶⁶⁵ or

⁶⁵⁹ Submission 238: Supported in FS1097; Opposed in FS1107, FS1226, FS1234, FS1239, FS1241, FS1242, FS1248 and FS1249

⁶⁶⁰ Submission 600: Supported in FS1209; Opposed in FS1034 and FS1282

⁶⁶¹ Submission 806

⁶⁶² See e.g. Submission 110

⁶⁶³ Submission 806

⁶⁶⁴ Submission 600: Supported in FS1209; Opposed in FS1034

⁶⁶⁵ Submissions 519 and 598 (the latter in tandem with deletion of the word “significantly”): Supported in FS1015, FS1097 and FS1287; Opposed in FS1356

alternatively to significant ONFs and ONLs⁶⁶⁶. Mr Barr did not recommend any change to the policy as notified.

1199. Given that the focus of the policy is on significant degradation to visual character and landscape qualities, we take the view that an avoidance policy is appropriate. It could be amended to expand its focus (as Submission 598 suggests) but we see little value in an “*avoid, remedy or mitigate*” type policy in this context. We also consider that the policy has broader application than just indigenous vegetation in ONLs and on ONFs (that are significant by definition).

1200. Accordingly, we recommend no change to this policy, other than to renumber it 6.3.8.

1201. Policy 6.3.7.1, as notified, read:

“Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.”

1202. Two submissions⁶⁶⁷ sought amendment to this policy – that it refers to ‘biodiversity’ rather than ‘nature conservation’ values, and recognise that values might change over time. Mr Barr recommended that it remain as notified and, other than renumbering it 6.3.9, we concur. Given the revised definition of ‘nature conservation values’ we consider it an appropriate focus in this context. Similarly, we consider the policy already contemplates change.

1203. We also consider that this policy provides adequate support at a high level for offsetting, fleshed out by the provisions of Chapters 21 and 33. We therefore concur with Mr Barr’s view that no new policy on the subject⁶⁶⁸ is required.

1204. Policies 6.3.8.1 and 6.3.8.2 related to tourism infrastructure, commercial recreation and tourism related activities. Policy 6.3.8.1 provided for acknowledgement of tourism infrastructure. 6.3.8.2 involved recognition of the appropriateness of commercial recreation and tourism related activities. Most of the submissions on these policies were supportive, seeking amendments to extend their ambit.

1205. We have recommended that Policy 6.3.8.2 be shifted into the Strategic Chapter to better recognise the importance of these matters. We do not see Policy 6.3.8.1 as adding any value independently of 6.3.8.2 and accordingly both should be deleted from this chapter, as a consequential change.

1206. Policy 6.3.3.2 as notified read:

“Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Landscapes adjacent to Outstanding Natural Features would not degrade the landscape quality, character and visual amenity of Outstanding Natural Features.”

⁶⁶⁶ Submission 378: Opposed in FS1049 and FS1282

⁶⁶⁷ Submissions 378 and 806: Opposed in FS1049 and FS1282

⁶⁶⁸ As sought in Submission 608: Supported in FS1097 and FS1117; Opposed in FS1015 and FS1034

1207. Submissions on this policy sought variously minor drafting changes⁶⁶⁹, clarification that a significant degree of degradation is required⁶⁷⁰ and its deletion⁶⁷¹.
1208. Mr Barr did not recommend any change to this policy.
1209. We have considered whether this policy should properly extend to subdivision and development in the Rural Residential, Rural Lifestyle and Gibbston Character Zones. While Mr Carey Vivian suggested an amendment that would have this effect, given the limited scope of submissions on this policy, an extension of its ambit would in our view be outside scope and require a variation. Having considered that possibility on its merits, we do not recommend such a variation be advanced. Land is zoned Rural Lifestyle, or Rural Residential in the knowledge that that zoning involves acceptance of a greater density of development than the Rural Zone. If land is adjacent to an ONF, that proximity, and the potential for adverse effects on the ONF should be considered at the point the land is zoned. The Gibbston Character Zone is not adjacent to an ONF, and so the issue does not arise for land in the Gibbston Valley.
1210. Returning to the notified form of Policy 6.3.3.2, we regard degradation as importing a more than minor adverse effect, but for clarity, recommend that the policy be amended to say that. We have considered the evidence as to alternative ways in which a qualitative element might be introduced into this policy. Ms Louise Taylor⁶⁷² suggested adding “*as a whole*”, so as to give it a spatial dimension. Mr Carey Vivian suggested that the test be whether the landscape quality and visual amenity “*values*” of the ONF are adversely affected. Given the objective sought to be achieved (3.2.5.1), we consider a ‘*more than minor adverse effect*’ test is a more appropriate test. We also think that a more than minor adverse effect would, in all likelihood degrade an ONF ‘*as a whole*’ and adversely affect the values that make it significant⁶⁷³. The only other amendments we would recommend are consequential (to refer to Rural Character Landscapes and renumber it 6.3.10) and clarification (to make it clear that the focus is on the ONF to which subdivision and development is adjacent).
1211. Accordingly, we recommend that this Policy be amended to read:
- “Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s).”*
1212. Policy 6.3.5.4 as notified read:
- “Encourage any landscaping to be sustainable and consistent with the established character of the area.”*
1213. The only submissions specifically on this policy sought its retention. Mr Barr recommended one minor change, to clarify that the reference to sustainability in this context is not the broad concept in section 5 of the Act, but rather relates to whether landscaping is viable.

⁶⁶⁹ Submission 375: Opposed in FS1097 and FS1282

⁶⁷⁰ Submissions 519 and 598: Supported in FS1015, FS1097 and FS1287; Opposed in FS1282 and FS1356

⁶⁷¹ Submissions 355 and 598: Supported in FS1287; Opposed in FS1282 and FS1320

⁶⁷² Giving evidence for Matukituki Trust

⁶⁷³ The focus of Proposed RPS, Policy 3.2.4

1214. We agree with the thinking behind that suggested change, but consider it could be made clearer. Accordingly, we recommend that this Policy be renumbered 6.3.11 and amended to read:

“Encourage any landscaping to be ecologically viable and consistent with the established character of the area.”

1215. In summary, having reviewed the policies in this section, we consider that individually and collectively with the policies both in Chapter 3 and in the balance of this chapter, they are the most appropriate way to achieve the objectives in Chapter 3 relevant to use, development and protection of the rural areas of the District at a strategic level.

8.6. Policies – Managing Activities in ONLs and on ONFs

1216. As notified, Policy 6.3.1.3 read:

“That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1. and 21.7.3 because subdivision and development is inappropriate in almost all locations meaning successful applications will be exceptional cases.”

1217. Submissions on this policy included:

- a. Seeking that the Policy be restricted to a cross reference to the assessment matters⁶⁷⁴;
- b. Seeking to delete reference to the assessment matters, but retain the emphasis on subdivision and development being generally inappropriate⁶⁷⁵;
- c. Seeking to delete it entirely⁶⁷⁶;
- d. Seeking to amend the concluding words to soften the expectations as the number of locations where developments will be inappropriate⁶⁷⁷;
- e. Seeking to amend the policy to state the intention to protect ONLs or ONFs from inappropriate subdivision, use or development⁶⁷⁸;
- f. Seeking to qualify the policy to provide specifically for infrastructure with its own test, or alternatively add a new policy the same effect⁶⁷⁹.

1218. In his reply evidence, Mr Barr recommended this policy be amended to read:

“That subdivision and development proposals located within the Outstanding Natural Landscape, or an Outstanding Natural Feature, be assessed against the assessment matters in provisions 21.7.1 and 21.7.3 because subdivision development is inappropriate in almost all locations within the Wakatipu Basin, and inappropriate in many locations throughout the districtwide Outstanding Natural Landscapes.”

⁶⁷⁴ Submissions 249, 355, 502, 519, 621: Supported in FS1012, FS1015 and FS1097; Opposed in FS1282, FS1320 and FS1356

⁶⁷⁵ Submissions 375, 437, 456: Opposed in FS1015, FS1097, FS1160 and FS1282

⁶⁷⁶ Submissions 624, 806

⁶⁷⁷ Submissions 598: Supported in FS1097, FS1117 and FS1287; Opposed in FS1282

⁶⁷⁸ Submission 581: Supported in FS1097; Opposed in FS1282

⁶⁷⁹ Submissions 251, 805: Supported in FS1092, FS1097 and FS1115; Opposed in FS1282

1219. The recommended amendment recognises a distinction drawn in the initial Environment Court decision on the ODP⁶⁸⁰ between the reduced capacity of the Wakatipu Basin ONLs to absorb change, compared to the ONLs in the balance of the District⁶⁸¹.
1220. A number of the planning witnesses who appeared at the hearing criticised this policy as notified as inappropriately prejudicing applications yet to be made. Ms Louise Taylor suggested to us for instance that such predetermination was inconsistent with the caselaw applying a *'broad judgment'* to resource consent applications.
1221. Mr Tim Williams noted also that there were a number of examples where developments in ONLs had been found to be appropriate. While Mr Williams did not say so explicitly, the implication was that it is not factually correct that appropriate development in an ONL is an exceptional case.
1222. As against those views, Mr John May gave evidence suggesting that the notified policy was both realistic and reflected the sensitivity and value of the District's landscapes.
1223. The Environment Court thought it was necessary to make comment about the likelihood of applications being successful in the ODP to make it clear that the discretionary activity status afforded activities in ONLs and ONFs under the ODP did not carry the usual connotation that such activities are potentially suitable in most if not all locations in a zone⁶⁸². The Environment Court made it clear that, were this not able to be stated, a more restrictive, non-complying activity would be appropriate.
1224. Mr Goldsmith⁶⁸³ submitted to us that the existing reference to appropriate development in ONLs being an exceptional case originated from the Environment Court's identification of the ONLs in the Wakatipu Basin as requiring a greater level of protection. He also submitted that elevation of the existing provision into a policy required justification and evidence⁶⁸⁴.
1225. We do not think Mr Goldsmith's first point is factually correct. While the initial consideration in the Environment Court's mind might have been the vulnerability of the Wakatipu Basin ONLs, the ODP text the Court approved reads:
- "... in or on outstanding natural landscapes and features, the relevant activities are inappropriate in almost all locations within the zone, **particularly** within the Wakatipu Basin or in the Inner Upper Clutha area..."* [Emphasis added]
1226. On the second point, we do not think elevation from a provision explaining the rule status ascribed to a policy requires justification in the sense Mr Goldsmith was arguing. Clearly the Environment Court thought that was the position as a fact. Whether it should now be expressed as a policy turns on whether that is the most appropriate way to achieve the relevant objective (3.2.5.1) which we have already found to be the most appropriate way to achieve the purpose of the Act. This is the basis on which we have approached the matter.

⁶⁸⁰ C180/99 at [136]

⁶⁸¹ See ODP Section 1.5.3iii(iii)

⁶⁸² Refer the discussion in *Lakes District Rural Landowners Society Inc v Queenstown Lakes District Council* C75/2001 at 41-46

⁶⁸³ When appearing for Ayrburn Farm Estate Ltd, Bridesdale Farm Developments Ltd, Shotover Country Ltd and Mt Cardrona Station Ltd. Mr Brown gave planning evidence supporting that submission.

⁶⁸⁴ Mr Carey Vivian also drew our attention to the way in which the language had been changed from the ODP, and expressed the view that it made little sense as a policy.

1227. As regards Ms Taylor’s ‘*broad judgment*’ point, we rely on the confirmation provided by the Supreme Court in *King Salmon* that plan policies may emphasise protection rather than use and development consistently with the purpose of the Act, depending on the circumstances. We also note more recent authority⁶⁸⁵ holding that reference back to Part 2 of the Act⁶⁸⁶ is only required where plan provisions are invalid, incomplete or unclear.
1228. For our part, we had a problem with Policy 6.3.1.3 (and Policy 6.3.1.4 that follows it) because of the way they refer to assessment matters. As Ms Taylor observed⁶⁸⁷, the role of assessment matters is to assist implementation of policies in a plan. We do not consider that it is appropriate that assessment matters act as quasi-policies. If they are effectively policies, they should be stated as policies in the Plan.
1229. We also consider it would be more helpful to explain not just that successful applications will be exceptional, but also to give some guidance as to what characteristics will determine whether they will be successful. As Mr Vivian observed, merely stating the general point makes little sense as a policy. The capacity to absorb change is clearly one important factor – refer notified Policy 6.3.4.1. The ODP identifies as another important touchstone (in the context of the policies governing ONLs in the Wakatipu Basin and ONFs) whether buildings and structures and associated roading and boundary developments are reasonably difficult to see. Mr Haworth (arguing in support of the more general UCES submission seeking that the ODP provisions governing development in rural areas should be retained in preference to the PDP provisions) was particularly critical of the loss of this criterion, and we consider it to be an aspect of the ODP that could usefully be carried over into the PDP.
1230. There is, however, one issue with the ODP wording. The ODP provides no indication of the viewpoint from which changes to the landscape must be reasonably difficult to see. This is surprising given that in the initial Environment Court decision on the ODP, the Environment Court observed:
- “Further, even if one considers landscapes in the loose sense of ‘views of scenery’ the first question that arises is as to where the view is from. One cannot separate the view from the viewer and their viewpoint.”*⁶⁸⁸
1231. The specific question of how this particular criterion should be framed was considered in a later decision in the sequence finalising the ODP⁶⁸⁹.
1232. From that decision, it appears that the Council proffered a test of visibility based on what could be seen *“outside the property they are located on”*. Mr Goldsmith, then acting for a number of parties on the ODP appeals, is recorded as having argued that that qualification was otiose⁶⁹⁰. Counsel for the Council, Mr Marquet, is recorded as having argued that they protected landowners’ rights.

⁶⁸⁵ *RJ Davidson Family Trust v Marlborough District Council* [2017] NZHC 52

⁶⁸⁶ And therefore to a broad judgment on the application of section 5

⁶⁸⁷ As part of her evidence on behalf of X-Ray Trust Ltd.

⁶⁸⁸ C180/99 at [74]

⁶⁸⁹ C74/2000

⁶⁹⁰ That is, serving no useful purpose

1233. The Court took the position⁶⁹¹ that the views enjoyed by neighbours should not be determinative, and directed that the qualification be deleted.
1234. With respect to the reasoning of the Environment Court, the problem we see with the end result is that without definition of the viewpoint, reasonable visibility should presumably be determined from every relevant point. Moreover, virtually nothing will be “*reasonably difficult to see*” if one views it from sufficiently close range (unless a development takes place entirely underground). The point of having a visibility test depends on having a viewpoint that is far enough away to provide a developer with an opportunity to construct a development that meets the test. Clearly that will not be possible in all cases, nor, perhaps, in many cases.
1235. But the developer needs to have that opportunity, otherwise the policy becomes one which, as counsel and witnesses for a number of submitters contended was the case with the existing PDP policies in relation to development in ONLs, can never be met.
1236. In summary, we think that the test needs to be what is reasonably difficult to see “*from beyond the boundary of the site the subject of application*”. The location of the boundary of the site in relation to the development will of course vary according to the circumstances. The land beyond the boundary might be privately or publicly owned. We considered specifying visibility from a public viewpoint (i.e. a road). Given, however, that the purpose of this requirement is ultimately to provide better definition of more than minor adverse effects of subdivision, use and development on (among other things) visual amenity values of ONLs (refer recommended Objective 3.2.5.1), this would not be the most appropriate way to achieve the objective in section 32 terms.
1237. Any alternative viewpoint would necessarily be arbitrary (some specified minimum distance perhaps) and somewhat unsatisfactory for that reason.
1238. In summary, therefore, we recommend that Policy 6.3.1.3 be renumbered 6.3.12 and amended to read:
- “Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.”*
1239. Policy 6.3.1.12, as notified read:
- “Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua including Tōpuni.”*
1240. Submissions on this policy sought variously its deletion⁶⁹², introduction of reference to inappropriate subdivision, use and development both with and without reference to the

⁶⁹¹ C74/2000 at [15]

⁶⁹² Submissions 621 and 806: Opposed in FS1282

specific values currently identified⁶⁹³, reference to a method that would identify the values in question⁶⁹⁴, and expansion of the policy to include reference to Wāhi Tupuna⁶⁹⁵

1241. When Mr Barr appeared at the hearing, we asked why it was appropriate to refer to the specific values noted in this policy as a subset of all of the values that ONLs and ONFs might have. He explained that the intention was to capture the values that might not be obvious, and he recommended no change to the policy.
1242. Mr Barr makes a good point, that these particular values would not be obvious to the casual observer. As is discussed in the Hearing Panel’s Stream 1A report (Report 2), consultation with Tangata Whenua is an important mechanism by which one can identify cultural elements in a landscape that would not otherwise be obvious. On that basis, we think it appropriate in principle to identify the significance of these particular values.
1243. For the same reason, we do not think it necessary or appropriate to insert reference to a method whereby the Council will identify all the values in question. In the case of cultural values at least, while the mapping of Wāhi Tupuna planned as part of a later stage in the District Plan review process will assist, it is primarily the responsibility of applicants for resource consent to identify whether and what values are present in landscapes that might be affected by their proposals.
1244. Submitter 810 makes a valid point, seeking reference to wāhi tupuna. The representatives of the submitter who gave evidence as part of the Stream 1A hearing indicated that there was likely to be an overlap in practice between ONLs and wāhi tupuna. Chapter 5 addresses the protection of wāhi tupuna, but if this policy is going to make specific reference to tōpuni as a matter of cultural and spiritual value to tangata whenua, we think that reference should also be made to wāhi tupuna.
1245. We have already discussed at length the utility of a qualification of policies such as this by reference to inappropriate subdivision, use and development. In summary, given the interpretation of that term by Supreme Court in its *King Salmon* decision, we do not think that it would materially alter the effect of a policy such as this.
1246. Having said that, we do have a problem with the existing wording in that recommended Objective 3.2.5.1. and Policy 3.3.29 already “*recognise and provide for*” the protection of ONLs and ONFs. The role of this policy is to flesh out how Objective 3.2.5.1 is achieved beyond what Policy 3.3.29 already says. To avoid that duplication, we recommend that the policy be renumbered 6.3.13 and reframed slightly to read:

“Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua, including tōpuni and wāhi tupuna.”

1247. Policy 6.3.4.2 as notified read:

⁶⁹³ Submissions 355 and 806: Supported in FS1097; Opposed in FS1282 and FS1320

⁶⁹⁴ Submission 355: Supported in FS1097; Opposed in FS1282 and FS1320

⁶⁹⁵ Submission 810 (noting that the other aspect of the relief sought by this submitter – referring to Manawhenua rather than Tangata Whenua – was withdrawn by the submitter by submitters representatives when they appeared in the Stream 1A Hearing)

“Recognise that large parts of the District’s Outstanding Natural Landscapes include working farms and accept that viable farming involves activities which may modify the landscape, providing the quality and character of the Outstanding Natural Landscapes is not adversely affected.”

1248. Only one submitter sought amendments specifically to this policy, seeking that it be broadened to enable any uses that might modify the landscape⁶⁹⁶.
1249. Mr Barr did not recommend any change to this policy. We concur.
1250. In the part of our report addressing Chapter 3, we recommended that the viability of farming be identified as a specific issue to be addressed by the strategy objectives and policies of that chapter. The same reasoning supports this policy.
1251. We do not consider it is appropriate to provide an open-ended recognition for any changes to ONLs. We do not think such recognition would be consistent with recommended Objective 3.2.5.1. We note also that Mr Jeff Brown, giving evidence on behalf of submitter 806 among others, did not support the relief sought in this submission.
1252. Mr Tim Williams suggested that reference might be made to other land uses, while retaining reference to the quality and character of the ONLs. While that approach is not open to the obvious objection above, we regard the extent to which non-farming activities in ONLs are accommodated as something generally best left for determination under the more general policies of Chapter 3. We discuss possible exceptions to that position below.
1253. Accordingly, we recommend that policy 6.3.4.2 be renumbered 6.3.14 but otherwise adopted with only a minor grammatical change to read:

“Recognise that large parts of the District’s Outstanding Natural Landscapes include working farms and accept that viable farming involves activities that may modify the landscape, providing the quality and character of the Outstanding Natural Landscapes is not adversely affected.”

1254. Policy 6.3.3.1 of the PDP as notified read:

“Avoid subdivision and development on Outstanding Natural Features that does not protect, maintain or enhance Outstanding Natural Features.”

1255. Submitters on this policy sought that it be deleted or alternatively qualified to refer to qualities of the relevant ONFs, to refer to inappropriate subdivision and development, or to have less of an avoidance focus. Although Mr Barr did not recommend any change to this policy, we view it as duplicating recommended Policy 3.3.30 and therefore recommend that it be deleted as adding no additional value.
1256. Policy 6.3.4.4. as notified read:

“The landscape character and amenity values of the Outstanding Natural Landscape are a significant intrinsic, economic and recreational resource, such that large scale renewable electricity generation or new large scale mineral extraction development proposals including

⁶⁹⁶ Submission 806

windfarm or hydro energy generation are not likely to be compatible with the Outstanding Natural Landscapes of the District”.

1257. Submissions on this policy largely opposed it. The view was expressed that the policy inappropriately predetermines the outcome of resource consent applications yet to be made.
1258. Mr Barr recommended one minor change to make it clear that the policy refers to ‘new’ large scale renewable electricity generation proposals.
1259. Mr Vivian suggested to us that there was a need to balance the landscape values affected against the positive benefits of renewable electricity generation.
1260. At least in the case of ONLs and ONFs, we do not think there is scope for the balancing process Mr Vivian had in mind.
1261. Mr Napp, appearing for Straterra⁶⁹⁷ sought to persuade us that the Waihi and Macraes mines provided examples of large scale proposals with well-developed restoration protocols. Mr Napp, however, accepted that the nature of the terrain any open cast mine would encounter in this District would make reinstatement a difficult proposition and that it was hard to imagine any large open cast mining proposal in an ONL would be consentable. While Mr Napp emphasised that modern mining techniques are much less destructive of the landscape than was formerly the case, we think that the existing policy wording still leaves room for an exceptional proposal. Mr Napp also did not seek to persuade us that there was any great likelihood of such a proposal being launched within the planning period.
1262. Mr Druce, appearing as the representative of Contact Energy⁶⁹⁸, likewise indicated that that company was not anticipating any new generation being installed in the Upper Clutha Catchment. Given the terms of the Water Conservation Order on the Kawarau River and its tributaries (as recently extended to include the Nevis River), there would thus appear to be no likelihood of any new large hydro generation facilities being constructed in the District within the planning period either.
1263. The policy refers specifically to wind farm or hydro energy developments. We do not think that specific reference is necessary given the definition of renewable electricity generation in the NPSREG 2011. We think that a new large scale solar electricity generation plant would be equally unlikely to be compatible with the values of ONLs and the resources to fuel any other renewable electricity generation project are not available within the District.
1264. We also find the duplicated reference to ONLs somewhat clumsy and consider it could be shortened without loss of meaning.
1265. Accordingly, we recommend that this policy be renumbered 6.3.15 and amended to read:

“The landscape, character and amenity values of the Outstanding Natural Landscapes are a significant intrinsic, economic, and recreational resource, such that new large scale renewable electricity generation or new large-scale mineral extraction development proposals are not likely to be compatible with them.”

⁶⁹⁷ Submission 598

⁶⁹⁸ Submission 580

1266. In relation to activities in ONLs and ONFs, Trojan Helmet Limited⁶⁹⁹ sought that the notified Policy 6.3.5.6 (which applied to non-outstanding landscapes and emphasised the relevance of open landscape character where it is open at present), be shifted so as to apply to ONLs. As the submitter noted, this is already a policy of the ODP. Mr Jeff Brown supported that position in his evidence.
1267. We will address the relevance of open landscape character in non-outstanding landscapes shortly, but in summary, we agree that open landscape character is an aspect both of ONLs and ONFs that should be emphasised.
1268. Accordingly, we recommend that this submission be accepted and that a new policy related to managing activities of ONLs and ONFs numbered 6.3.16 be inserted as follows:
- “Maintain the open landscape character of Outstanding Natural Landscapes and Outstanding Natural Features where it is open at present.”*
1269. Another area where submissions sought new policies was in relation to recognition of infrastructure. We heard extensive evidence and legal argument from both Transpower New Zealand Limited and QAC seeking greater recognition of the significance of infrastructure and the locational constraints it is under. Representatives for Transpower also emphasised the relevance of the NPSET 2008 to this issue.
1270. We have already discussed at some length the latter point, but in summary, we recognise that greater recognition for regionally significant infrastructure is desirable.
1271. Mr Barr recommended that a new Policy 6.3.1.12 be inserted reading:
- “Regionally significant infrastructure shall be located to avoid, remedy or mitigate degradation of the landscape, while acknowledging location constraints, technical or operational requirements.”*
1272. We agree that the correct focus, consistent with Policy 4.3.2 and 4.3.3 of the Proposed RPS, is on regionally significant infrastructure. We have already commented on the appropriate definition of that term⁷⁰⁰.
1273. When we discussed this policy wording with Mr Barr, he explained that reference to *“acknowledging”* locational constraints was intended to mean something between just noting them and enabling infrastructure to proceed as a result of such constraints. He was reluctant, however, to recommend qualifiers that, in his view, would require a significant amplification of the text.
1274. We also bear in mind the reply evidence of Mr Paetz who, after initially been supportive of an alternative policy wording (in the context of Chapter 3) providing for mitigation of the impacts of regionally significant infrastructure on ONLs and ONFs where practicable, came to the view that this would not be likely to allow the Council to fulfil its functions in terms of sections 6(a) and 6(b) of the Act.

⁶⁹⁹ Submission 437: Supported (in part) in FS1097

⁷⁰⁰ Refer our discussion of this issue at Section 3.18 above.

1275. We note the comments of the Environment Court in its initial ODP decision⁷⁰¹ rejecting a “where practicable” exclusion for infrastructure effects on ONLs. The Court stated:

“That is not a correct approach. The policy should be one that gives the Council the final say on location within Outstanding Natural Features.”

1276. We record that counsel for Transpower Limited appeared reluctant to accept that even a “where practicable” type approach would be consistent with the NPSET 2008 formulation, “seek to avoid”. For the reasons stated in our Chapter 3 report, we do not agree with that interpretation of the NPSET 2008.

1277. Having regard to the fact that we are considering what policies would most appropriately give effect to our recommended Objectives 3.2.1.9 and 3.2.5.1, we think it follows that the policy cannot permit significant adverse effects on ONLs and ONFs.

1278. Similarly, and consistently with the NPSET 2008, we think the initial approach should be to seek to avoid all adverse effects. Where adverse effects cannot be avoided, we think that they should be reduced to the smallest extent practically possible; i.e. minimised.

1279. In summary, therefore, we recommend insertion of two new policies numbered 6.3.17 and 6.3.18, worded as follows:

“Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.

“In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features.”

1280. We recognise that this leaves a potential policy gap for infrastructure that does not fall within the definition of regionally significant infrastructure. We consider the issues posed by such infrastructure are appropriately addressed in the more detailed provisions of Chapters 21 and 30. This is also consistent with our recommendation above that the former Rule 6.4.1.1 be converted to a new definition. As a result, the provision of infrastructure associated with subdivision and development will be considered at the same time as the development to which it relates.

1281. Submission 608⁷⁰² also sought a new policy providing for offsetting for wilding tree control within ONLs and ONFs. The submitter did not provide evidence supporting the suggested policy, relying on the reasons in its submission which, while advocating for the policy, did not explain how it would work in practice. Mr Barr recommended against its acceptance. As he put it, it seemed “the submitter wishes to trade the removal of a pest for accepting degradation of the landscape resource”. We agree. In the context of ONLs and ONFs, whose protection we are required to recognise and provide for, we would require considerable convincing that this is an appropriate policy response, including but not limited to a cogent section 32AA analysis, which the submitter did not provide.

⁷⁰¹ C180/99 at [72]

⁷⁰² Supported in FS1097 and FS1117; Opposed in FS1015 and FS1034

1282. Lastly under this heading, we note that Policy 6.3.1.7 as notified read:

“When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise disruption to the values derived from open rural landscapes.”

1283. Mr Barr recommended a minor drafting change to this policy. For our part, and for the reasons discussed in our Chapter 4 report, we view this as a matter that is more appropriately dealt with in Chapter 4. We recommend that it be deleted from Chapter 6 and the submissions on it addressed in the context of Chapter 4.

1284. In summary, having reviewed the policies in this section, we consider that individually and collectively with the policies of Chapter 3 and those in the balance of this chapter, these policies are the most appropriate way, at a strategic level, to achieve the objectives in Chapter 3 relevant to use, development and protection of ONLs and ONFs – principally Objective 3.2.5.1, but also including Objectives 3.2.1.1, 3.2.1.7, 3.2.1.9, 3.2.3.1, 3.2.4.1 and 3.2.7.1.

8.7. Policies – Managing Activities in Rural Character Landscapes

1285. Policy 6.3.1.4, as notified, read:

“That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.”

1286. This policy attracted a large number of submissions. Submissions included:

- a. Seeking deletion of the policy⁷⁰³;
- b. That it refer only to assessment against the assessment matters⁷⁰⁴;
- c. Deleting reference to the assessment matters and providing for adverse effects to be avoided, remedied or mitigated⁷⁰⁵;
- d. Qualifying the application of the policy by reference to the requirements of regionally significant infrastructure⁷⁰⁶.

1287. Mr Barr recommended that the word *“inappropriate”* be substituted by *“unsuitable”* but otherwise did not recommend any changes to this policy.

1288. For the reasons set out above in relation to Policy 6.3.1.3, we do not support a policy cross referencing the assessment criteria. The reference point should be the objectives and policies of the PDP. We also do not support a policy that refers simply to avoidance, remediation or mitigation of adverse effects. For the reasons set out at the outset of this report, such a policy would provide no guidance, and would not be satisfactory.

1289. We accept that regionally significant infrastructure raises particular issues. We recommend that those issues be dealt with in new and separate policies, which will be discussed shortly.

⁷⁰³ Submission 806

⁷⁰⁴ Submissions 355, 761: Supported in FS1097; Opposed in FS1282 and FS1320

⁷⁰⁵ Submissions 437, 456, 513, 515, 522, 531, 532, 534, 535, 537, 608: Supported in FS1097, FS1256, FS1286, FS1292 and FS1322; Opposed in FS1034, FS1120 and FS1160

⁷⁰⁶ Submissions 635, 805: Opposed in FS1282

1290. We accept Mr Barr’s suggested minor drafting change.
1291. In summary, we recommend that Policy 6.3.1.4 be renumbered 6.3.19 and reworded as follows:
- “Recognise that subdivision and development is unsuitable in many locations in these landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan.”*
1292. Policy 6.3.1.6, as notified, read:
- “Enable rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential Zone plan changes in areas where the landscape can accommodate change”.*
1293. A number of submissions on this policy sought amendments so it would refer to *“rural living”* rather than *“rural lifestyle living”*, deleting specific reference to the Rural Residential and Rural Lifestyle Zones, and adding reference to *“carefully considered applications for subdivision and development for rural living”*, or similar descriptions.
1294. Millbrook Country Club⁷⁰⁷ sought to broaden the focus of the policy to include resort activities and development.
1295. Queenstown Park Ltd⁷⁰⁸ sought that reference be added to the positive effects derived from rural living.
1296. Mr Barr initially recommended some recognition for resort zone plan changes in his Section 42A Report, but when we discussed the matter with him, accepted that given there is no *“Resort Zone”* as such, the matter needed further consideration⁷⁰⁹.
1297. In his reply evidence, Mr Barr discussed the issue more generally. He characterised some of the planning evidence for submitters seeking to rely on the extent to which the landscape character of the Wakatipu Basin has been and will continue to be affected by consented development as reading like *‘the horse has bolted’* and that this position should be accepted. Mr Barr did not agree. He relied on Dr Read’s evidence where she had stated that the ODP had not succeeded in appropriately managing adverse cumulative effects. We asked Dr Read that specific question: whether the horse had bolted? She did not think so, or that management of the cumulative effects of rural living in the Wakatipu Basin was a lost cause, and neither do we⁷¹⁰. However, it is clearly an issue that requires careful management.
1298. Mr Barr recommended in his reply evidence that this policy be reframed as follows:
- “Encourage rural lifestyle and rural residential zone plan changes in preference to ad-hoc subdivision and development and ensure these occur in areas where the landscape can accommodate change.”*

⁷⁰⁷ Submission 696

⁷⁰⁸ Submission 806

⁷⁰⁹ Mr Chris Ferguson suggested in his evidence that the reference be to Special Zones for this reason

⁷¹⁰ That conclusion also accords with Mr Baxter’s evidence that while the Wakatipu Basin is not composed of working farms any more, lots of properties in the Basin still look like farms, from which we infer they still have an identifiably *‘rural’* character.

1299. We largely accept the thinking underpinning Mr Barr’s recommendation. It follows that we do not accept the many submissions insofar as they sought that reference be made to rural living being enabled through resource consent applications (the epitome of ad-hoc development). Indeed, this policy is focussing on plan changes as an appropriate planning mechanism, in preference to development by a resource consent application. If anything, we think that needs to be made clearer.
1300. We do not think that specific reference needs to be made to plan reviews as an alternative planning mechanism to plan changes (as suggested by Mr Ferguson). On any plan review including management of residential development in rural areas, all of these issues will be considered afresh.
1301. Ideally also, this policy would refer to the new zone (the Wakatipu Basin Lifestyle Precinct) proposed in the Stage 2 Variations, but we cannot presume that zoning will be confirmed after the hearing of submissions on the variations, and we lack jurisdiction to do so in any event.
1302. In summary, therefore, we recommend that Policy 6.3.1.6 be renumbered 6.3.20 and reworded as follows:
- “Encourage Rural Lifestyle and Rural Residential Zone Plan Changes as the planning mechanism to provide for any new rural lifestyle and rural residential developments in preference to ad-hoc subdivision and development and ensure these zones are located in areas where the landscape can accommodate the change.”*
1303. Policy 6.3.2.3 as notified read:
- “Recognise that proposals for residential subdivision or development in the Rural Zone that seek support from existing and consented subdivision or development have potential for adverse cumulative effects. Particularly where the subdivision and development would constitute sprawl along roads.”*
1304. Submissions on this policy included:
- Seeking deletion of the final sentence referring to sprawl along roads⁷¹¹;
 - Seeking to insert reference to inappropriate development in the Rural Zone⁷¹²;
 - Seeking to delete this policy and the one following it, and substitute a policy that would ensure incremental subdivision and development does not degrade landscape character or visual amenity values including as a result of ‘mitigation’ of adverse effects⁷¹³.
1305. When Mr Barr appeared, we asked him what the words “seeking support” were intended to refer to, and he explained that this was intended to be a reference to the “existing environment” principle recognised in the case law⁷¹⁴. In his reply evidence, Mr Barr sought to make this clearer. He also recommended acceptance of a submission seeking deletion of the last sentence of the Policy, given that it duplicates matters covered in Policy 6.3.2.4.

⁷¹¹ Submission 456

⁷¹² Submission 600: Supported in FS1209; Opposed in FS1034

⁷¹³ Submission 761: Opposed in FS1015

⁷¹⁴ Acknowledging the observations of the High Court in *Royal Forest and Bird Protection Society v Buller District Council* [2013] NZHC1324 at [13] and following regarding the inappropriateness of it as a description of the relevant legal principles.

1306. We largely accept Mr Barr’s recommendation. The exception is that we think that the reference to “*residential subdivision or development*” would benefit from clarification. The term ‘rural living’ was used extensively in the planning evidence we heard and we suggest that as an appropriate descriptor. We do not accept the suggestion in Submission 761 – for the reasons set out in our discussion of the appropriate strategic policy in Chapter 3 governing rural character landscapes, a general policy of ‘*no degradation*’ would in our view go too far.

1307. However, we think there is room for a more restrictive approach to ‘*mitigation*’ of proposed developments, which is also suggested in this submission, but which more properly relates to Policy 6.3.2.5. This is addressed shortly.

1308. In summary, we recommend Policy 6.3.2.3 be renumbered 6.3.21 and amended to read:

“Require that proposals for subdivision or development for rural living in the Rural Zone take into account existing and consented subdivision or development in assessing the potential for adverse cumulative effects.”

1309. Policy 6.3.2.4 as notified read:

“Have particular regard to the potential adverse effects on landscape character and visual amenity values from infill within areas with existing rural lifestyle development or where further subdivision and development would constitute sprawl along roads.”

1310. Apart from Submission 761 already noted, submissions included a suggestion that reference to infill be deleted⁷¹⁵.

1311. Mr Barr recommended that that submission be accepted. We agree. To the extent the policy seeks to manage the adverse effects of infill development, this is caught by Policy 6.3.2.3 (now 6.3.21) and as Mr Jeff Brown noted in his evidence, the assessment should be the same for ‘*infill*’ as for ‘*outfill*’. Accordingly, we recommend that the policy be renumbered 6.3.22 and worded:

“Have particular regard to the potential adverse effects on landscape, character and visual amenity values where further subdivision and development would constitute sprawl along roads.”

1312. Policy 6.3.2.5 as notified read:

“Ensure incremental changes from subdivision and development do not degrade landscape quality, character or openness as a result of activities associated with mitigation of the visual effects of a proposed development such as a screening planting, mounding and earthworks.”

1313. Submissions included:

- a. Seeking deletion of the policy⁷¹⁶;
- a. Seeking to delete or amend reference to “*openness*”⁷¹⁷;
- b. Amending the policy to require a significant effect or to focus on significant values⁷¹⁸;

⁷¹⁵ Submission 456

⁷¹⁶ Submission 378: Opposed in FS1049 and FS1282

⁷¹⁷ Submissions 437, 456: Supported in FS1097; Opposed in FS1160

⁷¹⁸ Submissions 598 and 621: Supported in FS1287; Opposed in FS1282

- c. Seeking that specific reference to mitigation be deleted⁷¹⁹
- d. Softening the policy to be less directive⁷²⁰.

1314. Mr Barr did not recommend any changes to the policy as notified.

1315. As noted above in the discussion of the relief sought in Submission 761, we take the view that ‘mitigation’ of adverse effects from subdivision and development should not be permitted itself to degrade important values. Clearly landscape quality and character qualify.

1316. The submissions challenging reference to openness in this context, however, make a reasonable point. The policy overlaps with others referring to openness and this duplication is undesirable. The submission of Hogans Gully Farming Ltd⁷²¹ suggested that “important views” be substituted. We regard this suggestion as having merit, since it captures an additional consideration.

1317. We also find the term “screening planting” difficult to understand. We think the intention is to refer to “screen planting”.

1318. In summary, therefore, we recommend that this policy be renumbered 6.3.23 and read:

“Ensure incremental changes from subdivision and development do not degrade the landscape quality or character, or important views, as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks.”

1319. As above, we recognise that provision also needs to be made for regionally significant infrastructure in the management of activities in RCLs. Many of the considerations discussed above in relation to recognising the role of infrastructure in relation to the ONL policies also apply although clearly, given the lesser statutory protection for RCLs, a more enabling policy is appropriate in this context.

1320. Having said that, we still regard it as appropriate that infrastructure providers should seek to avoid significant adverse effects on the character of RCLs.

1321. In summary, we recommend that two new policies be inserted in this part of the PDP numbered 6.3.24 and 25, reading:

“Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases.

In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised.”

1322. Policy 6.3.5.2 as notified read:

⁷¹⁹ Submission 621: Opposed in FS1282

⁷²⁰ Submission 696

⁷²¹ Submission 456

“Avoid adverse effects from subdivision and development that are:

- *Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
- *Visible from public roads.”*

1323. Again, a large number of submissions were made on this policy. Most of those submissions sought that the policy provide for avoiding, remedying or mitigating adverse effects (paralleling the ODP in this regard). Some submissions⁷²² sought deletion of visibility from public roads as a test.

1324. One submitter⁷²³ sought greater clarity that this policy relates to subdivision and development on RCLs. Another submitter⁷²⁴ sought reference be inserted to *“inappropriate subdivision, use and development”*.

1325. Lastly, Transpower New Zealand Limited⁷²⁵ sought an explicit exclusion for regionally significant infrastructure.

1326. Having initially (in his Section 42A Report) recommended against any change to the notified policy, Mr Barr recommended in his reply evidence that this policy be qualified in two ways – first to provide for avoiding, remedying or mitigating adverse effects, and secondly to limit the policy to focussing on visibility from public *‘formed’* roads.

1327. We accept the point underlying the many submissions on this policy that avoiding adverse effects (given the clarification the Supreme Court has provided as to the meaning of *“avoid”* in *King Salmon*) poses too high a test when the precondition is whether a subdivision and development is visible from any public road. On the other hand, if the precondition is that the subdivision and development is *“highly visible”* from public places, we take the view that an avoidance approach is appropriate, because of the greater level of effect.

1328. The first bullet in Policy 6.3.5.2 also needs to be read in the light of the definition of trails, given that trails are excluded from the list of relevant public places.

1329. The current definition of trail reads:

“Means any public access route (excluding (a) roads and (b) public access easements created by the process of tenure review under The Crown Pastoral Land Act) legally created by way of grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities.”

1330. There are no submissions on this definition. However, we consider clarification is desirable as to the exclusions noted (which are places, the visibility from which will be relevant to the application of notified Policy 6.3.4.2). Among other things, we recommend that the status of public access routes over reserves be clarified. Such access routes will not be the subject of a grant of easement and so this is not a substantive change.

⁷²² E.g. Submissions 513, 515, 531, 537, 608: Supported in FS1097, FS1256, FS1286 and FS1292; Opposed in FS1034

⁷²³ Submission 761: Opposed in FS1015

⁷²⁴ Submission 806

⁷²⁵ Submission 805

1331. In summary, we recommend to the Stream 10 Hearing Panel that the definition of trail be amended to read:

“Means any public access route legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities, and specifically excludes:

- a. Roads, including road reserves;*
- b. Public access easements created by the process of a tenure review under the Crown Pastoral Land Act; and*
- c. Public access routes over any reserve administered by Queenstown Lakes District Council, the Crown or any of its entities.”*

1332. Returning to Policy 6.3.4.2, Mr Goldsmith⁷²⁶ sought to justify constraining the policy to refer to public formed roads on the basis that the policy should not apply to roads that were not actually used. He accepted, however, that paper roads were used in the District as cycle routes and agreed that visibility from such routes was something the policy might focus on.

1333. For the same reason, we do not accept Mr Barr’s recommendation that the policy refer to public formed roads.

1334. Rather than insert an ‘avoid, remedy or mitigate’ type policy or some variation thereof (Mr Jeff Brown suggested “avoid or appropriately mitigate”), we prefer to provide greater direction by limiting the scope of the policy in other ways.

1335. Given that public roads are public places (and as such, would be used when testing whether a proposal would be highly visible), we recommend greater focus on narrowing the description of roads that are relevant for this aspect of the policy. To us, the key roads where visibility is important are those where the land adjoining the road forms the foreground for ONLs or ONFs. Effects on visual amenity from such roads are important because they diminish the visual amenity of the ONL or ONF.

1336. The second way in which we suggest the restrictiveness of the policy might be lessened is to make it clear that what is in issue are adverse effects on visual amenity, rather than any other adverse effects subdivision and development might have.

1337. Lastly, we recommend that the focus of the policy should be on subdivision, use and development as suggested in Submission 806. For the reasons set out above, we do not consider adding the word “inappropriate” would materially change the meaning of the policy.

1338. In summary, we recommend that Policy 6.3.5.2 be renumbered 6.3.26 and amended to read:

“Avoid adverse effects on visual amenity from subdivision, use and development that:

- a. is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
- b. forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads.”*

1339. Policies 6.3.5.3 and 6.3.5.6 both deal with the concept of openness. As notified, they read:

⁷²⁶ Then appearing for GW Stalker Family Trust (Submission 535) and others.

“6.3.5.3 Avoiding planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape, quality or character;

6.3.5.6 Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.”

1340. Submissions on Policy 6.3.5.3 included:
- a. Seeking amendment to refer to significant adverse effects on existing open landscape character⁷²⁷;
 - b. Seeking to substitute reference to views rather than openness, combined with emphasising that it is the appreciation of landscape quality or character which is important⁷²⁸;
 - c. Seeking to reframe the policy to be enabling of planting and screening where it contributes to landscape quality or character⁷²⁹.
1341. Many submitters sought deletion of the policy in the alternative. One submitter⁷³⁰ sought that reference be made to inappropriate subdivision use and development.
1342. A similar range of submissions were made on Policy 6.3.5.6.
1343. A number of parties appearing before us on these policies emphasised to us the finding of the Environment Court in its 1999 ODP decision that protection of the open character of landscape should be limited to ONLs and ONFs and that non-outstanding landscapes might be improved both aesthetically and ecologically by appropriate planting⁷³¹.
1344. We note that the Court also mentioned views from scenic roads as an exception which might justify constraints on planting, so clearly in the Court’s mind, it was not a legal principle that admitted of no exceptions.
1345. More generally, we think that open landscape character is not just an issue of views as many submitters suggest, although clearly views are important to visual amenity, and that a differentiation needs to be made between the floor of the Wakatipu Basin, on the one hand, and the Upper Clutha Basin on the other. It appears to us that the Environment Court’s comments were made in the context of evidence (and argument) regarding the Wakatipu Basin. In that context, and on the evidence we heard, the focus should be on openness where it is important to landscape character (i.e. applying notified policy 6.3.5.3). We note that the Stage 2 Variations provide detailed guidance of the particular landscape values of different parts of the Wakatipu Basin.
1346. Dr Read identified the different landscape character of the Wakatipu Basin compared to the Upper Clutha Basin in her evidence, with the former being marked by much more intensive use and development, as well as being more enclosed, whereas the Upper Clutha Basin is marked by more extensive farming activities and is much bigger. She noted though that on

⁷²⁷ Submission 356: Supported in FS1097

⁷²⁸ Submissions 437, 456, 513, 515, 522, 531, 537, 608: Supported in FS1097, FS1256, FS1286 and FS1292; Opposed in FS1034

⁷²⁹ Submission 806

⁷³⁰ Submission 513

⁷³¹ C180/99 at [154]

the Hawea Flat, existing shelter belts mean that while more open, the Upper Clutha Basin is not as open as one might think.

1347. In summary, we recommend that Policies 6.3.5.3 and 6.3.5.6 be renumbered 6.3.27 and 6.3.28 and amended to read as follows:

“In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries, that would degrade openness where such openness is an important part of its landscape quality or character.

In the Upper Clutha Basin, have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.”

1348. Policy 6.3.5.5 as notified read:

“Encourage development to utilise shared accesses and infrastructure, to locate within the parts of the site where they will be least visible, and have the least disruption of the landform and rural character.”

1349. Submissions on this policy sought variously, qualification to reflect what is operationally and technical feasible⁷³² and to delete reference to visibility substituting reference to minimising or mitigating disruption to natural landforms and rural character⁷³³.

1350. Mr Barr recommended acceptance of the substance of the latter submission. We agree. Visibility is dealt with by other policies and should not be duplicated in this context. However, saying both minimise or mitigate would make the policy unclear. Consistent with the existing wording, minimisation is the correct focus.

1351. We do not consider that qualification is necessary to refer to operational and technical feasibility given that the policy only seeks to encourage the desired outcomes.

1352. We do accept, however, that the focus should be on ‘natural’ landforms, as opposed to any landforms that might have been created artificially.

1353. In summary, we recommend that Policy 6.3.5.5 be renumbered 6.3.29 and amended to read:

“Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where it will minimise disruption to the natural landform and to rural character.”

1354. Policy 6.3.4.1 as notified read:

“Avoid subdivision and development that would degrade the important qualities of the landscape, character and amenity, particularly where there is little or no capacity to absorb change. “

1355. While Mr Barr recommended that this policy be retained as is, the amendments we have recommended to notified Policy 6.3.1.3 (in relation to ONLs and ONFs) means that Policy

⁷³² Submission 635

⁷³³ Submission 836: Supported in FS1097

- 6.3.4.1 no longer serves a useful purpose. Accordingly, it should be deleted as a consequential change.
1356. The same reasoning prompts us to recommend deletion of Policy 6.3.1.11 which as notified, read:
- “Recognise the importance of protecting the landscape character and visual amenity values particularly as viewed from public places.”*
1357. This policy has effectively been overtaken by the package of policies we have recommended and should be deleted as a consequential change.
1358. Policy 6.3.1.11 was almost identical to notified Policy 6.3.4.3 which read:
- “Have regard to adverse effects on landscape character and visual amenity values as viewed from public places, with emphasis on views from formed roads.”*
1359. It too should be deleted as a consequential change.
1360. Policy 6.3.5.1 as notified read:
- “Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.”*
1361. While Mr Barr recommended that this policy remain as is, it overlaps (and conflicts) with Policy 3.3.32 that we have recommended.
1362. Accordingly, we recommend that this policy be deleted as a consequential change.
1363. Lastly, under this heading, we should discuss Policies 6.3.2.1 and 6.3.2.2, which relate to residential development in the rural zones. As notified, these policies read respectively:
- “Acknowledge that subdivision and development in the rural zones, specifically residential development, has a finite capacity if the District’s landscape quality, character and amenity values are to be sustained.*
- Allow residential subdivision only in locations where the District’s landscape character and visual amenity would not be degraded.”*
1364. While Mr Barr recommended that these policies be retained, we have a number of issues with them. As discussed in the context of Objective 3.2.5.2, a Plan provision referring to finite capacity for development is of little use without a statement as to where the line is drawn, and where existing development is in relation to the line. More materially, the two policies purport to govern development across the rural zones and therefore encompasses ONLs, ONFs and Rural Character Landscapes. We have endeavoured to emphasise the different tests that need to be applied, depending on whether a landscape is an ONL (or ONF) or not.
1365. Last but not least, these policies overlap (and in some respects conflict) with other policies we have recommended in Chapter 3 (specifically 3.3.21-23, 3.3.30 and 3.3.32) and in Chapter 6 (specifically 6.3.12). Therefore, we recommend they be deleted.

1366. In summary, having reviewed the policies in this section, we consider that individually and collectively with the policies of Chapter 3 and the balance of this chapter, these policies are the most appropriate way, at a strategic level, to achieve the objectives in Chapter 3 relevant to use, development and protection of landscapes that are not ONLs or ONFs – principally Objective 3.2.5.2 but also including Objectives 3.2.1.1, 3.2.1.7, 3.2.1.8, 3.2.1.9, 3.2.3.1, 3.2.4.1 and 3.2.7.1.

8.8. Policies – Managing Activities on Lakes and Rivers

1367. Policy 6.3.6.1 as notified read:

“Control the location, intensity and scale of buildings, jetties, moorings and utility structures on the surface and margins of water bodies and ensure these structures maintain or enhance the landscape quality, character and amenity values.”

1368. Submissions on this policy sought variously:

- a. Qualification of amenity values to refer to *“visual amenity values”*⁷³⁴;
- a. Deletion of the latter part of the policy identifying the nature of the controls intended⁷³⁵;
- b. Qualifying the reference to enhancement so that it occurs *“where appropriate”*⁷³⁶;
- c. Qualifying the policy so it refers to management rather than controlling, identifies the importance of lakes and rivers as a resource and refers to avoiding, remedying or mitigating effects⁷³⁷.

1369. Mr Barr recommended that the word *“infrastructure”* be substituted for utility structures as the only suggested change to this policy. This is more consistent with the terminology of the PDP and we do not regard it as a substantive change.

1370. Against the background of recommended Objective 3.2.4.3, which seeks that the natural character of the beds and margins of lakes, rivers and wetlands is preserved or enhanced, it is appropriate that buildings on the surface and margins of water bodies are controlled so as to assist achievement of the objective. For the same reason, a generalised *“avoid, remedy or mitigate”* policy is not adequate.

1371. We also do not consider that adding the words *“where appropriate”* will provide any additional guidance to the application of the policy.

1372. Further, we do not agree that reference to amenity values should be qualified and restricted to just visual amenity. To make that point clear requires a minor drafting change.

1373. We also recommend that the word *“the”* before landscape be deleted to avoid any ambiguity as to which values are in issue. Again, we consider that this is a minor non-substantive change.

1374. In summary, we recommend that these, together with the drafting change suggested by Mr Barr be the only substantive amendments, with the result that the policy, now renumbered 6.3.30, would read as follows:

⁷³⁴ Submission 110

⁷³⁵ Submission 621

⁷³⁶ Submission 635

⁷³⁷ Submission 766 and 806: Supported in FS1341

“Control the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies and ensure these structures maintain or enhance landscape quality and character, and amenity values.”

1375. Policy 6.3.6.2 as notified read:

“Recognise the character of the Frankton Arm including the established jetties and provide for these on the basis that the visual qualities of the District’s distinctive landscapes are maintained and enhanced.”

1376. Submissions on this policy included:

- a. A request to refer to the *“modified”* character of the Arm and to delete reference to how the Arm should be managed⁷³⁸.
- b. A request to provide greater guidance as to how this policy will be applied to applications for new structures and activities and to support the importance of providing a water based public transport system⁷³⁹

1377. Mr Barr did not recommend any change to this policy.

1378. We consider that, as with Policy 6.3.6.1, the relief suggested in Submission 621 would not be consistent with Objective 3.2.4.5. Having said that, to the extent that the existing character of the Frankton Arm is modified, the policy already provides for that. To the extent that other submissions seek greater guidance on how this policy might be applied, it is supplemented by more detailed provisions in the Rural Zone Chapter.

1379. Accordingly, we do not recommend any changes to this policy other than to renumber it 6.3.31.

1380. Policy 6.3.6.3 as notified read:

“Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District’s distinct landscapes.”

1381. Submissions on this policy sought to delete the proviso⁷⁴⁰ and to seek additional guidance along the same lines as sought for the previous policy⁷⁴¹

1382. Mr Barr did not recommend any change.

1383. With one minor exception, we agree. A policy that recognises and provides for something with no indication of the extent of that provision is not satisfactory, as it provides no guidance to the implementation of the PDP. However, as with the previous policy, more detailed guidance is provided in the relevant zone chapter⁷⁴².

⁷³⁸ Submission 621

⁷³⁹ Submissions 766 and 806: Supported in FS1341

⁷⁴⁰ Submission 621

⁷⁴¹ Submissions 766, 608 and 806: Supported in FS1341

⁷⁴² Chapter 12: Queenstown Town Centre Zone

1384. The exception noted above relates to the reference to “*distinct*” landscapes in the policy. This appears to be a typographical error. The term should be “*distinctive*”. Correcting that error, the policy we recommend, renumbered 6.3.31, is:

“Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District’s distinctive landscapes.”

1385. It is notable that the three policies we have just reviewed under the heading Lakes and Rivers all relate to structures and other facilities on the surface and margins of the District’s water bodies. There is no policy specifically relating to the use of the surface of the District’s water bodies. That omission was the subject of comment in the evidence. We have already discussed the submission of Kawarau Jet Services Limited⁷⁴³ seeking a new policy worded:

“Provide for a range of appropriate Recreational and Commercial Recreational activities in the rural areas and on the lakes and rivers of the District.”

1386. In the part of this report discussing Chapter 3⁷⁴⁴, we said that we thought it appropriate that commercial recreation activities in rural areas be addressed there and that the specific issue of commercial recreation activities on the District’s waterways be addressed in Chapter 6. We also note the submission of Real Journeys Limited⁷⁴⁵ seeking, as part of greater recognition for tourism activities at a policy level, protection for “*existing transport routes and access to key visitor attractions from incompatible uses and development of land and water*”.

1387. Mr Ben Farrell provided evidence on this submission. Mr Farrell supported the concept proposed in the Real Journeys’ submission that there be a separate chapter for water, as he described it, “*to more appropriately recognise and provide for the significance of fresh water*”.

1388. When Mr Farrell appeared at the hearing in person, he clarified that what he was suggesting was greater emphasis on water issues and that this might be achieved either by a separate chapter, or at least a separate suite of provisions. He summarised his position as being one where he was not seeking substantive change in the provisions, but rather to focus attention on it as an issue. He noted specifically that the landscape provisions seemed silent on water.

1389. We concur that there appears insufficient emphasis on water issues in Chapter 6. We have endeavoured to address that by appropriate headings, but we think that the Kawarau Jet submission points the way to a need to address both recreational and commercial use of the District’s waterways in policy terms.

1390. Having said that, we think that there are flaws with the relief Kawarau Jet has sought. As the Real Journeys’ submission indicates, one of the issues that has to be confronted in the implementation of the PDP is competition for access to the District’s waterways. A policy providing for a range of activities on lakes and rivers could be read as implying that every waterway needs to accommodate a range of activities, whereas the reality is that in many situations, access is constrained because the waterways in question are not of sufficient breadth or depth to accommodate all potential users.

⁷⁴³ Submission 307

⁷⁴⁴ Refer Section 3.14 above

⁷⁴⁵ Submission 621

1391. The Kawarau Jet submission does not provide a sufficient jurisdictional basis for us to recommend direction on how these issues should be resolved. The Real Journeys' submission gets closer to the point, but only addresses some of the issues. One point that can be made is that any general policy is not intended to cut across the more detailed policies already governing structures. Other than that however, while we would prefer a more directive policy, we have concluded that the best that can be done in the context of Chapter 6 is a policy that provides a framework for more detailed provisions in Chapters 12 and 21.
1392. We also do not consider that commercial use should be limited to commercial recreation – that would exclude water taxis and ferry services, and we do not consider there is a case for doing that.
1393. Accordingly, we recommend a new policy numbered 6.3.33, worded as follows:
- “Provide for appropriate commercial, and recreational activities on the surface of water bodies that do not involve construction of new structures.”*
1394. Contact Energy⁷⁴⁶ sought a new policy, seeking to recognise changes to landscape values on a seasonal basis resulting from electricity generation facilities. The submitter's focus is obviously on changes to levels and flows in Lake Hawea and the Hawea River resulting from operation of the Hawea Control Structure. Those activities are regional council matters and we do not consider the proposed policy is required in this context.
1395. In summary, within the jurisdictional limits we are working within, we consider that the policies we have recommended in relation to lakes and rivers are the most appropriate way, at a strategic level, to achieve the objectives of Chapter 3 applying to waterways – specifically Objectives 3.2.1.1, 3.2.1.7, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2.
1396. We have also stood back and reflected on the policies and other provisions of Chapter 6 as a whole. For the reasons set out above, we consider that individually and collectively the policies are the provisions recommended represent the most appropriate way to achieve the objectives of Chapter 3 relevant to landscape and rural character.

9. PART D RECOMMENDATIONS

1397. As with Chapters 3 and 4, Appendix 1 contains our recommended Chapter 6.
1398. In addition, we recommend⁷⁴⁷ that the Stream 10 Hearing Panel consider addition of a new definition of 'subdivision and development' be inserted in Chapter 2, worded as follows:
- “Subdivision and Development - includes subdivision, identification of building platforms, any buildings and associated activities such as roading, earthworks, lighting, landscaping, planting and boundary fencing and access/gateway structures”.*
1399. We also recommend⁷⁴⁸ the Stream 10 Hearing Panel consider amendment of the existing definition of 'trail' as follows:

⁷⁴⁶ Submission 580: Opposed in FS1040

⁷⁴⁷ Refer the discussion of this point at Section 8.4 above.

⁷⁴⁸ Refer in this instance to Section 8.7above.

Trail – means any public access route legally created by way of a grant of easement registered after 11 December 2007 for the purpose of providing public access in favour of the Queenstown Lakes District Council, the Crown or any of its entities, and specifically excludes:

- a. roads, including road reserves;
- d. public access easements created by the process of tenure review under the Crown Pastoral Land Act; and
- e. public access routes over any reserve administered by Queenstown Lakes District Council, the Crown or any of its entities

27 SUBDIVISION & DEVELOPMENT

27.1

Purpose

Subdivision and the resultant development enables the creation of new housing and land use opportunities, and is a key driver of the District’s economy. The council will support subdivision that is well designed, is located in the appropriate locations anticipated by the District Plan with the appropriate capacity for servicing and integrated transportation.

All subdivision requires resource consent unless specified as a permitted activity. It is recognised that subdivisions will have a variable nature and scale with different issues to address. Good subdivision design, servicing and the appropriate management of natural hazards are underpinned by a shared objective to create healthy, attractive and safe places.

Good subdivision can help to create neighbourhoods and places that people want to live or work within, and should also result in more environmentally responsive development that reduces car use, encourages walking and cycling, and maximises access to sunlight.

Good subdivision design will be encouraged by the use of the QLDC Subdivision Design Guidelines 2015. The QLDC Subdivision Design Guidelines includes subdivision and urban design principles and outcomes that give effect to the objectives and policies of the Subdivision and Strategic Directions Chapters, in both designing and assessing subdivision proposals in urban areas. Proposals at odds with this document are not likely to be consistent with the policies of the Subdivision and Strategic Directions chapters, and therefore, may not achieve the purpose of the Act. Some aspects of the Subdivision Design Guidelines may be relevant to rural subdivisions.

The QLDC Land Development and Subdivision Code of Practice provides assistance in the design of subdivision and development infrastructure in the District and should also be considered by subdivision applicants.

The Council uses its Development Contributions Policy set out in its 10 Year Plan to fix the contributions payable by subdividers for infrastructure upgrades. That policy operates in parallel with the provisions of this chapter and should also be referred to by subdivision consent applicants.

The subdivision chapter is the primary method to ensure that the District’s neighbourhoods are quality environments that take into account the character of local places and communities.

27.2

Objectives and Policies - District Wide

27.2.1 **Objective - Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.**

- | | |
|----------|--|
| Policies | <p>27.2.1.1 Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognising opportunities for innovative design.</p> <p>27.2.1.2 Enable urban subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site.</p> <p>27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.</p> |
|----------|--|

- 27.2.1.4** Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing:
 - a. desirable urban design outcomes;
 - b. greater efficiency in the development and use of the land resource;
 - c. affordable or community housing.
- 27.2.1.5** Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.
- 27.2.1.6** Ensure the requirements of other relevant agencies are fully integrated into the subdivision development process.
- 27.2.1.7** Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.

27.2.2 Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.

- Policies
- 27.2.2.1** Ensure subdivision design provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.
 - 27.2.2.2** Ensure subdivision design maximises the opportunity for buildings in urban areas to front the road.
 - 27.2.2.3** Locate open spaces and reserves in appropriate locations having regard to topography, accessibility, use and ease of maintenance, while ensuring these areas are a practicable size for their intended use.
 - 27.2.2.4** Urban subdivision shall seek to provide for good and integrated connections and accessibility to:
 - a. existing and planned areas of employment;
 - b. community facilities;
 - c. services;
 - d. trails;
 - e. public transport; and
 - f. existing and planned adjoining neighbourhoods, both within and adjoining the subdivision area.

- 27.2.2.5** Urban subdivision design will integrate neighbourhoods by creating and utilising connections that are easy and safe to use for pedestrians and cyclists and that reduce vehicle dependence within the subdivision.
- 27.2.2.6** Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.
- 27.2.2.7** Promote informal surveillance for safety in urban areas through overlooking of open spaces and transport corridors from adjacent sites and dwellings and by effective lighting.
- 27.2.2.8** Manage subdivision within the National Grid Corridor or near to electricity distribution lines to facilitate good amenity and urban design outcomes, while minimising potential adverse effects (including reverse sensitivity effects) on the National Grid and avoiding, remedying or mitigating potential adverse effects (including reverse sensitivity effects) on electricity distribution lines.

27.2.3 Objective - The potential of small scale and infill subdivision in urban areas is recognised and provided for while acknowledging their design limitations.

- Policies
- 27.2.3.1** Accept that small scale subdivision in urban areas, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.5 and 27.2.2.7.
 - 27.2.3.2** While acknowledging potential limitations, encourage small scale and infill subdivision in urban areas to:
 - a. ensure lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy;
 - b. where possible, locate lots so that they over-look and front road and open spaces;
 - c. avoid the creation of multiple rear sites, except where avoidance is not practicable;
 - d. where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and enhance positive visual coherence of the development with the surrounding neighbourhood;
 - e. identify and create opportunities for connections to services and facilities in the neighbourhood.

27.2.4 Objective - Natural features, indigenous biodiversity and heritage values are identified, incorporated and enhanced within subdivision design.

- Policies
- 27.2.4.1** Incorporate existing and planned waterways and vegetation into the design of subdivision, transport corridors and open spaces where that will maintain or enhance biodiversity, riparian and amenity values.
 - 27.2.4.2** Ensure that subdivision and changes to the use of land that result from subdivision do not reduce the values of heritage features and other protected items scheduled or identified in the District Plan.
 - 27.2.4.3** Encourage subdivision design to protect and incorporate archaeological sites or cultural features, recognising these features can contribute to and create a sense of place. Where applicable, have regard to Maori culture and traditions in relation to ancestral lands, water, sites, wāhi tapu and other taonga.
 - 27.2.4.4** Encourage initiatives to protect and enhance landscape, vegetation and indigenous biodiversity by having regard to:
 - a. whether any landscape features or vegetation are of a sufficient value that they should be retained and the proposed means of protection;
 - b. where a reserve is to be set aside to provide protection to vegetation and landscape features, whether the value of the land so reserved should be off-set against the development contribution to be paid for open space and recreation purposes.

27.2.5 Objective - Infrastructure and services are provided to new subdivisions and developments.

Transport, Access and Roads

- Policies
- 27.2.5.1** Integrate subdivision roading with the existing road networks in a safe and efficient manner that reflects expected traffic levels and the provision for safe and convenient walking and cycling.

For the purposes of this policy, reference to 'expected traffic levels' refers to those traffic levels anticipated as a result of the zoning of the area in the District Plan.
 - 27.2.5.2** Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.
 - 27.2.5.3** Provide linkages to public transport networks, and to trail, walking and cycling networks, where useful linkages can be developed.
 - 27.2.5.4** Ensure the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features.

- 27.2.5.5** Ensure appropriate design and amenity associated with roading, vehicle access ways, trails and trail connections, walkways and cycle ways are provided for within subdivisions by having regard to:
- a. the location, alignment, gradients and pattern of roading, vehicle parking, service lanes, access to lots, trails, walkways and cycle ways, and their safety and efficiency;
 - b. the number, location, provision and gradients of access ways and crossings from roads to lots for vehicles, cycles and pedestrians, and their safety and efficiency;
 - c. the standard of construction and formation of roads, private access ways, vehicle crossings, service lanes, walkways, cycle ways and trails;
 - d. the provision and vesting of corner splays or rounding at road intersections;
 - e. the provision for and standard of street lighting, having particular regard to siting and location, the provision for public safety and the avoidance of upward light spill adversely affecting views of the night sky;
 - f. the provision of appropriate tree planting within roads;
 - g. any requirements for widening, formation or upgrading of existing roads;
 - h. any provisions relating to access for future subdivision on adjoining land;
 - i. the provision and location of public transport routes and bus shelters.

Water supply, stormwater, wastewater

- 27.2.5.6** All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.

Water

- 27.2.5.7** Ensure water supplies are of a sufficient capacity, including fire fighting requirements, and of a potable standard, for the anticipated land uses on each lot or development.
- 27.2.5.8** Encourage the efficient and sustainable use of potable water by acknowledging that the Council's reticulated potable water supply may be restricted to provide primarily for households' living and sanitation needs and that water supply for activities such as irrigation and gardening may be expected to be obtained from other sources.
- 27.2.5.9** Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.
- 27.2.5.10** Ensure appropriate water supply, design and installation by having regard to:
- a. the availability, quantity, quality and security of the supply of water to the lots being created;
 - b. water supplies for fire fighting purposes;
 - c. the standard of water supply systems installed in subdivisions, and the adequacy of existing supply systems outside the subdivision;
 - d. any initiatives proposed to reduce water demand and water use.

Stormwater

27.2.5.11 Ensure appropriate stormwater design and management by having regard to:

- a. any viable alternative designs for stormwater management that minimise run-off and recognises stormwater as a resource through re-use in open space and landscape areas;
- b. the capacity of existing and proposed stormwater systems;
- c. the method, design and construction of the stormwater collection, reticulation and disposal systems, including connections to public reticulated stormwater systems;
- d. the location, scale and construction of stormwater infrastructure;
- e. the effectiveness of any methods proposed for the collection, reticulation and disposal of stormwater run-off, including opportunities to maintain and enhance water quality through the control of water-borne contaminants, litter and sediments, and the control of peak flow.

27.2.5.12 Encourage subdivision design that includes the joint use of stormwater and flood management networks with open spaces and pedestrian/cycling transport corridors and recreational opportunities where these opportunities arise and will maintain the natural character and ecological values of wetlands and waterways.

Wastewater

27.2.5.13 Treat and dispose of sewage in a manner that:

- a. maintain public health;
- b. avoids adverse effects on the environment in the first instance; and
- c. where adverse effects on the environment cannot be reasonably avoided, mitigates those effects to the extent practicable.

27.2.5.14 Ensure appropriate sewage treatment and disposal by having regard to:

- a. the method of sewage treatment and disposal;
- b. the capacity of, and impacts on, the existing reticulated sewage treatment and disposal system;
- c. the location, capacity, construction and environmental effects of the proposed sewage treatment and disposal system.

27.2.5.15 Ensure that the design and provision of any necessary infrastructure at the time of subdivision takes into account the requirements of future development on land in the vicinity.

Energy Supply and Telecommunications

27.2.5.16 Ensure adequate provision is made for the supply and installation of reticulated energy, including street lighting, and communication facilities for the anticipated land uses while:

- a. providing flexibility to cater for advances in telecommunication and computer media technology, particularly in remote locations;

- b. ensure the method of reticulation is appropriate for the visual amenity and landscape values of the area by generally requiring services are underground, and in the context of rural environments where this may not be practicable, infrastructure is sited in a manner that minimises visual effects on the receiving environment;
- c. generally require connections to electricity supply and telecommunications systems to the boundary of the net area of the lot, other than lots for access, roads, utilities and reserves.

Easements

27.2.5.17 Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions.

27.2.5.18 Ensure that easements are of an appropriate size, location and length for the intended use of both the land and easement.

27.2.6 Objective - Esplanades created where opportunities arise.

- Policies
- 27.2.6.1** Create esplanade reserves or strips where they would provide nature conservation, natural character, natural hazard mitigation, infrastructural or recreational benefits. In particular, Council will encourage esplanades where they:
 - a. are important for public access or recreation, would link with existing or planned trails, walkways or cycleways, or would create an opportunity for public access;
 - b. have high actual or potential value with regard to the maintenance of indigenous biodiversity;
 - c. comprise significant indigenous vegetation or significant habitats of indigenous fauna;
 - d. are considered to comprise an integral part of an outstanding natural feature or outstanding natural landscape;
 - e. would benefit from protection, in order to safeguard the life supporting capacity of the adjacent lake and river;
 - f. would not put an inappropriate burden on Council, in terms of future maintenance costs or issues relating to natural hazards affecting the land.
 - 27.2.6.2** Use opportunities through the subdivision process to improve the level of protection for the natural character and nature conservation values of lakes and rivers, as provided for in Section 230 of the Act.

27.2.7 Objective - Boundary adjustments, cross-lease and unit title subdivision are provided for.

- Policies
- 27.2.7.1** Enable cross-lease and unit title subdivision of existing units in urban areas without the need to obtain resource consent where there is no potential for adverse effects associated with the change in boundary location.

- 27.2.7.2** Ensure boundary adjustment, cross-lease and unit title subdivisions are appropriate with regard to:
- a. the location of the proposed boundaries;
 - b. in rural areas, the location of boundaries with regard to approved residential building platforms, existing buildings, and vegetation patterns and existing or proposed accesses;
 - c. boundary treatment;
 - d. the location and terms of existing or proposed easements or other arrangements for access and services.

27.3

Location-specific objectives and policies

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

Peninsula Bay

27.3.1 **Objective** - Ensure effective public access is provided throughout the Peninsula Bay land.

- | | |
|----------|--|
| Policies | <p>27.3.1.1 Ensure that before any subdivision or development occurs within the Peninsula Bay Lower Density Suburban Residential Zone, a subdivision consent has been approved confirming easements for the purposes of public access through the Open Space Zone.</p> <p>27.3.1.2 Within the Peninsula Bay site, to ensure that public access is established through the vesting of reserves and establishment of easements prior to any further subdivision.</p> <p>27.3.1.3 Ensure that easements for the purposes of public access are of an appropriate size, location and length to provide a high quality, recreational resource, with excellent linkages, and opportunities for different community groups.</p> |
|----------|--|

Kirimoko

27.3.2 **Objective** - A liveable urban environment that achieves best practice in urban design; the protection and incorporation of landscape and environmental features into the design of the area; and high quality built form.

Policies	27.3.2.1	Protect the landscape quality and visual amenity of the Kirimoko Block and preserve sightlines to local natural landforms.
	27.3.2.2	Protect the natural topography of the Kirimoko Block and incorporate existing environmental features into the design of the site.
	27.3.2.3	Ensure that urban development of the site is restricted to lower areas and areas of concealed topography, such as gullies and that visually sensitive areas such as the spurs are left undeveloped.
	27.3.2.4	Ensure the provision of open space and community facilities that are suitable for the whole community and that are located in safe and accessible areas.
	27.3.2.5	Develop an interconnected network of streets, footpaths, walkways and open space linkages that facilitate a safe, attractive and pleasant walking, cycling and driving environment.
	27.3.2.6	Provide for road and walkway linkages to neighbouring developments.
	27.3.2.7	Ensure that all roads are designed and located to minimise the need for extensive cut and fill and to protect the natural topographical layout and features of the site.
	27.3.2.8	Minimise disturbance of existing native plant remnants and enhance areas of native vegetation by providing linkages to other open space areas and to areas of ecological value.
	27.3.2.9	Design for stormwater management that minimises run-off and recognises stormwater as a resource through re-use in open space and landscape areas.
	27.3.2.10	Require the roading network within the Kirimoko Block to be planted with appropriate trees to create a green living environment appropriate to the areas.

Large Lot Residential A Zone between Studholme Road and Meadowstone Drive.

27.3.3 **Objective** - Landscape and amenity values of the zone’s low density character and transition with rural areas be recognised and protected.

- Policies
- 27.3.3.1** Have regard to the impact of development on landscape values of the neighbouring rural areas and features of these areas, with regard to minimising the prominence of housing on ridgelines overlooking the Wanaka township.
 - 27.3.3.2** Subdivision and development within land located on the northern side of Studholme Road shall have regard to the adverse effects of development and associated earthworks on slopes, ridges and skylines.
-

Bob’s Cove Rural Residential Zone (excluding sub-zone)

27.3.4 **Objective** - The special character of the Bob’s Cove Rural Residential Zone is recognised and provided for.

- Policies
- 27.3.4.1** In order to maintain the rural character of the zone, any required street lighting shall be low in height from the ground, of reduced lux spill and directed downwards to avoid adverse effects on views of the night sky.
-

Ferry Hill Rural Residential Sub-Zone

27.7.6 **Objective** - Maintain and enhance visual amenity values and landscape character within and around the Ferry Hill Rural Residential Sub-Zone.

- Policies
- 27.7.6.1** At the time of considering a subdivision application, the following matters shall be had particular regard to:
 - a. The subdivision design has had regard to minimising the number of accesses to roads;
 - b. the location and design of on-site vehicular access avoids or mitigates adverse effects on the landscape and visual amenity values by following the natural form of the land to minimise earthworks, providing common driveways and by ensuring that appropriate landscape treatment is an integral component when constructing such access;

- c. the extent to which plantings with a predominance of indigenous species enhances the naturalness of the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone;
- d. The extent to which the species, location, density, and maturity of the planting is such that residential development in the Ferry Hill Rural Residential sub-zone will be successfully screened from views obtained when travelling along Tucker Beach Road¹.

Wyuna Station Rural Lifestyle Zone

27.3.5 **Objective** - Provision for a deferred rural lifestyle zone on the terrace to the east of, and immediately adjoining, the Glenorchy Township.

- Policies **27.3.5.1** Prohibit or defer development of the zone until such a time that:
- a. the zone can be serviced by a reticulated wastewater disposal scheme within the property that services both the township and proposed zone. This may include the provision of land within the zone for such purpose; or
 - b. the zone can be serviced by a reticulated wastewater disposal scheme located outside of the zone that has capacity to service both the township and proposed zone; or
 - c. the zone can be serviced by an on-site (individual or communal) wastewater disposal scheme no sooner than two years from the zone becoming operative on the condition that should a reticulated scheme referred to above become available and have capacity within the next three years then all lots within the zone shall be required to connect to that reticulated scheme.

27.3.6 **Objective** - Subject to Objective 27.3.5, rural living development is enabled in a way that maintains the visual amenity values that are experienced from the Glenorchy Township, Oban Street and the Glenorchy-Paradise Road.

- Policies **27.3.6.1** The subdivision design, identification of building platforms and associated mitigation measures shall ensure that built form and associated activities within the zone are reasonably inconspicuous when viewed from Glenorchy Township, Oban Street or the Glenorchy-Paradise Road. Measures to achieve this include:
- a. prohibiting development over the sensitive areas of the zone via building restriction areas;
 - b. appropriately locating buildings within the zone, including restrictions on future building bulk;
 - c. using excavation of the eastern part of the terrace to form appropriate building platforms;
 - d. using naturalistic mounding of the western part of the terrace to assist visual screening of development;

¹. Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

- e. using native vegetation to assist visual screening of development;
- f. the maximum height of buildings shall be 4.5m above ground level prior to any subdivision development.

- 27.3.6.2** Maintain and enhance the indigenous vegetation and ecosystems within the building restriction areas of the zone and to suitably and comprehensively maintain these areas into the future. As a minimum, this shall include:
- a. methods to remove or kill existing wilding exotic trees and weed species from the lower banks of the zone area and to conduct this eradication annually;
 - b. methods to exclude and/or suitably manage pests within the zone in order to foster growth of indigenous vegetation within the zone, on an ongoing basis;
 - c. a programme or list of maintenance work to be carried out on a year to year basis on order to bring about the goals set out above.

Jacks Point Zone

27.3.7 Objective - Subdivision occurs consistent with the Jacks Point Structure Plan.

- Policies
- 27.3.7.1** Ensure that subdivision and development achieves the objectives and policies located within Chapter 41.
- 27.3.7.2** Within the R(HD) Activity Areas, subdivision design shall provide for the following matters:
- a. the development and suitability of public transport routes, pedestrian and cycle trail connections within and beyond the Activity Area;
 - b. mitigation measures to ensure that no building will be highly visible from State Highway 6 or Lake Wakatipu;
 - c. road and street designs;
 - d. the location and suitability of proposed open spaces;
 - e. commitments to remove wilding trees.
- 27.3.7.3** Within the R(HD-SH) Activity Areas, minimise the visual effects of subdivision and future development on landscape and amenity values as viewed from State Highway 6.
- 27.3.7.4** Within the R(HD) Activity Area, in the consideration of the creation of sites sized less than 550m², particular regard shall be given to the following matters and whether they should be given effect to by imposing appropriate legal mechanism of controls over:
- a. building setbacks from boundaries;
 - b. location and heights of garages and other accessory buildings;

- c. height limitations for parts of buildings, including recession plane requirements;
- d. window locations;
- e. building coverage;
- f. roadside fence heights.

27.3.7.5 Within the OS Activity Areas shown on the Jacks Point Zone Structure Plan, implement measures to provide for the establishment and management of open space, including native vegetation.

27.3.7.6 Within the R(HD) A - E Activity Areas, ensure cul-de-sacs are straight (+/- 15 degrees).

27.3.7.7 In the Hanley Downs areas where subdivision of land within any Residential Activity Area results in allotments less than 550m² in area:

- a. such sites are to be configured:
 - i. with good street frontage;
 - ii. to enable sunlight to existing and future residential units;
 - iii. to achieve an appropriate level of privacy between homes;
- b. parking, access and landscaping are to be configured in a manner which:
 - i. minimises the dominance of driveways at the street edge;
 - ii. provides for efficient use of the land;
 - iii. maximises pedestrian and vehicular safety; and.
 - iv. addresses nuisance effects such as from vehicle lights.
- c. subdivision design should ensure:
 - i. public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.
- d. consideration is to be given as to whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.

Waterfall Park

27.3.8 Objective – Subdivision that provides for a range of visitor, residential and recreational facilities, sympathetic to the natural setting and has regard to location specific opportunities and constraints identified within the Waterfall Park Structure Plan.

Policies **27.3.8.1** Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Waterfall Park Structure Plan located within Section 27.13.

Millbrook

27.3.9 Objective – Subdivision that provides for resort development while having particular regard to landscape, heritage, ecological, water and air quality values.

Policies **27.3.9.1** Enable subdivision which provides for appropriate, integrated and orderly development in accordance with the Millbrook Structure Plan located within Section 27.13.

Coneburn Industrial

27.3.10 Objective - Subdivision that creates opportunities for industrial activities and Service activities to occur.

Policies **27.3.10.1** Enable subdivision which provides for a combination of lot sizes and low building coverage to ensure that this area is retained for yard based industrial and service activities as well as smaller scale industrial and service activities.

27.1.10.2 Require the establishment, restoration and ongoing maintenance of the open space areas (shown on the Coneburn Structure Plan located in Section 27.13) to:

- a. visually screen development using the planting of native species;
- b. retain existing native garden species unless they are wilding;
- c. give effect to the Ecological Management Plan required by Rule 44.4.12 so its implementation occurs at the rate of development within the Zone.

27.10.4.3 Ensure subdivision works and earthworks results in future industrial and service development (buildings) being difficult to see from State Highway 6.

27.10.4.4 At the time of subdivision ensure that there is adequate provision for road access, onsite parking (staff and visitors) and loading and manoeuvring for all types of vehicle so as to cater for the intended use of the site.

- 27.10.4.5** Ensure subdivision creates lots and sites that are capable of accommodating development that meets the relevant zone standards for the Coneburn Industrial Zone.
- 27.10.4.6** Ensure that shared infrastructure (water, wastewater and stormwater) is provided, managed, and maintained if development cannot connect to Council services.
- 27.10.4.7** Require safe accesses to be provided from the State Highway into the Zone at the rate the Zone is developed.

West Meadows Drive

27.3.11 Objective - The integration of road connections between West Meadows Drive and Meadowstone Drive.

- Policies
- 27.3.11.1** Enable subdivision at the western end of West Meadows Drive which has a roading layout that is consistent with the West Meadows Drive Structure Plan.
 - 27.3.11.2** Enable variances to the West Meadows Drive Structure Plan on the basis that the roading layout results in the western end of West Meadows Drive being extended to connect with the roading network and results in West Meadows Drive becoming a through-road.

Frankton North

27.3.12 Objective - Subdivision of the Medium Density Residential and Business Mixed Use Zones on the north side of State Highway 6 between Hansen Road and Quail Rise enables development integrated into the adjacent urban areas while minimising traffic impacts on the State Highway.

- Policies
- 27.3.12.1** Limit the roading access to Frankton North to Hansen Road, Ferry Hill Drive or the Hawthorne Drive/SH6 roundabout.
 - 27.3.12.2** Ensure subdivision and development enables access to the roading network from all sites in the Frankton North Medium Density Residential and Business Mixed Use Zones and is of a form that accounts for long-term traffic demands without the need for subsequent retrofitting or upgrade.
 - 27.3.12.3** Ensure subdivision and development in the Frankton North Medium Density Residential and Business Mixed Use Zones provides, or has access to, a safe and legible walking and cycling environment adjacent to and across the State Highway linking to other pedestrian and cycling networks.

27.4

Other Provisions and Rules

27.4.1 District Wide

The rules of the zone the proposed subdivision is located within are applicable. Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 <i>Earthworks</i>	26 Historic Heritage	28 Natural Hazards
29 <i>Transport</i>	30 Energy and Utilities	31 <i>Signs</i>
32 Protected Trees	33 Indigenous Vegetation	34 Wilding Exotic Trees
35 Temporary Activities and Relocated Buildings	36 Noise	37 Designations
Planning Maps		

27.4.2 Earthworks associated with subdivision

27.4.2.1 Earthworks undertaken for the development of land associated with any subdivision shall not require a separate resource consent under the rules of the District Wide Earthworks Chapter, but shall be considered against the matters of control or discretion of the District Wide Earthworks Chapter as part of any subdivision activity².

27.4.3 Natural Hazards

27.4.3.1 The Natural Hazards Chapter of the District Plan sets a policy framework to address land uses and natural hazards throughout the District. All subdivision is able to be assessed against a natural hazard through the provisions of section 106 of the RMA. In addition, in some locations natural hazards have been identified and specific provisions apply.

². Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

27.5

Rules - Subdivision

27.5.1 All subdivision requires resource consent unless specified as a permitted activity. The abbreviations set out below are used in the following tables. Any activity which is not permitted (P) or prohibited (PR) requires resource consent.

P	Permitted	C	Controlled	RD	Restricted Discretionary
D	Discretionary	NC	Non-Complying	PR	Prohibited

Where an activity falls within more than one rule, unless stated otherwise, its status shall be determined by the most restrictive rule.

	Boundary Adjustments	Activity Status
27.5.2	<p>An adjustment to existing cross-lease or unit title due to:</p> <ul style="list-style-type: none"> a. an alteration to the size of the lot by alterations to the building outline; b. the conversion from cross-lease to unit title; or c. the addition or relocation of an accessory building; <p>providing the activity complies with all other provisions of the District Plan or has obtained a land use consent.</p> <p>Advice Note: In order to undertake such a subdivision a certificate of compliance (s139 of the Act) will need to be obtained (see s223(1)(b)).</p>	P

	Boundary Adjustments	Activity Status
27.5.3	<p>For boundary adjustment subdivision activities where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</p> <ol style="list-style-type: none"> in the case of the Rural, Gibbston Character and Rural Lifestyle Zones the building platform is retained in its approved location; no additional or relocated residential building platform is identified and approved as part of a boundary adjustment within Rural, Gibbston Character and Rural Lifestyle Zones; no additional separately saleable lots are created; the areas of the resultant lots either comply with the minimum lot size requirement for the zone (where applicable) or where any lot does not comply with an applicable minimum lot size requirement for the zone, the extent of such non-compliance is not increased; and lots must be immediately adjoining each other. <p>Control is reserved to:</p> <ol style="list-style-type: none"> the location of the proposed boundaries; boundary treatment; easements for existing and proposed access and services. 	C
27.5.4	<p>For boundary adjustments that either:</p> <ol style="list-style-type: none"> involve any site that contains a heritage or any other protected item identified on the District Plan maps; or are within the urban growth boundary of Arrowtown; <p>where there are two or more existing lots which each have separate Certificates of Title, new lots may be created by subdivision for the purpose of an adjustment of the boundaries between the existing lots, provided:</p> <ol style="list-style-type: none"> no additional separately saleable lots are created; the areas of the resultant lots comply with the minimum lot size requirement for the zone; lots must be immediately adjoining each other; <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> the impact on the heritage values of the protected item; the maintenance of the historic character of the Arrowtown Residential Historic Management Zone; the location of the proposed boundaries; boundary treatment; easements for access and services. 	RD

	Unit Title or Leasehold Subdivision	Activity Status
27.5.5	<p>Where land use consent is approved for a multi unit commercial or residential development, including visitor accommodation development, and a unit title or leasehold (including cross lease) subdivision is subsequently undertaken in accordance with the approved land use consent, provided:</p> <ol style="list-style-type: none"> all buildings must be in accordance with an approved land use resource consent; all areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose; all service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism. <p>Control is reserved to:</p> <ol style="list-style-type: none"> the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces; the effects of and on infrastructure provision. <p>This rule does not apply a subdivision of land creating a separate fee simple title.</p> <p>The intent is that it applies to subdivision of a lot containing an approved land use consent, in order to create titles in accordance with that consent.</p>	C

	Subdivision Activities - District Wide	Activity Status
27.5.6	Any subdivision that does not fall within any rule in this section 27.5.	D

	Subdivision Activities - District Wide	Activity Status
27.5.7	<p>All urban subdivision activities, unless otherwise provided for, within the following zones:</p> <ol style="list-style-type: none"> 1. Lower Density Suburban Residential Zone; 2. Medium Density Residential Zone; 3. High Density Residential Zone; 4. Town Centre Zones; 5. Arrowsmith Residential Historic Management Zone; 6. Large Lot Residential Zone; 7. Local Shopping Centre; 8. Business Mixed Use Zone; 9. Airport Zone - Queenstown. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks; k. open space and recreation; l. ecological and natural values; m. historic heritage; n. easements. <p>For the avoidance of doubt, where a site is governed by a Structure Plan, that is included in the District Plan, subdivision activities shall be assessed in accordance with Rule 27.7.1.</p>	RD

	Subdivision Activities - District Wide	Activity Status
27.5.8	<p>All subdivision activities, unless otherwise provided for, in the District's Rural Residential and Rural Lifestyle Zones</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. in the Rural Lifestyle Zone, the location and size of building platforms and in respect of any buildings within those building platforms: <ol style="list-style-type: none"> i. external appearance; ii. visibility from public places; iii. landscape character; and iv. visual amenity. b. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; c. internal roading design and provision, relating to access and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots and on lot sizes and dimensions; d. property access and roading; e. esplanade provision; f. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; g. fire fighting water supply; h. water supply; i. stormwater disposal; j. sewage treatment and disposal; k. energy supply and telecommunications including adverse effects on energy supply and telecommunication networks; l. open space and recreation; m. ecological and natural values; n. historic heritage; o. easements. 	RD
27.5.9		
27.5.10	<p>Subdivision of land in any zone within the National Grid Corridor except where any allotment identifies a building platform to be located within the National Grid Yard.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. impacts on the operation, maintenance, upgrade and development of the National Grid; b. the ability of future development to comply with NZECP34:2001; c. the location, design and use of any proposed building platform as it relates to the National Grid transmission line. 	RD
27.5.11	All subdivision activities in the Rural and Gibbston Character Zones and Airport Zone - Wanaka, unless otherwise provided for.	D

	Subdivision Activities - District Wide	Activity Status
27.5.12	The subdivision of land containing a heritage or any other protected item scheduled in the District Plan. This rule does not apply to boundary adjustments under Rule 27.5.4.	D
27.5.13	The subdivision of land identified on the planning maps as a Heritage Area.	D
27.5.14	The subdivision of a site containing a known archaeological site.	D
27.5.15	Subdivision that would alter, or create a new boundary within a Significant Natural Area scheduled in the District Plan.	D
27.5.16	A Unit Titles Act subdivision lodged concurrently with an application for building consent, or land use consent.	D
27.5.17	Within the Jacks Point Zone, subdivision that does not comply with the minimum lot areas specified in Part 27.6 and the zone and location specific rules in Part 27.7, excluding: a. in the R(HD) activity area, where the creation of lots less than 380m ² shall be assessed under Rule 27.7.5.2 (as a restricted discretionary activity).	D
27.5.18	Within the Coneburn Industrial Zone Activity Area 2a, subdivision which does not comply with the minimum lot areas specified in Part 27.6.	D
27.5.19	Subdivision that does not comply with the minimum lot areas specified in Part 27.6 with the exception of the Jacks Point Zone which is assessed pursuant to Rule 27.5.17 and Coneburn Industrial Zone Activity Area 2a which is assessed pursuant to Rule 27.5.18.	NC
27.5.20	A subdivision under the Unit Titles Act not falling within Rules 27.5.5 or 27.5.16 where the building is not completed (meaning the applicable code of compliance certificate has not been issued), or building consent or land use consent has not been granted for the buildings.	NC
27.5.21	The further subdivision of an allotment that if undertaken as part of a previous subdivision would have caused that previous subdivision to exceed the minimum average density requirements for subdivision in the Rural Lifestyle Zone or the Rural Residential Zone.	NC
27.5.22	The subdivision of land resulting in the division of a building platform.	NC
27.5.23	The subdivision of a residential flat from a residential unit.	NC
27.5.24	Any subdivision of land in any zone within the National Grid Corridor, which does not comply with Rule 27.5.10.	NC
27.5.25	Subdivision that does not comply with the standards related to servicing and infrastructure under Rule 27.7.15.	NC

27.6

Rules - Standards for Minimum Lot Areas

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

Zone		Minimum Lot Area
Town Centres		No minimum
Local Shopping Centre		No minimum
Business Mixed Use		200m ²
Airport		No minimum
Coneburn Industrial	Activity Area 1a	3000m ²
	Activity Area 2a	1000m ²
Residential	High Density	450m ²
	Medium Density	250m ²
	Lower Density Suburban	450m ²
		Within the Queenstown Airport Air Noise Boundary and Outer Control Boundary: 600m ²
	Arrowtown Residential Historic Management	800m ²
	Large Lot Residential A	2000m ²
	Large Lot Residential B	4000m ²
Rural	Rural	No minimum
	Gibbston Character	
Rural Lifestyle	Rural Lifestyle	One hectare providing the average lot size is not less than 2 hectares. For the purpose of calculating any average, any allotment greater than 4 hectares, including the balance, is deemed to be 4 hectares.
	Rural Lifestyle Deferred A and B ³	No minimum, but each of the two parts of the zone identified on the planning map shall contain no more than two allotments.
	Rural Lifestyle Buffer ⁴	The land in this zone shall be held in a single allotment.
Rural Residential	Rural Residential	4000m ²
	Rural Residential Bob's Cove sub-zone	No minimum, providing the total lots to be created, inclusive of the entire area within the zone shall have an average of 4000m ² .
	Rural Residential Ferry Hill Subzone ⁵	4000m ² with no more than 17 lots created for residential activity.

^{3,4,5} Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

Zone		Minimum Lot Area
	Rural Residential Camp Hill	4000m ² with no more than 36 lots created for residential activity
Jacks Point	Residential Activity Areas	380m ² In addition, subdivision shall comply with the average density requirements set out in Rule 41.5.8.
Millbrook		No minimum
Waterfall Park		No minimum

Advice Note:

Non-compliance with the minimum lot areas specified above means that a subdivision will fall under one of Rules 27.5.17-19, depending on its location.

27.6.2 Lots created for access, utilities, roads and reserves shall have no minimum size.

27.7

Zone - Location Specific Rules

	Zone and Location Specific Rules	Activity Status
27.7.1	<p>Subdivision consistent with a Structure Plan that is included in the District Plan.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. internal roading design and provision, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks; k. open space and recreation; and l. ecological and natural values; m. historic heritage; n. easements; o. any additional matters relevant to achievement of the objectives and policies in part 27.3 of this Chapter. 	C
27.7.2	<p>Kirimoko</p> <p>27.7.2.1 In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision consistent with the principal roading layout depicted in the Kirimoko Structure Plan shown in part 27.13, the following shall be additional matters of control:</p> <ul style="list-style-type: none"> a. roading layout; b. the provision and location of walkways and the green network; c. the protection of native species as identified on the structure plan as green network. 	C

	Zone and Location Specific Rules	Activity Status
	27.7.2.2 Any subdivision that does not comply with the principal roading layout and reserve net-work depicted in the Kirimoko Structure Plan included in Part 27.13 (including the creation of additional roads, and/or the creation of access ways for more than 2 properties).	NC
	27.7.2.3 Any subdivision of land zoned Rural proposed to create a lot entirely within the Rural Zone, to be held in a separate certificate of title.	NC
	27.7.2.4 Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot that has included in its legal boundary land zoned Rural.	NC
27.7.3	<p>Bob's Cove Rural Residential Sub-Zone</p> <p>27.7.3.1 Activities that do not meet the following standards:</p> <ul style="list-style-type: none"> a. boundary planting – Rural Residential sub-zone at Bobs Cove: <ul style="list-style-type: none"> i. within the Rural Residential sub-zone at Bobs Cove, where the 15 metre building Restriction Area adjoins a development area, it shall be planted in indigenous tree and shrub species common to the area, at a density of one plant per square metre; and ii. where a building is proposed within 50 metres of the Glenorchy-Queenstown Road, such indigenous planting shall be established to a height of 2 metres and shall have survived for at least 18 months prior to any residential buildings being erected. b. development areas and undomesticated areas within the Rural Residential sub-zone at Bob's Cove: <ul style="list-style-type: none"> i. within the Rural Residential sub-zone at Bob's Cove, at least 75% of the zone shall be set aside as undomesticated area, and shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all lot holders and the Council; ii. at least 50% of the 'undomesticated area' shall be retained, established, and maintained in indigenous vegetation with a closed canopy such that this area has total indigenous litter cover. This rule shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council; iii. the remainder of the area shall be deemed to be the 'development area' and shall be shown on the Subdivision Plan as such, and given effect to by consent notice registered against the title of the lots created, to the benefit of all holders and the Council; iv. the landscaping and maintenance of the undomesticated area shall be detailed in a landscaping plan that is provided as part of any subdivision application. This Landscaping Plan shall identify the proposed species and shall provide details of the proposed maintenance programme to ensure a survival rate of at least 90% within the first 5 years; and v. this area shall be established and maintained in indigenous vegetation by the subdividing owner and subsequent owners of any individual allotment on a continuing basis. Such areas shall be shown on the Subdivision Plan and given effect to by consent notice registered against the title of the lots; vi. any lot created that adjoins the boundary with the Queenstown-Glenorchy Road shall include a 15 metre wide building restriction area, and such building restriction area shall be given effect to by consent notice registered against the title of the lot created, to the benefit of the lot holder and the Council. 	NC

	Zone and Location Specific Rules	Activity Status
27.7.4	<p>Ladies Mile</p> <p>27.7.4.1 Subdivision of land situated south of State Highway 6 (“Ladies Mile”) and southwest of Lake Hayes that is zoned Lower Density Suburban Residential or Rural Residential as shown on the Planning Maps and that does not meet the following standards:</p> <ol style="list-style-type: none"> the landscaping of roads and public places is an important aspect of property access and subdivision design. No subdivision consent shall be granted without consideration of appropriate landscaping of roads and public places shown on the plan of subdivision. no separate residential lot shall be created unless provision is made for pedestrian access from that lot to public open spaces and recreation areas within the land subject to the application for subdivision consent and to public open spaces and rural areas ad-joining the land subject to the application for subdivision consent. 	NC
27.7.5	<p>Jacks Point</p> <p>27.7.5.1 Subdivision Activity failing to comply with the Jacks Point Structure Plan located within Section 27.13. For the purposes of interpreting this rule, the following shall apply:</p> <ol style="list-style-type: none"> a variance of up to 120m from the location and alignment shown on the Structure Plan of the Primary Road, and their intersection with State Highway 6, shall be acceptable; Public Access Routes and Secondary Roads may be otherwise located and follow different alignments provided that any such alignment enables a similar journey; subdivision shall facilitate a road connection at each Key Road Connection shown on the Structure Plan to enable vehicular access to roads which connect with the Primary Roads, provided that a variance of up to 50m from the location of the connection shown on the Structure Plan shall be acceptable; Open Spaces are shown indicatively, with their exact location and parameters to be established through the subdivision process. 	D

	Zone and Location Specific Rules	Activity Status
	<p>27.7.5.2 Subdivision failing to comply with the 380m² minimum lot size for subdivision within the Hanley Downs part of the Jacks Point Zone.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions; b. internal roading design and provision, and any consequential effects on the layout of lots, and on lot sizes and dimensions; c. property access and roading; d. esplanade provision; e. the adequacy of on site measures to address the risk of natural and other hazards on land within the subdivision; f. fire fighting water supply; g. water supply; h. stormwater design and disposal; i. sewage treatment and disposal; j. energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks; k. open space and recreation; and l. ecological and natural values; m. historic heritage; n. easements; o. location and height of buildings, or parts of buildings, including windows; p. configuration of parking, access and landscaping. 	RD
	<p>27.7.5.3 Subdivision within the OSR-North Activity Area of the Jacks Point Zone that does not, prior to application for subdivision consent being made:</p> <ol style="list-style-type: none"> a. provide to the Council noise modelling data that identifies the 55dB Ldn noise contour measured, predicted and assessed in accordance with NZS 6805:1992 Airport Noise Management and Land Use Planning and NZS 6801:2008 Acoustics – Measurement of Environmental Sound, by a person suitably qualified in acoustics, based on any consented operations from the airstrip on Lot 8 DP443832; and b. register a consent notice on any title the subject of subdivision that includes land that is located between the 55 dB Ldn contour and the airstrip preventing any ASAN from locating on that land. 	NC
27.7.6	<p>Millbrook Resort Zone</p> <p>27.7.6.1 Any subdivision of the Millbrook Resort Zone that is inconsistent with the Millbrook Resort Zone Structure Plan contained in Section 27.13.</p>	D

	Zone and Location Specific Rules	Activity Status
27.7.7	<p>Coneburn Industrial</p> <p>27.7.7.1 Subdivision not in general accordance with the Coneburn Industrial Structure Plan located in Section 27.13. For the purposes of this rule:</p> <ol style="list-style-type: none"> any fixed connections (road intersections) shown on the Structure Plan may be moved no more than 20 metres; any fixed roads shown on the Structure Plan may be moved no more than 50 metres in any direction; the boundaries of any fixed open spaces shown on the Structure Plan may be moved up to 5 metres. 	NC
	<p>27.7.7.2 Subdivision failing to comply with any of the following:</p> <ol style="list-style-type: none"> consent must have been granted under Rule 44.4.10 for landscaping of the Open Space Area shown on the Structure Plan in accordance with an Ecological Management Plan prior to lodgement of the subdivision application; subdivision of more than 10%, in area, of the Activity Areas shown on the Structure Plan shall not occur unless the work required under the Ecological Management Plan consented under Rule 44.4.10 has been completed on not less than 25% of the Open Space Area shown on the Structure Plan; subdivision of more than 25%, in area, of the Activity Areas shown on the Structure Plan shall not occur unless the work required under the Ecological Management Plan consented under Rule 44.4.10 has been completed on not less than 50% of the Open Space Area shown on the Structure Plan; subdivision of more than 50%, in area, of the Activity Areas shown on the Structure Plan shall not occur unless the work required under the Ecological Management Plan consented under Rule 44.4.10 has been completed on not less than 100% of the Open Space Area shown on the Structure Plan. 	NC
	<p>27.7.7.3 Subdivision whereby prior to the issue of a s224(c) certification under the Act for any subdivision of any land within the zone:</p> <ol style="list-style-type: none"> prior to the Northern Access Point being constructed as a Priority T Intersection (Austroads Guide to Road Design (Part 4A)) and being available for public use every subdivision of any land within the zone must contain a condition requiring that the Northern Access Point be constructed as a Priority T Intersection (Austroads Guide to Road Design (Part 4A)) and be available for public use prior to issue of a s.224(c) certificate; any subdivision of land within the Activity Areas 1a and 2a which, by itself or in combination with prior subdivisions of land within the zone, involves subdivision of more than 25% of the land area of Activity Areas 1a and 2a must include a condition requiring the construction of the Southern Access Point as a Priority T intersection (Austroads Guide to Road Design (Part 4A)) and that it be available for public use prior to issue of a s.224(c) certificate, unless the Southern Access Point has been constructed and is available for public use at the time the consent is granted. 	NC

	Zone and Location Specific Rules	Activity Status
27.7.8	<p>West Meadows Drive</p> <p>27.7.8.1 Subdivision of lots zoned Lower Density Suburban Residential at the western end of West Meadows Drive identified in Section 27.13.6 which is consistent with the West Meadows Drive Structure Plan in Section 27.13.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. the matters of control listed under Rule 27.7.1; and b. roading layout. 	C
	<p>27.7.8.2 Subdivision of lots zoned Lower Density Suburban Residential at the western end of West Meadows Drive identified in Section 27.13.6 that is inconsistent with the West Meadows Drive Structure Plan in Section 27.13.</p>	D
27.7.9	<p>Frankton North</p> <p>27.7.9.1 All subdivision activity in the Business Mixed Use Zone and Medium Density Residential Zone located north of State Highway 6 between Hansen Road and Ferry Hill Drive that complies with the following standards in addition to the requirements of Rule 27.5.7:</p> <ul style="list-style-type: none"> a. access to the wider roading network shall only be via one or more of: <ul style="list-style-type: none"> i. Hansen Road; ii. Ferry Hill Drive; and/or iii. Hawthorne Drive/State Highway 6 roundabout. b. no subdivision shall be designed so as to preclude an adjacent site complying with clause a. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. safe and effective functioning of the State Highway network; b. integration with other access points through the zones to link up to Hansen Road, Ferry Hill Drive or the Hawthorne Drive/State Highway 6 roundabout; c. integration with pedestrian and cycling networks, including those across the State Highway. 	RD
	<p>27.7.9.2 Any subdivision activity in the Business Mixed Use Zone and Medium Density Residential Zone located north of State Highway 6 between Hansen Road and Ferry Hill Drive that does not comply with Rule 27.7.9.1.</p>	NC

Ferry Hill Rural Residential sub-zone

- 27.8.6.1** Notwithstanding any other rules, any subdivision of the Ferry Hill Rural Residential sub-zone shall be in accordance with the subdivision design as identified in the Concept Development Plan for the Ferry Hill Rural Residential sub-zone.
- 27.8.6.2** Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall be retained for Landscape Amenity Purposes and shall be held in undivided shares by the owners of Lots 1-8 and Lots 11-15 as shown on the Concept Development Plan.
- 27.8.6.3** Any application for subdivision consent shall:
- a. provide for the creation of the landscape allotments(s) referred to in rule 27.8.6.2 above;
 - b. be accompanied by details of the legal entity responsible for the future maintenance and administration of the allotments referred to in rule 27.8.6.2 above;
 - c. be accompanied by a Landscape Plan that shows the species, number, and location of all plantings to be established, and shall include details of the proposed timeframes for all such plantings and a maintenance programme. The landscape Plan shall ensure:
 - i. that the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone is planted with a predominance of indigenous species in a manner that enhances naturalness; and
 - ii. that residential development is subject to screening along Tucker Beach Road.
- 27.8.6.4** Plantings at the foot of, on, and above the escarpment within Lots 18 and 19 as shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone shall include indigenous trees, shrubs, and tussock grasses.
- 27.8.6.5** Plantings elsewhere may include maple as well as indigenous species.
- 27.8.6.6** The on-going maintenance of plantings established in terms of rule 27.8.6.3 above shall be subject to a condition of resource consent, and given effect to by way of consent notice that is to be registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.
- 27.8.6.7** Any subdivision shall be subject to a condition of resource consent that no buildings shall be located outside the building platforms shown on the Concept Development Plan for the Ferry Hill Rural Residential sub-zone. The condition shall be subject to a consent notice that is registered on the title and deemed to be a covenant pursuant to section 221(4) of the Act.
- 27.8.6.8** Any subdivision of Lots 1 and 2DP 26910 shall be subject to a condition of resource consent that no residential units shall be located and no subdivision shall occur on those parts of Lots 1 and 2 DP 26910 zoned Rural General and identified on the planning maps as a building restriction area. The condition shall be subject to a consent notice that is to be registered and deemed to be a covenant pursuant to section 221(4) of the Act⁶.

⁶ Greyed out text indicates the provision is subject to variation and is therefore not part of the Hearing Panel's recommendations.

- 27.7.10** In the following zones, every allotment created for the purposes of containing residential activity shall identify one building platform of not less than 70m² in area and not greater than 1000m² in area.
- a. Rural Zone;
 - b. Gibbston Character Zone;
 - c. Rural Lifestyle Zone;

27.7.11 The dimensions of lots in the following zones, other than for access, utilities, reserves or roads, shall be able to accommodate a square of the following dimensions:

Zone		Minimum Dimensions (m = Metres)
Residential	Medium Density	12m x 12m
	Large Lot	30m x 30m
	All others	15m x 15m
Rural Residential	Rural Residential (inclusive of sub-zones)	30m x 30m

27.7.12 Subdivision applications not complying with either Rule 27.7.10 or Rule 27.7.11 shall be non-complying activities.

27.7.13 Subdivision associated with infill development

The specified minimum allotment size in Rule 27.6.1, and minimum dimensions in Rule 27.11 shall not apply in the High Density Residential Zone, Medium Density Residential Zone and Lower Density Suburban Residential Zone where each allotment to be created, and the original allotment, all contain at least one established residential unit (established meaning a Building Code of Compliance Certificate has been issued or alternatively where a Building Code of Compliance Certificate has not been issued, construction shall be completed to not less than the installation of the roof).

27.7.14 Subdivision associated with residential development on sites less than 450m² in the Lower Density Suburban Residential Zone

- 27.7.14.1** In the Lower Density Suburban Residential Zone, the specified minimum allotment size in Rule 27.6.1 shall not apply in cases where the residential units are not established, providing;
- a. a certificate of compliance is issued for a residential unit(s); or
 - b. a resource consent has been granted for a residential unit(s).

In addition to any other relevant matters pursuant to s221 of the Act, the consent holder shall register on the Computer Freehold Register of the applicable allotments:

- a. that the construction of any residential unit shall be undertaken in accordance with the applicable certificate of compliance or resource consent (applies to the additional undeveloped lot to be created);
- b. the maximum building height shall be 5.5m (applies to the additional undeveloped lot to be created).
- c. there shall be not more than one residential unit per lot (applies to all lots).

27.7.14.2 Rule 27.7.14.1 shall not apply to the Lower Density Suburban Residential Zone within the Queenstown Airport Air Noise Boundary and Outer Control Boundary as shown on the planning maps.

27.7.15 Standards related to servicing and infrastructure

Water

27.7.15.1 Subject to Rule 27.15.3, all lots, other than lots for access, roads, utilities and reserves except where irrigation is required, shall be provided with a connection to a reticulated water supply laid to the boundary of the net area of the lot, as follows:

To a Council or community owned and operated reticulated water supply:

- a. all Residential, Business, Town Centre, Local Shopping Centre Zones, and Airport Zone - Queenstown;
- b. Rural Residential Zones at Wanaka, Lake Hawea, Albert Town, Luggate and Lake Hayes;
- c. Millbrook Resort Zone and Waterfall Park Zone.

27.7.15.2 Where any reticulation for any of the above water supplies crosses private land, it shall be accessible by way of easement to the nearest point of supply.

27.7.15.3 Where no communal owned and operated water supply exists, all lots other than lots for access, roads, utilities and reserves, shall be provided with a potable water supply of at least 1000 litres per day per lot.

Telecommunications/Electricity

27.7.15.4 Electricity reticulation must be provided to all allotments in new subdivisions (other than lots for access, roads, utilities and reserves).

27.7.15.5 Telecommunication services must be available to all allotments in new subdivisions in the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone (other than lots for access, roads, utilities and reserves).

27.7.15.6 Telecommunication reticulation must be provided to all allotments in new subdivisions in zones other than the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone (other than lots for access, roads, utilities and reserves).

27.8

Rules - Esplanade Reserve Exemptions

27.8.1

Esplanade reserves or strips shall not be required where a proposed subdivision arises solely due to land being acquired or a lot being created for a road designation, utility or reserve or in the case of activities authorised by Rule 27.5.2.

27.9

Assessment Matters for Resource Consents

27.9.1 Boundary Adjustments

In considering whether or not to impose conditions in respect to boundary adjustments under Rule 27.5.3 and in considering whether or not to grant consent or impose conditions in respect to boundary adjustments under 27.5.4, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.1.1 Assessment Matters in relation to Rule 27.5.3 (Boundary Adjustments)

- a. whether the location of the proposed boundaries is appropriate, including in relation to their relationship to approved residential building platforms, existing buildings and vegetation patterns and existing or proposed accesses;
- b. whether the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
 - i. is able to accommodate development in accordance with the relevant district-wide and zone rules; and
 - ii. the potential effects on the safety of pedestrians and cyclists and other users of the space or access;
- c. whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and if so, the proposed means for their protection;
- d. the extent to which Policies 27.2.1.7, 27.2.3.2, 27.2.5.10, 27.2.5.11, 27.2.5.14 and 27.2.7.2 are achieved.

27.9.1.2 Assessment Matters in relation to Rule 27.5.4 (Boundary Adjustments involving Heritage Items and within Arrowtown’s urban growth boundary)

- a. whether the location of the proposed boundaries is appropriate, including in relation to their relationship to existing buildings and vegetation patterns and existing or proposed accesses;
- b. whether the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
 - i. is able to accommodate development in accordance with the relevant district-wide and zone rules; and
 - ii. the potential effects on the safety of pedestrians and cyclists and other users of the space or access;
- c. whether any landscape features or vegetation, including mature trees, on the site are of a sufficient amenity value that they should be retained and, if so, the proposed means for their protection;
- d. the effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance.
- e. where lots are being amalgamated within the Medium Density Residential Zone and Lower Density Suburban Residential Zone, the extent to which future development will affect the historic character of the Arrowtown Residential Historic Management Zone;
- f. the extent to which Policies 27.2.1.7, 27.2.3.2, 27.2.4.2, 27.2.4.4, 27.2.5.10, 27.2.5.11, 27.2.5.14 and 27.2.7.2 are achieved.

27.9.2 Controlled Unit Title and Leasehold Subdivision Activities

In considering whether or not to impose conditions in respect to unit title or leasehold subdivision under Rule 27.5.5, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.2.1 Assessment Matters in relation to Rule 27.5.5 (Unit Title or Leasehold Subdivision)

- a. whether all buildings comply with an approved resource consent;
- b. whether the location of the proposed boundaries is appropriate, including in relation to their relationship to existing buildings and existing or proposed accesses;
- c. whether the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
 - i. is able to accommodate development in accordance with the relevant district-wide and zone rules; and
 - ii. the potential effects the safety of pedestrians and cyclists and other users of the space or access;
- d. the effects of and on infrastructure provision;
- e. The extent to which Policies 27.2.1.7, 27.2.3.1, 27.2.3.2, 27.2.5.10, 27.2.5.11 and 27.2.5.14 are achieved.

27.9.3 Restricted Discretionary Activity Subdivision Activities

In considering whether or not to grant consent or impose conditions under Rules 27.5.7 and 27.5.8, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.3.1 Assessment Matters in relation to Rule 27.5.7 (Urban Subdivision Activities)

- a. whether lot sizes and dimensions are appropriate in respect of widening, formation or upgrading of existing and proposed roads and any provisions required for access for future subdivision on adjoining land;
- b. consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines;
- c. whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;
- d. the effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;
- e. whether the location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways is appropriate, including as regards their safety and efficiency;
- f. the extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;
- g. whether the purposes for the creation of esplanade reserves or strips set out in section 229 of the Act are achieved;
- h. whether services are to be provided in accordance with Council's Code of Practice for Subdivision
- i. whether effects on electricity and telecommunication networks are appropriately managed;
- j. whether appropriate easements are provided for existing and proposed access and services.
- k. the extent to which Policies 27.2.1.1, 27.2.1.2, 27.2.1.3, 27.2.3.2, 27.2.4.4, 27.2.5.5, 27.2.5.6, 27.2.5.10, 27.2.5.11, 27.2.5.14, 27.2.5.16 and 27.2.6.1 are achieved.

27.9.3.2 Assessment Matters in relation to Rule 27.5.8 (Rural Residential and Rural Lifestyle Subdivision Activities)

- a. the extent to which the design maintains and enhances rural living character, landscape values and visual amenity;
- b. the extent to which the location and size of building platforms could adversely affect adjoining non residential land uses;
- c. whether and what controls are required on buildings within building platforms to manage their external appearance or visibility from public places, or their effects on landscape character and visual amenity;
- d. the extent to which lots have been orientated to optimise solar gain for buildings and developments;
- e. whether lot sizes and dimensions are appropriate in respect of widening, formation or upgrading of existing and proposed roads and any provision required for access for future subdivision on adjoining land.

- f. whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means for their protection;
- g. the effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;
- h. whether the location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways is appropriate, including as regards their safety and efficiency;
- i. the extent to which the provision for open space and recreation is consistent with the objectives and policies of the District Plan relating to the provision, diversity and environmental effects of open spaces and recreational facilities;
- j. whether the purposes for the creation of esplanade reserves or strips set out in section 229 of the Act are achieved;
- k. whether services are to be provided in accordance with Council's Code of Practice for Subdivision;
- l. whether effects on electricity and telecommunication networks are appropriately managed;
- m. whether appropriate easements are provided for existing and proposed access and services;
- n. where no reticulated water supply is available, whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is provided.
- o. the extent to which Policies 27.2.1.2, 27.2.4.4, 27.2.5.4, 27.2.5.5, 27.2.5.10, 27.2.5.11, 27.2.5.14, 27.2.5.16 and 27.2.6.1 are achieved.

27.9.5 Restricted Discretionary Activity - Subdivision Activities within National Grid Corridor

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rules 27.5.10, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.5.1 Assessment Matters in relation to Rule 27.5.10. (National Grid Corridor)

- a. whether the allotments are intended to be used for residential or commercial activity;
- b. the need to identify a building platform to ensure future buildings are located outside the National Grid Yard;
- c. the ability of future development to comply with NZECP34:2001;
- d. potential effects of the location and planting of vegetation on the National Grid;
- e. whether the operation, maintenance and upgrade of the National Grid is restricted;
- f. the extent to which Policy 27.2.2.8 is achieved.

27.9.6 Controlled Subdivision Activities – Structure Plan

In considering whether or not to impose conditions in respect to subdivision activities undertaken in accordance with a structure plan under Rules 27.7.1 and 27.7.2.1, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.6.1 Assessment Matters in relation to Rule 27.7.1

- a. consistency with the relevant location specific objectives and policies in part 27.3;
- b. the extent and effect of any minor inconsistency or variation from the relevant structure plan.

27.9.6.2 Assessment Matters in relation to Rule 27.7.2.1 (Kirimoko)

- a. the assessment criteria identified under Rule 27.7.1;
- b. the appropriateness of any earthworks required to create any road, vehicle accesses, of building platforms or modify the natural landform;
- c. the appropriateness of the design of the subdivision including lot configuration and roading patterns and design (including footpaths and walkways);
- d. whether provision is made for creation and planting of road reserves
- e. whether walkways and the green network are provided and located as illustrated on the Structure Plan for the Kirimoko Block in part 27.13;
- f. whether native species are protected as identified on the Structure Plan as green network;
- g. The extent to which Policies 27.3.2.1 to 27.3.2.10 are achieved.

27.9.7 Restricted Discretionary Activity-Subdivision Activities within the Jacks Point Zone

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rule 27.7.5.2, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.7.1 Assessment Matters in relation to Rule 27.7.5.2 (Jacks Point)

- a. the assessment criteria identified under Rule 27.7.1 as it applies to the Jacks Point Zone;
- b. the visibility of future development from State Highway 6 and Lake Wakatipu;
- c. the appropriateness of the number, location and design of access points;
- d. the extent to which nature conservation values are maintained or enhanced;
- e. the adequacy of provision for creation of open space and infrastructure;
- f. the extent to which Policy 27.3.7.1 is achieved;
- g. the extent to which sites are configured:

- i. with good street frontage;
 - ii. to enable sunlight to existing and future residential units;
 - iii. to achieve an appropriate level of privacy between homes.
 - h. the extent to which parking, access and landscaping are configured in a manner which:
 - i. minimises the dominance of driveways at the street edge;
 - ii. provides for efficient use of the land;
 - iii. maximises pedestrian and vehicular safety;
 - iv. addresses nuisance effects such as from vehicle lights.
 - i. the extent to which subdivision design satisfies:
 - i. public and private spaces are clearly demarcated, and ownership and management arrangements are proposed to appropriately manage spaces in common ownership.
 - j. whether design parameters are required to be secured through an appropriate legal mechanism. These are height, building mass, window sizes and locations, building setbacks, fence heights, locations and transparency, building materials and landscaping.

27.9.8 Controlled Activity-Subdivision Activities on West Meadows Drive

In considering whether or not to impose conditions in respect to subdivision activities under Rule 27.7.8.1, the Council shall have regard to, but not be limited by, the following assessment criteria:

27.9.8.1 Assessment Matters in relation to Rule 27.7.8.1

- a. the assessment criteria identified under Rule 27.7.1 as they apply to the West Meadows Drive area.
- b. the extent to which the roading layout integrates with the operation of West Meadows Drive as a through-road.

27.10

Rules - Non-Notification of Applications

Applications for all controlled and restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified except:

- a. where the site adjoins or has access onto a State Highway;
- b. where the Council is required to undertake statutory consultation with iwi;
- c. where the application falls within the ambit of Rule 27.5.4;
- d. where the application falls within the ambit of Rule 27.5.10 and the written approval of Transpower New Zealand Limited has not been obtained to the application.

27.11

Advice Notes

27.11.1 State Highways

27.11.1.1 Attention is drawn to the need to obtain a Section 93 notice from the New Zealand Transport Agency for all subdivisions with access onto state highways that are declared Limited Access Roads (LAR). Refer to the Designations Chapter of the District Plan for sections of state highways that are LAR as at August 2015. Where a subdivision will change the use, intensity or location of the access onto the state highway, subdividers should consult with the New Zealand Transport Agency.

27.11.2 Esplanades

27.11.2.1 The opportunities for the creation of esplanades are outlined in objective and policies 27.2.7. Unless otherwise stated, section 230 of the Act applies to the standards and process for creation of esplanade reserves and strips.

27.11.3 New Zealand Electrical Code of Practice for Electrical Safe Distances

27.11.3.1 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34, including any activities that are otherwise permitted by the District Plan must comply with this legislation.

27.12

Financial Contributions

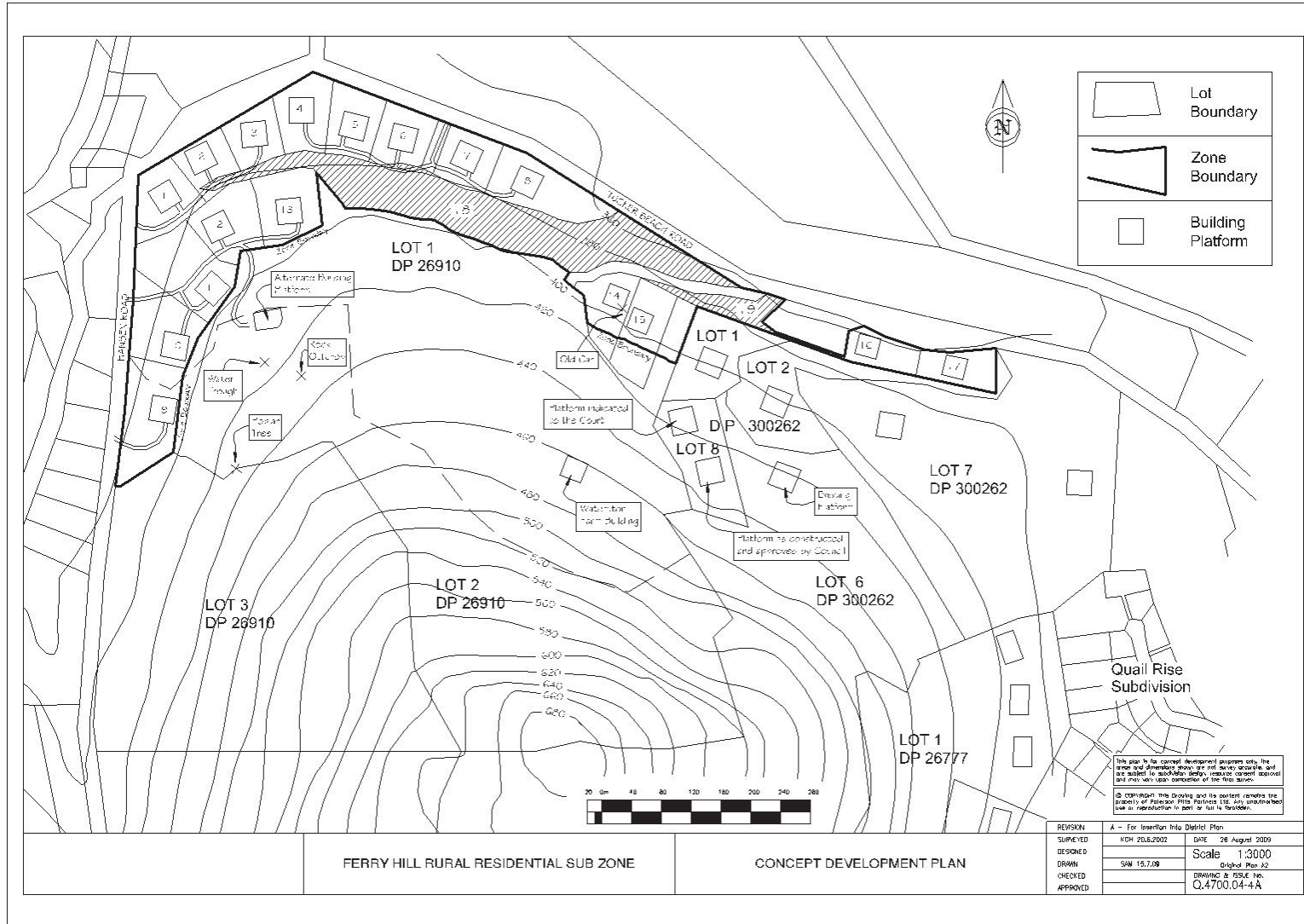
The Local Government Act 2002 provides the Council with an avenue to recover growth related capital expenditure from subdivision and development through development contributions. The Council forms a development contribution policy as part of its 10 Year Plan and actively imposes development contributions via this process.

The Council acknowledges that Millbrook Country Club has already paid financial contributions for water and sewerage for demand up to a peak of 5000 people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.

27.13

Structure Plans

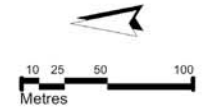
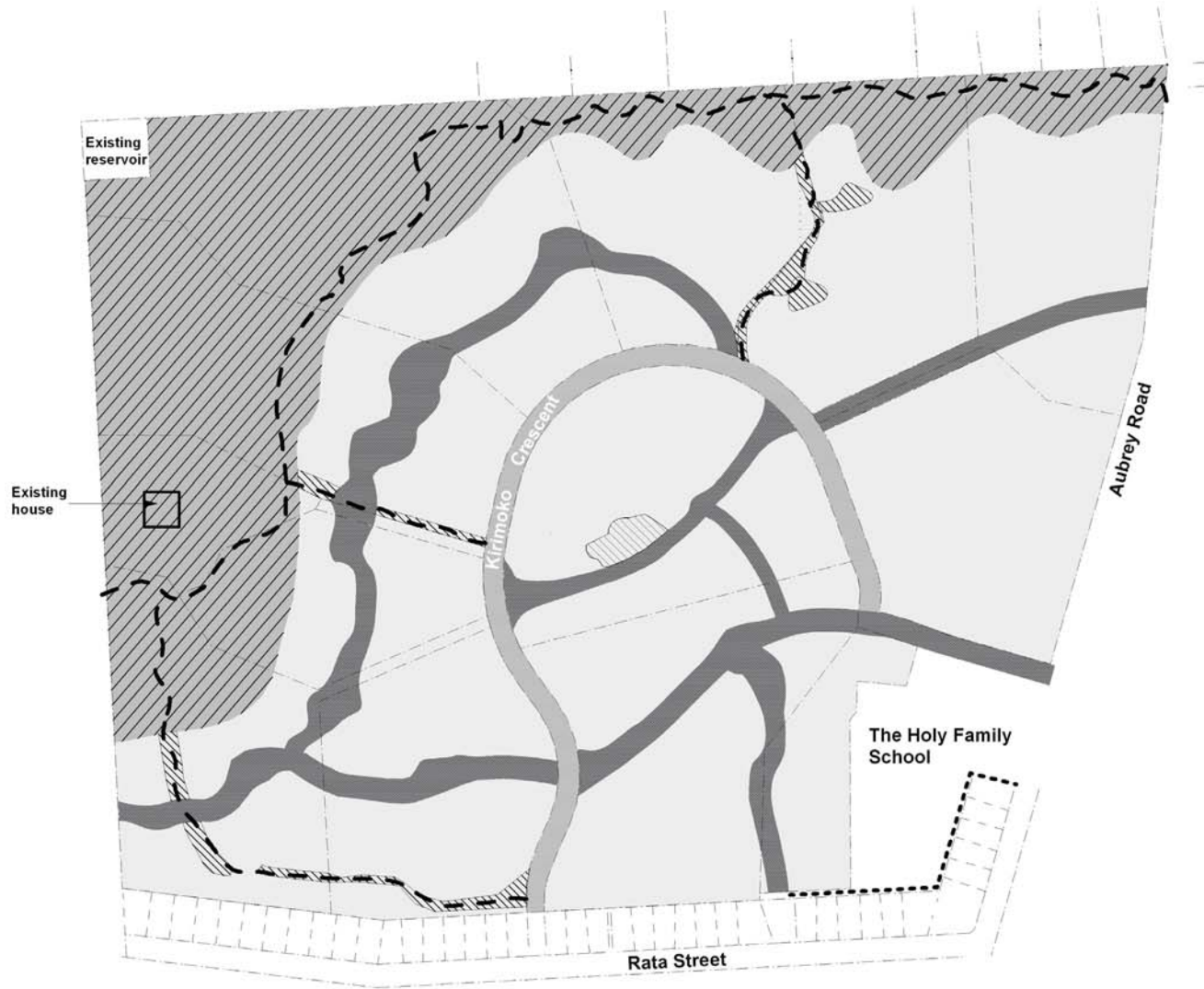
Ferry Hill Rural Residential Subzone⁶



⁶ Greyed out text indicates the provision is subject to variation and is therefore is not part of the Hearing Panel's recommendations.

27.13.1 Kirimoko Structure Plan

Kirimoko Block - Wanaka - Structure Plan



1:3500 @ A3 - 1:5000 @ A4

Key	
Zones	
	Low Density Residential
	Rural General Zoning
	Road Reserves
	Green Network
	Building restriction area
	Designated Walkway Corridor (The Holy Family School)
	Walkways
	Cadastral Boundaries

October 2007 Revision C
(Following submissions to QLDC)

Jacks Point Resort Zone Structure Plan

LEGEND

-  Outstanding Natural Landscape Line
-  Activity Area
-  Public Access Route (location indicative)
-  Secondary Road Access (location indicative)
-  Primary Road Access (location indicative)
-  Key Road Connections (location indicative)
-  State Highway Mitigation

OVERLAYS

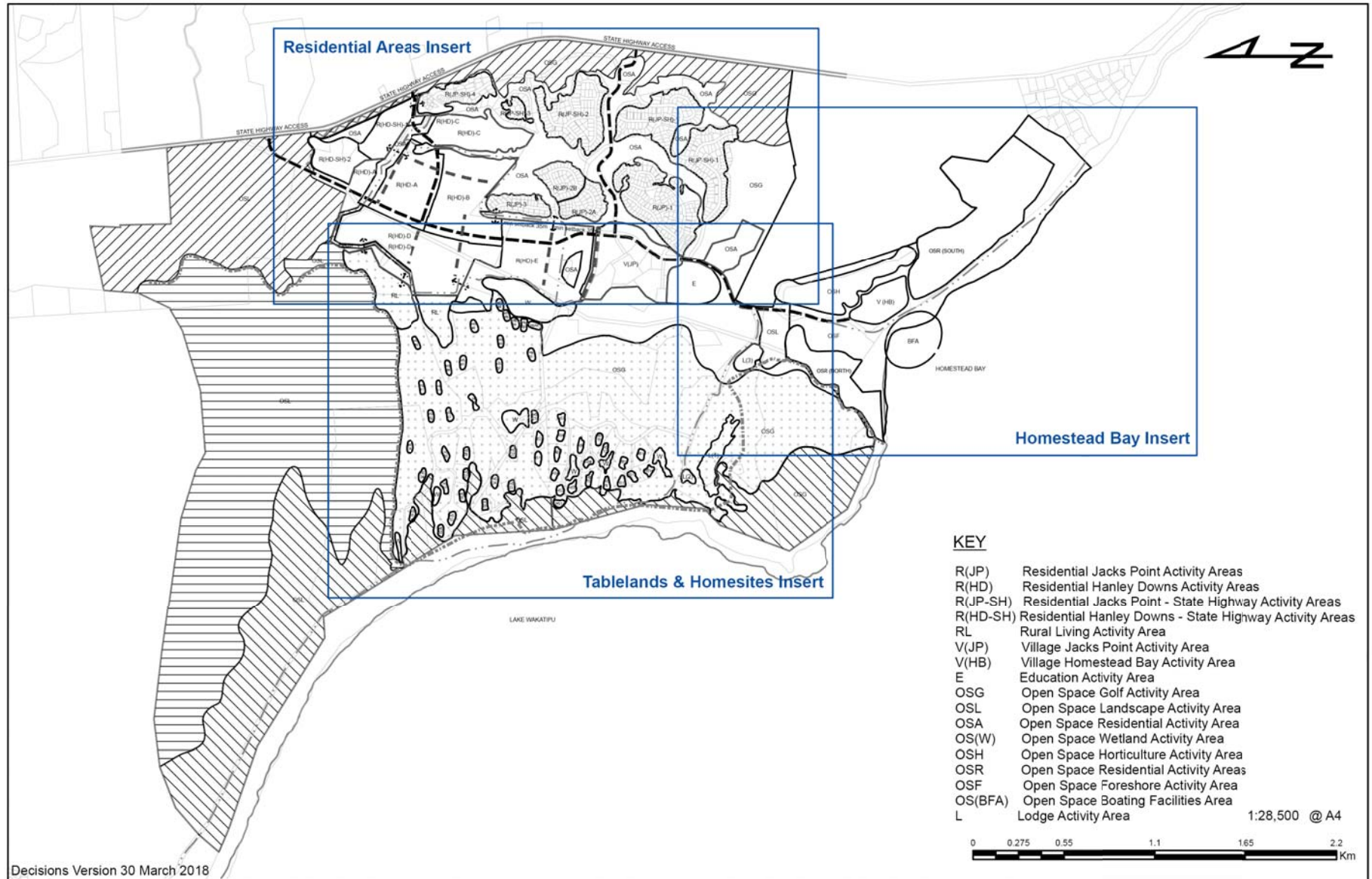
-  Highway Landscape Protection Area
-  Peninsula Hill Landscape Protection Area
-  Lake Shore Landscape Protection Area
-  Tablelands Landscape Protection Area

KEY

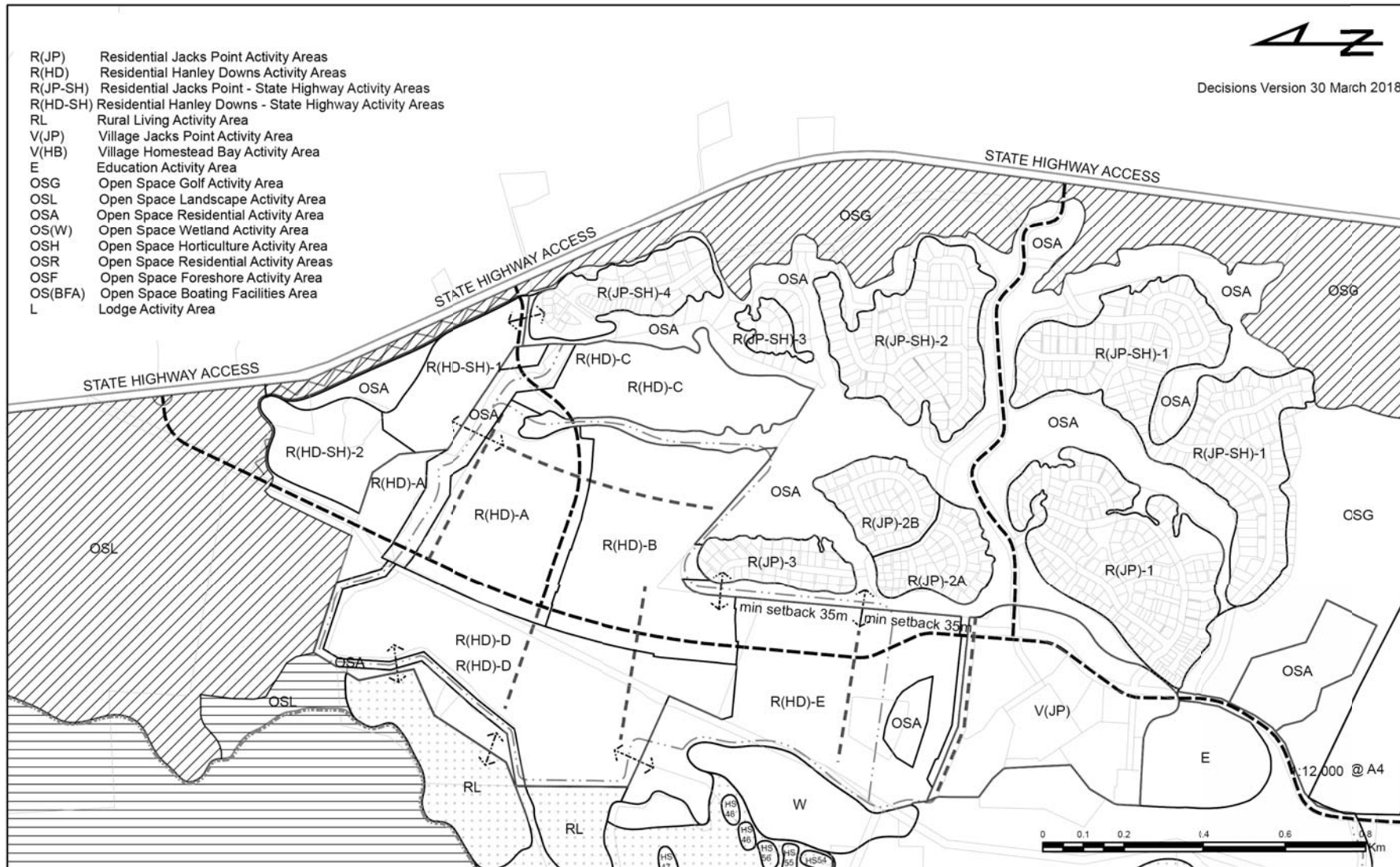
- R(JP) Residential Jacks Point Activity Areas
- R(HD) Residential Hanley Downs Activity Areas
- R(JP-SH) Residential Jacks Point - State Highway Activity Areas
- R(HD-SH) Residential Hanley Downs - State Highway Activity Areas
- RL Rural Living Activity Area
- V(JP) Village Jacks Point Activity Area
- V(HB) Village Homestead Bay Activity Area
- E Education Activity Area
- OSG Open Space Golf Activity Area
- OSL Open Space Landscape Activity Area
- OSA Open Space Residential Activity Area
- OS(W) Open Space Wetland Activity Area
- OSH Open Space Horticulture Activity Area
- OSR Open Space Residential Activity Areas
- OSF Open Space Foreshore Activity Area
- OS(BFA) Open Space Boating Facilities Area
- L Lodge Activity Area

Decisions Version 30 March 2018

Jacks Point Resort Zone Structure Plan

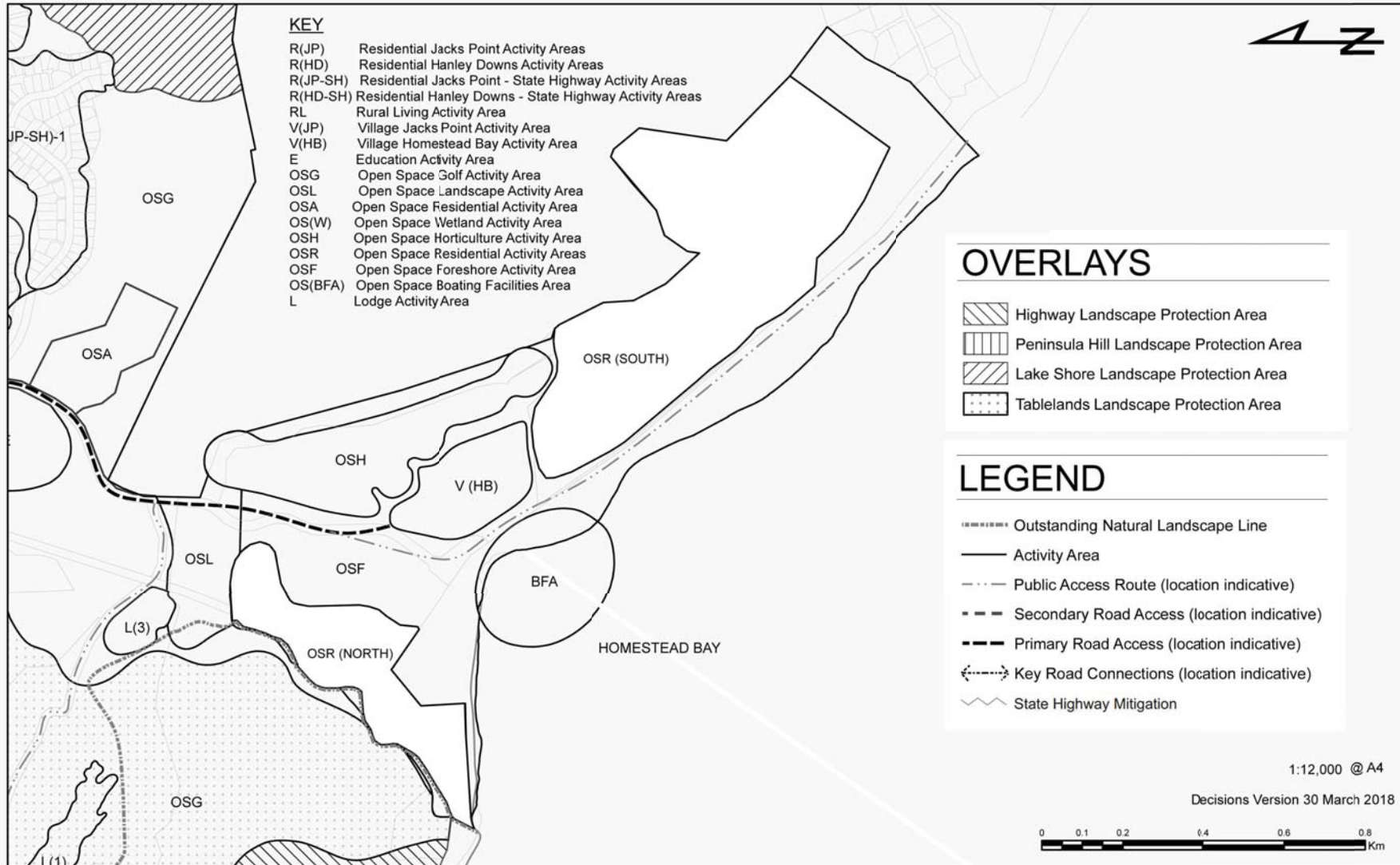


Jacks Point Resort Zone Structure Plan Residential Areas Insert

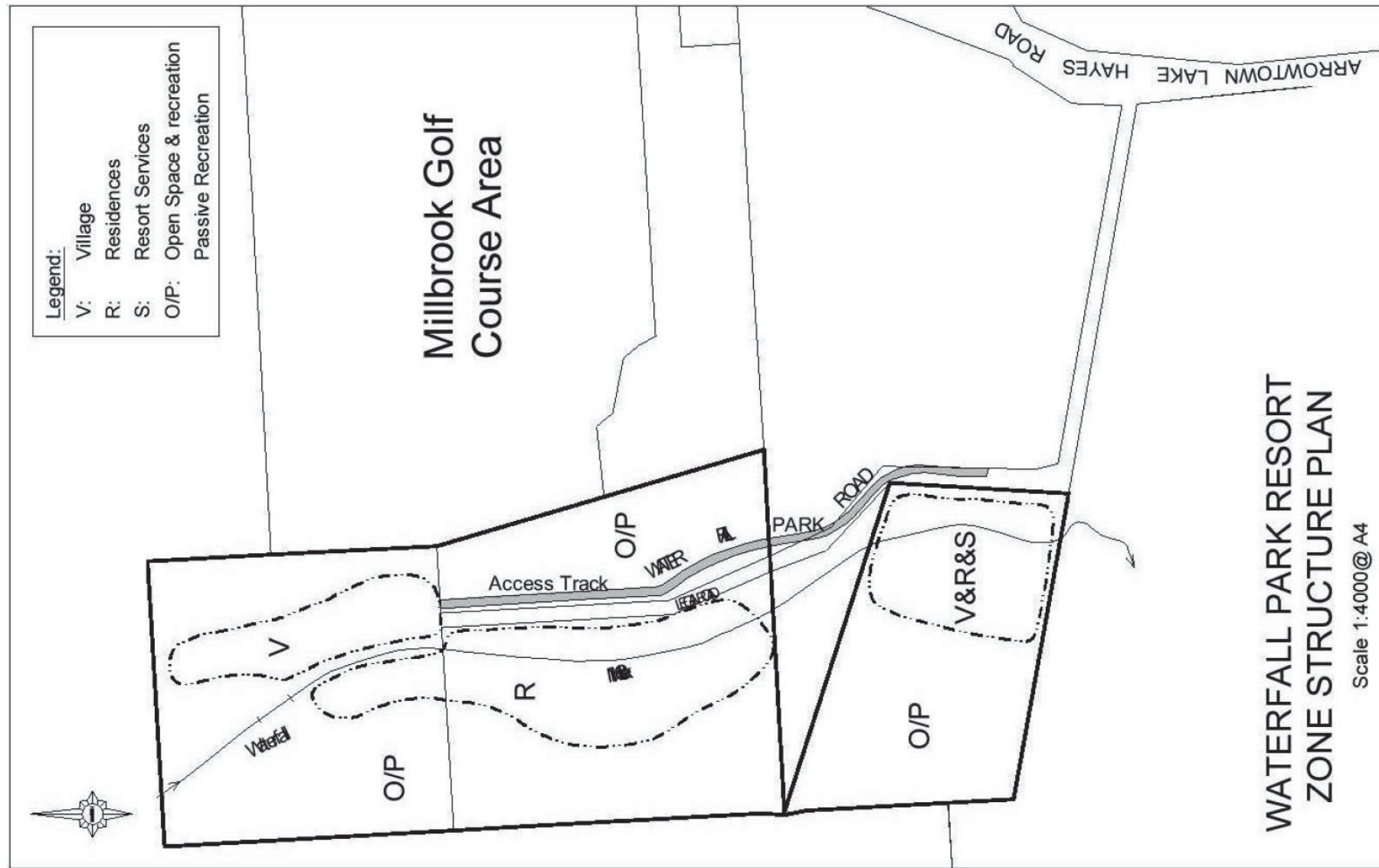


Jacks Point Resort Zone Structure Plan

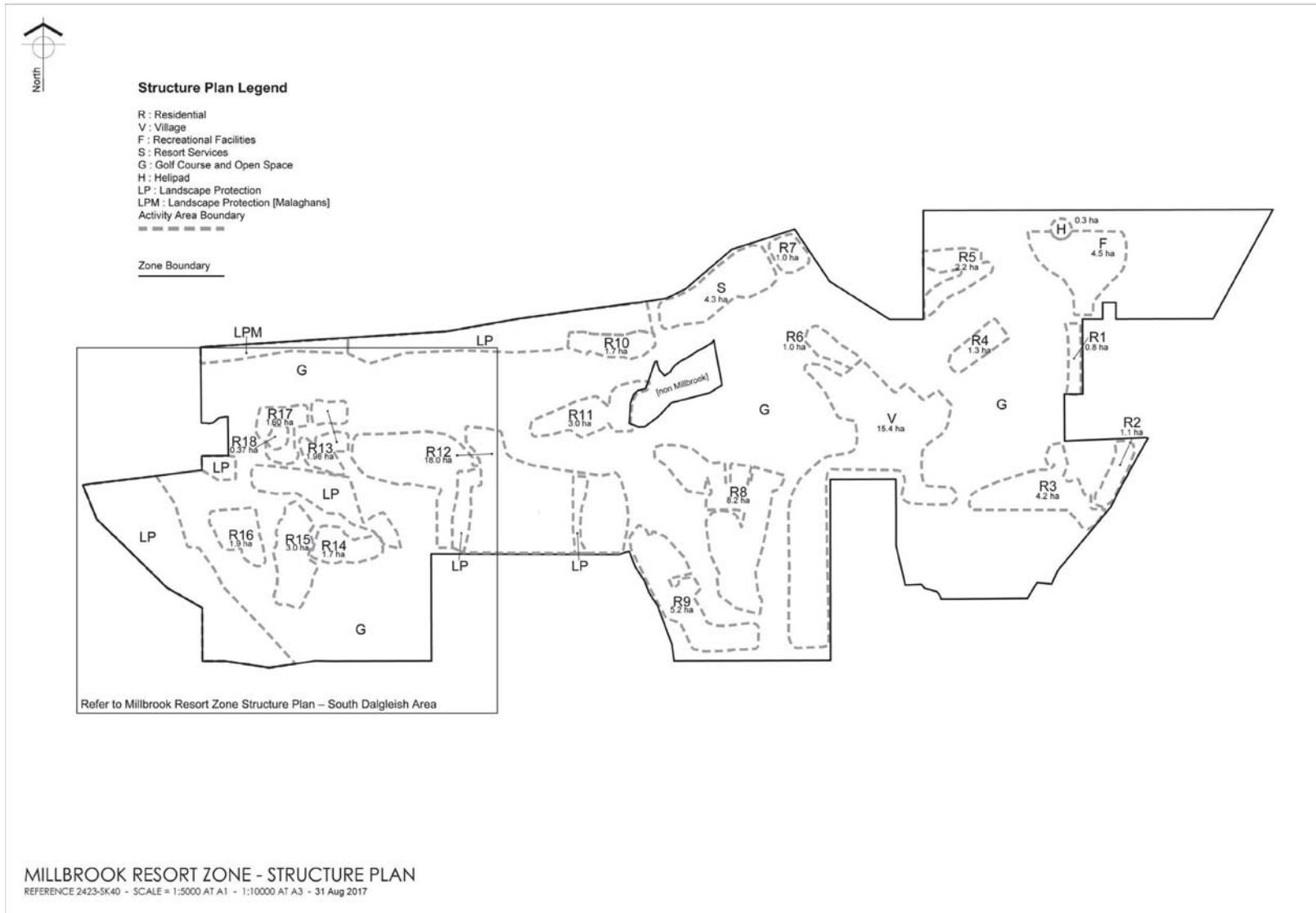
Homestead Bay Insert

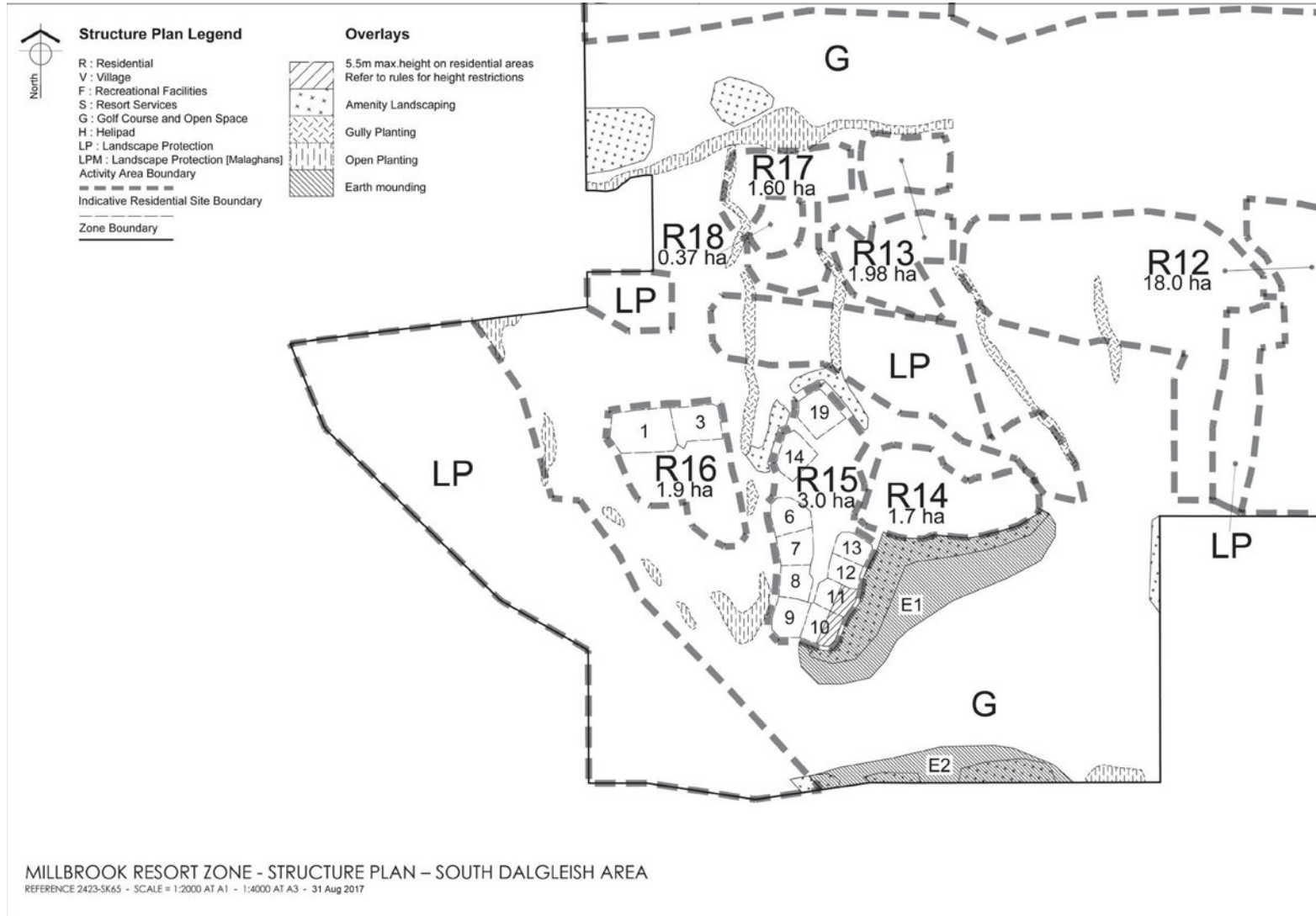


27.13.3 Waterfall Park Structure Plan



27.13.4 Millbrook Structure Plan

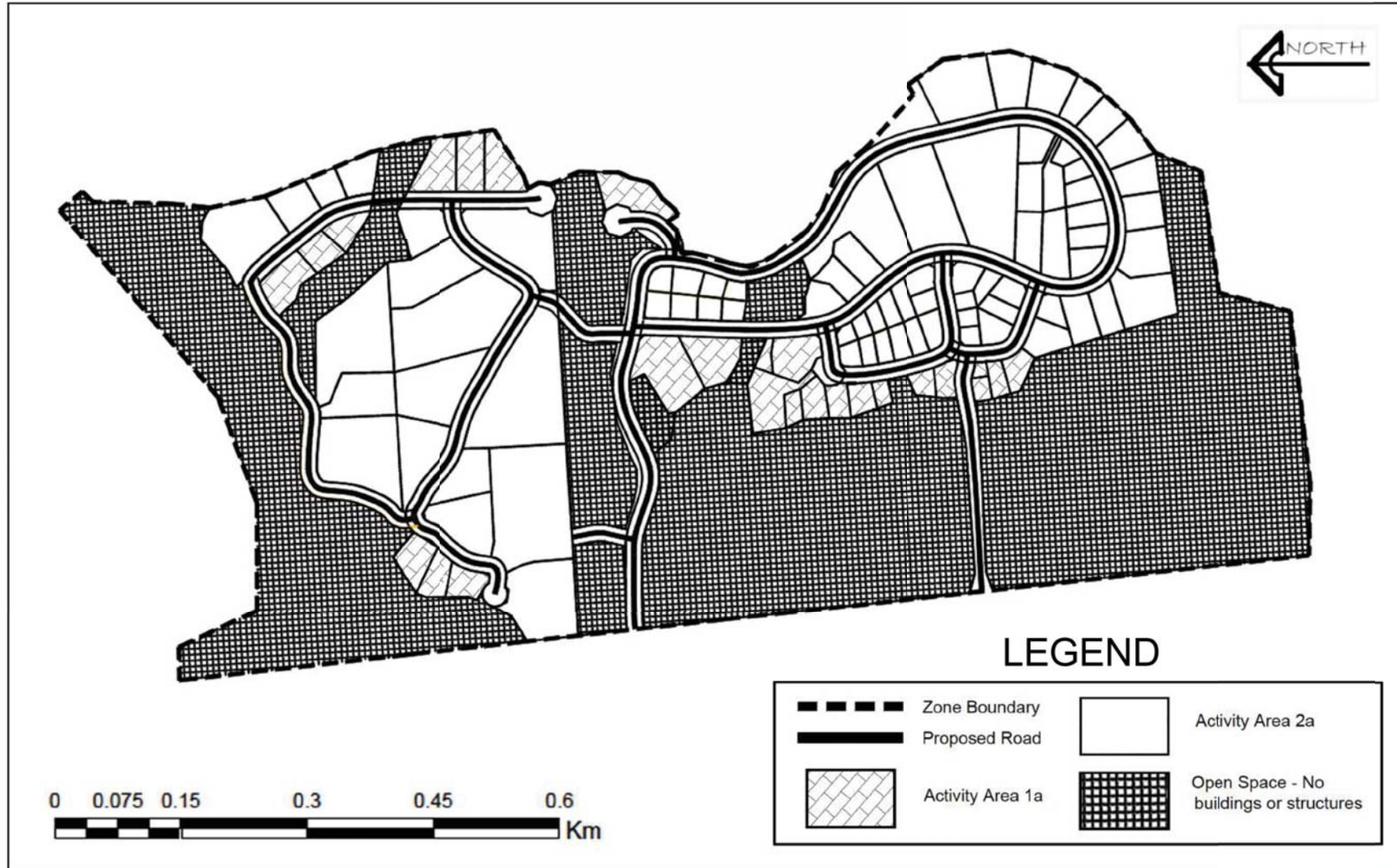




27.13.5 Coneburn Industrial Structure Plan

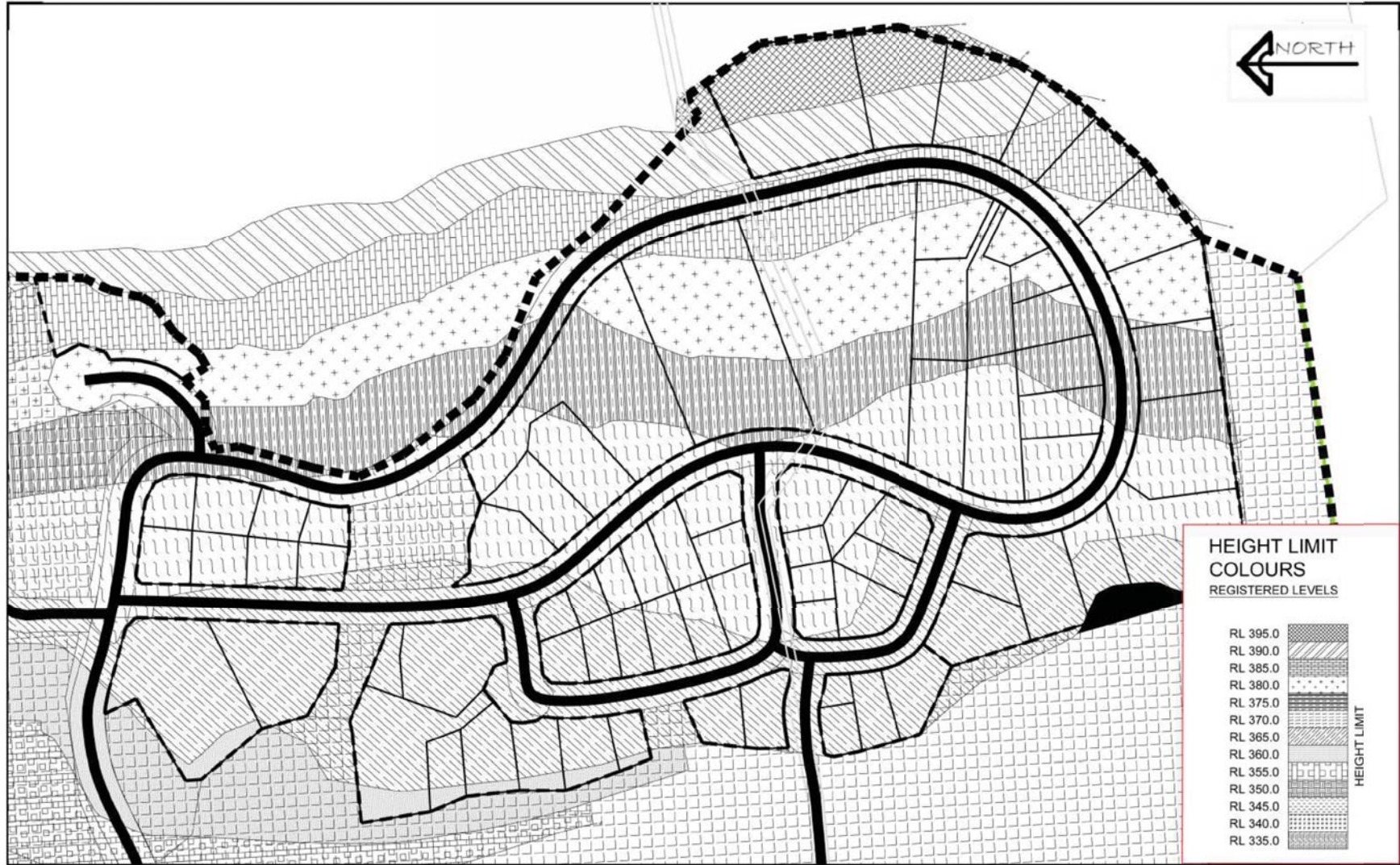
Coneburn Structure Plan

Layout of Activity Areas, Roads and Open Space



Coneburn Structure Plan

Building Height Limits: Part 1



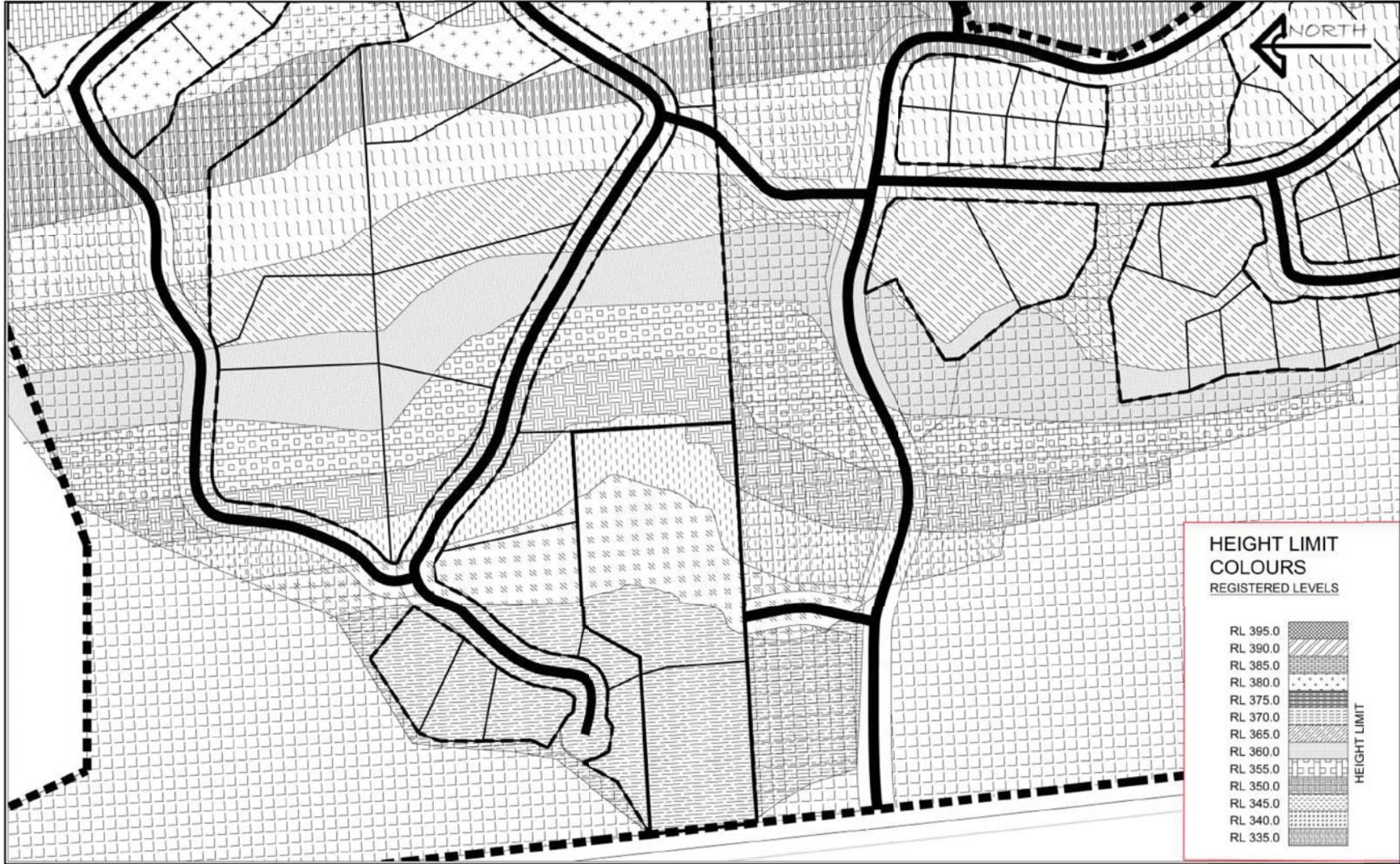
Coneburn Structure Plan

Building Height Limits: Part 2



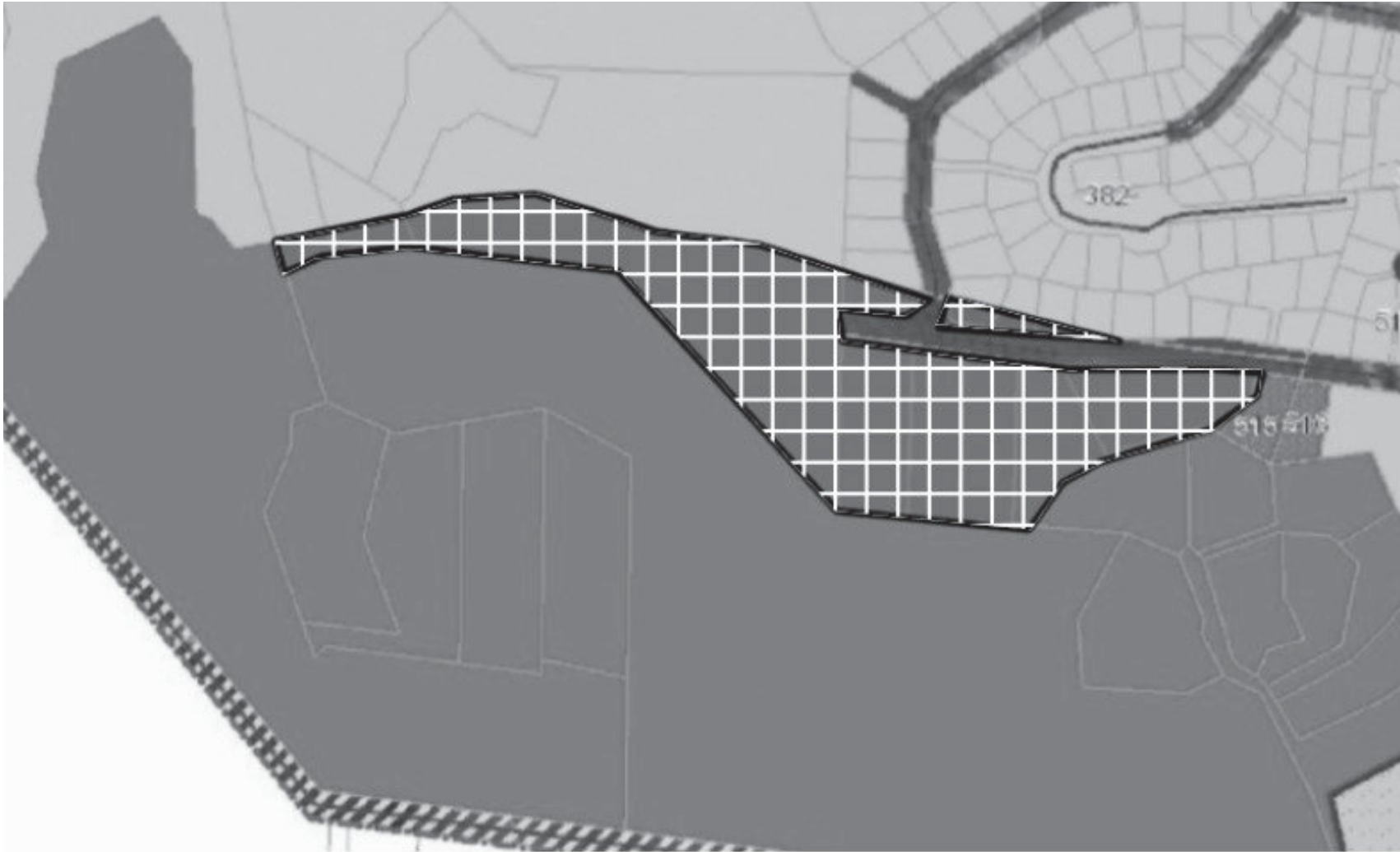
Coneburn Structure Plan

Building Height Limits: Part 3



27.13.6 West Meadows Drive Structure Plan

Area of Lower Density Suburban Residential zoned land the subject of the West Meadows Structure Plan



West Meadows Drive Structure Plan

