

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on the Proposed District Plan

Report 16

Report and Recommendations of Independent Commissioners
Regarding Upper Clutha Planning Maps

Commissioners

Trevor Robinson (Chair)

Jenny Hudson

Calum MacLeod

Ian Munro

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Attachments

Appendix 1: Recommended revised planning maps for the Upper Clutha District.

Appendix 2: List of submissions rejected because no evidence to support relief sought.

1. PRELIMINARY MATTERS

1.1 Terminology in this Report

1. Throughout this report, and the accompanying reports relating to the Upper Clutha Planning Maps, we use the following abbreviations:

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017
Act	Resource Management Act 1991 as it stood prior to 19 April 2017
Allenby	Allenby Farms Limited
BRA	Building Restriction Area
Council	Queenstown Lakes District Council
DCM	Dwelling capacity model
GBT	Glendhu Bay Trustees Limited
JBIL	Jeremy Bell Investments Limited
LMS	Lake McKay Station Limited
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSUDC 2016	National Policy Statement on Urban Development Capacity 2016
NZTA	New Zealand Transport Authority
ODP	the Operative District Plan for the Queenstown Lakes District as at the date of this report
ONF	Outstanding Natural Feature
ONL	Outstanding Natural Landscape
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Stage 2 Variations	The variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017
Proposed RPS	the Proposed Regional Policy Statement for the Otago Region as modified by decisions on submissions and dated 1 October 2016
Proposed RPS (notified)	the Proposed Regional Policy Statement for the Otago Region dated 23 May 2015

RPS	the Operative Regional Policy Statement for the Otago Region dated October 1998
SNA	Significant Natural Area
UCES	Upper Clutha Environmental Society Inc

- In addition, where we refer to the Section 42A Report, we include within that general description the four reports authored by Mr Craig Barr and the separate report (1B) in relation to submissions on Wanaka Business zones authored by Ms Amy Bowbyes and adopted by Ms Vicki Jones

1.2 Topics Considered:

- The subject matter of this hearing (Stream 12) was the submissions made in relation to the PDP planning maps for that part of the District falling within the catchment of the Upper Clutha River. Accordingly, it encompasses submissions on Planning Maps 1-5 inclusive, part of Planning Map 7, Planning Map 8, part of Planning Map 10, Planning Map 11 and Planning Maps 16-24 inclusive.
- The area the subject of hearing includes the urban communities of Wanaka (including Albert Town), Lake Hawea and Luggate, together with the smaller settlements at Cardrona, Makarora and Hawea Flat. It also includes the very substantial rural areas of the Upper Clutha Catchment, but not the Ski Area Sub Zones (Cardrona, Waiorau/Pisa and Treble Cone Ski Area Sub Zones) the subject of Chapter 21 of the PDP, or submissions seeking enlargement of those Ski-Area Sub Zones. Those submissions were heard in the Stream 11 Hearing and are the subject of a separate report from the Hearing Panel for that Stream.
- The nature of the area the subject of the hearing means that the submissions on planning maps raised a variety of issues ranging from the zoning of existing urban areas, proposals to extend the existing urban areas (thereby raising issues regarding the management of the urban fringe) and proposals for rezoning of rural areas to facilitate development there. We also heard submissions on the identification of areas of land as an ONL, ONF or SNA on the planning maps.
- Lastly, associated with our hearing of submissions related to the extent of the Cardrona Valley Road Local Shopping Centre, we also considered submissions on the zone provisions governing that local shopping centre which sit in Chapter 15 of the PDP and which were transferred to us from the Stream 8 hearing.

1.3 Hearing Arrangements:

- The Stream 12 hearing occupied some 18 days, commencing on 15 May 2017 at Lake Hawea. We sat 15-18 May (inclusive) at Lake Hawea and then 23-25 May, 30 May – 2 June, 6 June – 9 June and 12 June – 14 June in Wanaka.
- The parties we heard from were:

Council

- Sarah Scott and Catherine McCallum (Counsel)
- Garth Falconer
- Dr Marion Read
- Helen Mellsop

- Ullrich Glasner
- Wendy Banks
- Glenn Davis
- Philip Osborne
- Tim Heath
- Vicky Jones
- Craig Barr

Christopher Jopson, Jacqueline Moreau and Shane Jopson¹

- Duncan White

Crescent Investments Limited² and Kirimoko Park Residents Association Inc³.

- Scott Edgar
- Jim Ledgerwood⁴

Murray Fraser⁵

- Scott Edgar

RA and EN Anderson Family Trust (as part successor of Nic Blennerhassett⁶)

- Richard Anderson

Dan Fountain⁷ and Matthew Suddaby⁸

- Matthew Suddaby
- Hawthenden Limited⁹
- Colin Withnall QC and Michael Nidd (Counsel)
- Eric Hopgood
- Stephen Leary
- Hannah Ayres
- Scott Edgar

Nic Blennerhassett¹⁰ and John Blennerhassett¹¹

- Nic Blennerhassett

Jude Battson¹²

- Jude Battson
- Melanie and John Hooper
- Darryl Rodgers¹³

¹ Submission 287

² Further Submission 1311

³ Further Submission 1326

⁴ Submission 507

⁵ Submission 293

⁶ Submission 335

⁷ Submission 33

⁸ Submission 448

⁹ Submission 776

¹⁰ Submission 335

¹¹ Submission 15

¹² Submission 460.

¹³ Further Submission 1138

Wanaka Lakes Health Centre¹⁴

- Duncan White

Orchard Road Holdings Limited¹⁵ and Willowridge Developments Limited¹⁶

- Alan Dippie
- Alison Devlin

Varina Proprietary Limited¹⁷

- Phil Page (Counsel)
- Andy Carr
- Jill Corson
- Ian Greaves

Sneaky Curlew Proprietary Limited¹⁸

- Duncan White

Wakatipu Holdings Limited¹⁹

- Anne Steven
- Graeme Todd (Counsel)
- Nick Geddes

Allenby²⁰

- Warwick Goldsmith and Rosie Hill (Counsel)
- Lynden Cleugh
- Dr Kelvin Lloyd
- Paddy Baxter
- Dr Shayne Galloway
- Peter Joyce

Jackie Redai and Others²¹

- Scott Edgar

AW & MK McHutchon²², Robert and Rachel Todd²³ and Glennis and Barry Morgan²⁴

- Duncan White

LMS²⁵

- Colin Harvey
- Mike Kelly

¹⁴ Submission 253

¹⁵ Submission 91

¹⁶ Submission 249

¹⁷ Submission 591

¹⁸ Submission 737

¹⁹ Submission 314

²⁰ Submission 502

²¹ Submission 152

²² Submission 254

²³ Submission 783

²⁴ Submission 815

²⁵ Submissions 439, 482, 483 and 484

Seven Albert Town property owners (Craig and Jenny Laing, Bruce and Alison Hebbard, Ben Mitchell and Beverley James, Rod and Fay Brook, David and Clare Easton, Lorraine and Garth Anderson, Hunter and Barbara Tait)²⁶

- Maree Baker-Galloway (Counsel)
- Charles Grant

GBT²⁷

- Maree Baker-Galloway (Counsel)
 - John McRae
 - Dr Judith Roper-Lindsay
 - John Darby
 - Ken Gousmett
 - Andy Carr
 - Yvonne Pfluger
 - Chris Ferguson
-
- David Sherwin²⁸.

Gordon Family Trust²⁹

- John Hardie (Counsel)
- Daniel Polkinghorne
- Duncan White

John and Jill Blennerhassett³⁰ and Blennerhassett Family Trust³¹

- Graeme Todd (Counsel)

Ranch Royale Estates Limited (as successor of Sir Clifford and Lady Marie Skeggs³²)

- Graeme Todd (Counsel)
- Duncan White

Longview Environmental Trust³³

- Scott Edgar

The Alpine Group³⁴

- Jonathan Wallis
- Scott Edgar

James Cooper³⁵

- Graeme Todd (Counsel)

²⁶ Further submission 1038

²⁷ Submission 583

²⁸ Submission 388

²⁹ Submission 395/Further Submission 1193

³⁰ Submission 773

³¹ Submission 413

³² Submission 412

³³ Further Submission 1282

³⁴ Submission 315/Further Submission 1309

³⁵ Submission 400

- Ben Espie

Sarah Burdon³⁶ and Glen Dene Limited³⁷

- Graeme Todd (Counsel)
- Sarah Burdon
- Ben Espie
- Duncan White

Lesley and Jerry Burdon³⁸

- David Jackson (Counsel)
- Jerry Burdon
- Lesley Burdon
- Michelle Snodgrass
- Ian Greaves
- Ros & Dennis Hughes³⁹
- Heather Pennycook⁴⁰

Sunnyheights Limited (successor of Crosshill Farm Limited⁴¹)

- Rosie Hill (Counsel)
- Ben Espie
- Duncan White (excused)

Tui Advisors Limited⁴² and Noel Williams⁴³

- David Barton
- John Wellington⁴⁴

JBIL⁴⁵

- Phil Page (Counsel)
- Jeremy Bell
- Dr Mandy Bell
- Michelle Snodgrass
- Andy Carr
- Jeff Brown
- Ben Espie
- Carey Vivian

John May⁴⁶

- Phil Page (Counsel)

³⁶ Submission 282

³⁷ Submission 384

³⁸ Submission 581

³⁹ Further Submission 1011

⁴⁰ Submission 585

⁴¹ Submission 531

⁴² Submission 1053

⁴³ Further Submission 1149

⁴⁴ Submission 640

⁴⁵ Submissions 782 and 820

⁴⁶ Further Submission 1094

- Graham Taylor
- Andrew Craig

Michael Beresford⁴⁷

- Prue Steven QC (Counsel)
- Michael Beresford
- Michael Copeland
- Robert Greenaway
- Andrew Metherell
- Natalie Hampson
- William Field
- Dean Crystal
- John McCarthy (excused)

UCES⁴⁸

- Julian Haworth

9. We note that in addition to the parties who appeared (as above) evidence was pre-circulated for Stuart and Melanie Pinfold & Satomi Enterprises Limited⁴⁹ and Satomi Holdings Limited⁵⁰. We were advised by the counsel for the submitters⁵¹ that they no longer wished to appear. Queenstown Airport Corporation⁵² similarly pre-circulated evidence but subsequently advised that it did not seek to be heard. We have therefore not considered the evidence pre-circulated for these submitters.
10. In addition, Longview Environment Trust and UCES pre-circulated expert briefs of evidence (by Ralf Kruger and Di Lucas respectively) but those witnesses did not appear when the respective submitters appeared. Mr Haworth, speaking for UCES, offered us the option of providing written questions that Ms Lucas might respond to. We did not take up that option for reasons discussed in our report considering ONL and ONF boundaries⁵³. Given that we did not hear from these witnesses, we gave their evidence limited weight.
11. We undertook site visits of all properties where submitters were appearing in support of their submissions or further submissions in the week commencing 8 May, immediately preceding commencement of the hearing. We were accompanied by Mr Richard Kemp, an independent planner providing administrative assistance to the Hearing Panel for this purpose. In some cases, submitters provided us with a guide around their property. The Hearing Panel wishes to thank all submitters who allowed us to have access onto their properties and, where applicable, provided us with a guide. We also wish to express our thanks to Mr Kemp for his assistance.
12. During the course of the hearing, and subsequently during our deliberations, members of the Hearing Panel undertook additional site visits on a more informal basis to refresh our memories on aspects that had come more into focus during the course of our hearing, by observing relevant sites from public viewing points.

⁴⁷Submission 149

⁴⁸ Submission 145/Further Submission 1034:

⁴⁹ Submission 622

⁵⁰ Submission 619

⁵¹ Refer Counsel's memorandum of 24 May 2017

⁵² Submission 433

⁵³ Report 16.1 at Section 2.1.

13. Commissioners Munro and Hudson sat on part of the hearing only. Commissioner Munro sat on the first three weeks of hearing (up to and including 2 June 2017). Commissioner Hudson sat on the first week of hearing (comprising the Council's case) and then from 30 May 2017 until the conclusion of the hearing.
14. Commissioners Munro and Hudson have therefore participated in our deliberations and preparation of recommendations only in respect of the submissions on which they heard the full case (including all evidence for the submitter, and the case for any relevant further submitters).
15. In addition, Commissioner MacLeod advised that he had a personal conflict regarding the submission of Varina Pty Ltd and the related submission of Sneaky Curlew Pty Ltd. Accordingly, Commissioner MacLeod did not sit on the hearing of those submissions (on 30 May 2017) and has not participated in our deliberations or the preparation of recommendations in respect of those submissions (that are the subject of our Report 16.3).

1.4 Procedural Issues:

16. Over 230 submitters and further submitters were listed for hearing as part of this Stream. To assist programming of the hearing of submissions, the Hearing Panel issued two minutes (on 9 September 2016 and 1 November 2016) providing an indication of the likely timing of the hearing and requesting advice as to the number of people likely to be presenting to the Hearing Panel, the expertise of those persons, and an indicative time likely to be required to present their case.
17. Utilising the information provided by submitters, the Chair issued a further Minute on 25 January 2017 attaching an indicative hearing schedule and making directions for the release of Section 42A Reports (21 March), the date of lodgement of submitter evidence (4 April 2017) and the date for lodgement of rebuttal evidence (28 April 2017), and advising of arrangements for site visits prior to the hearing commencing on 15 May.
18. Following release of that indicative hearing schedule, we received a number of requests for alterations to the hearing schedule which were able to be accommodated informally by the hearing administration staff.
19. More formally:
 - a. In a minute dated 10 February 2017, we declined an application for Michael Beresford to defer hearing of his submission beyond the then scheduled conclusion of the hearing (on 15 June) or to defer the date for lodgement of Mr Beresford's evidence until 4 May, but directed that the hearing schedule be varied to enable Mr Beresford's submission to be heard on 14 June 2017;
 - b. In a minute dated 6 March 2017, we directed that the Council have leave to produce updated outputs from its DCM together with any related evidential commentary thereon by 28 April 2017, and that any submitter might file rebuttal evidence on the additional model outputs and/or Council witness commentary thereon by 8 May 2017;
 - c. In minute dated 7 March 2017, we directed a variation to the evidence timetabling directions previously made in our 25 January 2017 Minute to enable the landscape evidence of Ms Yvonne Pfluger and the planning evidence for GBT to be lodged by 11 April together with supplementary briefs of evidence from any other GBT evidence consequential on the final form of that landscape or planning evidence, and to allow rebuttal evidence on that GBT evidence to be filed by 5 May 2017;

- d. In a minute dated 23 March 2017, we directed a variation of the evidence timetabling requirements to enable the planning evidence for Mr Bernie Sugrue⁵⁴ to be filed by 24 April 2017, with any rebuttal evidence on that planning evidence to be filed by 5 May 2017⁵⁵;
 - e. In a minute dated 24 March 2017, we directed a variation of the evidence timetabling requirements to provide for all rebuttal evidence for Council to be lodged by 5 May 2017;
 - f. In a minute dated 30 March 2017, we directed a variation to the evidence timetabling requirements to enable the expert landscape evidence of Ms Anne Steven for Wakatipu Holdings Limited to be lodged by 6 April 2017;
 - g. In a minute dated 31 March 2017, we directed variations of the hearing times for John Blennerhassett, the Gordon Family Trust, Ranch Royale Limited, The Blennerhassett Family Trust and Glen Dene Limited to accommodate an Environment Court conflict on the part of counsel for those parties;
 - h. In a minute dated 6 April 2017, we waived late lodgement of the evidence in chief for Allenby;
 - i. In a minute dated 1 May 2017, we varied our directions of 6 March 2017 in order that the Council might produce updated outputs from its DCM capacity model together with related evidential commentary thereon by 1 May 2017, with provision for rebuttal thereon by any party by 9 May 2017;
 - j. In a minute dated 8 May 2017, we varied our directions made on 1 May to enable Michael Beresford to lodge a rebuttal brief of evidence on the updated DCM modelling evidence lodged by the Council by 10 May 2017.
20. In the run up to the hearing commencement, we also issued a procedural Minute on 28 March 2017 noting the formal directions up to that point, recording changes to the hearing schedule which had been made more informally (including addition of additional submitters who for various reasons, had not previously confirmed their request to be heard) and clarifying of our directions in relation to lodgement of evidence.
21. During the course of the hearing, we made a number of directions regarding its conduct. We note in particular:
- a. Our verbal direction on 24 May 2017 (confirmed in a minute dated 25 May 2017) that the evidence of Mr Eric Hopgood for Hawthenden Ltd might be received notwithstanding its late receipt (on 23 May 2017);
 - b. In a minute dated 25 May 2017, we declined an application for GBT seeking that we direct caucusing of witnesses giving evidence on planning, traffic and landscape matters in relation to GBT's submission;
 - c. In a minute dated 22 May 2017, we directed:
 - i. Written submissions from Mr Darryl Rodgers⁵⁶ would be received and reviewed by the Hearing Panel prior to his appearance on 25 May;
 - ii. Mr John Wellington⁵⁷ would be heard on 12 June;
 - iii. The submissions of Mr David Sherwin⁵⁸ would be received and reviewed by the Hearing Panel prior to his appearance on 1 June 2017.
 - d. In a minute dated 12 June 2017, we confirmed our verbal directions on 8 June that supplementary briefs of evidence by Mr Chris Ferguson and Ms Yvonne Pfluger for GBT

⁵⁴ Submission 588

⁵⁵ This direction proved to be unnecessary as we were subsequently advised by Mr Sugrue's successor that this submission was withdrawn

⁵⁶ Further Submission 1138

⁵⁷ Submission 640

⁵⁸ Submission 388

would be received notwithstanding their lodgement on 6 and 7 June 2017 respectively, and that further submitters on GBT's submission would have leave either to file evidence responding to those supplementary briefs of evidence prior to being heard in the week of 12 June⁵⁹ or alternatively, to file submissions and/or evidence on that material after being heard, provided that such submissions/evidence was received by 21 June 2017.

22. In addition, during the course of the hearing, we gave a number of parties leave to provide additional evidence and/or submissions on matters that had arisen during the course of there being heard. By this route we received:
- a. Land transfer documentation from Mr White for Jopson et al⁶⁰;
 - b. Additional visual exhibits from Ms Ayres for Hawthenden Limited,⁶¹
 - c. Additional emails stating the position of members of the public affected by Ms Battson's submission⁶² from her;
 - d. A further brief of evidence from Mr Greaves on behalf of Varina Pty Ltd⁶³;
 - e. A replacement plan from Mr Geddes for Wakatipu Holdings Ltd⁶⁴;
 - f. For Allenby⁶⁵:
 - i. Supplementary legal submissions;
 - ii. A supplementary brief of evidence from Mr Baxter;
 - iii. A supplementary brief of evidence from Dr Lloyd;
 - iv. A supplementary brief of evidence from Mr White;
 - v. A copy of the Summary of Facts filed in *QLDC v Allenby Farms Ltd* [2017] NZDC 3251.
 - g. Replacement plans and a letter from New Zealand Transport Authority stating its position, filed for Lake McKay Station Limited⁶⁶;
 - h. Closing legal submissions for Lesley and Jerry Burdon⁶⁷;
 - i. A joint statement of evidence of Messrs Greaves and White, together with an accompanying plan for Lesley and Jerry Burdon and Glen Dene Limited⁶⁸;
 - j. Additional material regarding Hawea Community Association's consideration of rezoning applications in Lake Hawea, provided by Mr Hughes⁶⁹;
 - k. A Memorandum of Counsel confirming provision of additional areas of revegetation and regeneration for GBT⁷⁰;
 - l. Supplementary legal submissions and a table comparing proposed planning provisions with existing consent conditions for GBT;
 - m. An additional plan and engineer's comments for Sarah Burdon⁷¹;
 - n. Proposed wording of a noise rule for visitor accommodation provided by Mr Brown for Jeremy Bell Investments Limited⁷²;

⁵⁹ We received a supplementary brief of planning evidence for Graham Taylor for John May (Further submission 1094) pursuant to that leave.

⁶⁰ Submission 287

⁶¹ Submission 776

⁶² Submission 460

⁶³ Submission 591

⁶⁴ Submission 314

⁶⁵ Submission 502

⁶⁶ Submissions 482, 483 and 484

⁶⁷ Submission 581

⁶⁸ Submission 384

⁶⁹ Further Submission 1101

⁷⁰ Submission 583

⁷¹ Submission 282

⁷² Submission 782

- o. A Memorandum of Counsel for John May⁷³;
 - p. For Michael Beresford⁷⁴:
 - i. Supplementary legal submissions;
 - ii. Redrafting rules addressing forestry;
 - iii. Additional visibility maps provided by Mr Field;
 - iv. An aerial plan of the Northlake development area.
23. We also received a substantial bundle of background factual material under cover of a Memorandum dated 6 June 2017 from counsel for the Council, responding to our requests made during the course of presentation of the Council case.
24. Following completion of the hearing on 14 June, we issued a minute (dated 20 June) identifying points which we requested be covered as part of the Council's written reply.
25. Following receipt of the written reply for Council (on 10 and 11 July 2017), we issued a further memorandum on 21 July identifying two minor points that we had identified during deliberations and requesting clarification from Council. The reply, in the form of a memorandum of counsel for the Council dated 2 August 2017 completed the written record of the hearing.

1.5 Stage 2 Variations

26. On 23 November 2017, Council publicly notified the Stage 2 Variations. Relevantly to the UC Mapping Hearings, the Stage 2 Variations included variations to a number of chapters to the PDP to insert provisions related to Visitor Accommodation. Changes to the Maps to insert reference to land being zoned Visitor Accommodation were also included.
27. By virtue of Clause 16B(1) of the First Schedule of the Act, submissions on any provision the subject of a variation are automatically carried over to the hearing of the variation.
28. Counsel for the Council filed a memorandum dated 23 November 2017 advising the Hearing Panel on the effect of notification of the the Stage 2 Variations, advising, among other things that:
 - a. The submissions of Glen Dene Ltd⁷⁵ and Sarah Burdon⁷⁶ in relation to the Hawea Camp Ground should be treated as transferred; and
 - b. Submissions seeking imposition of Visitor Accommodation zoning over the land not currently so zoned would be able to be made as part of the Stage 2 Variation process, so long as the land concerned is the subject of either Stage 1 or Stage 2 of the District Plan Review⁷⁷. We had a number of submissions before us in this category, and we have factored that confirmation into our consideration of them.
29. By Minute dated 11 December 2017, we sought clarification regarding the extent of our jurisdiction regarding submissions seeking a Visitor Accommodation zoning or overlay. That clarification was provided by way of memorandum dated 13 December that, among other things, noted an error in the extent of land notified as Open Space and Recreation: Community

⁷³ Further Submission 1101

⁷⁴ Submission 149

⁷⁵ Submission 384

⁷⁶ Submission 282

⁷⁷ Council for the Councils Memorandum dated 23 November 2017 at [13]

Purpose Camping Sub-Zone. This affects the matters considered in Report 16.6, and is discussed in greater detail there. However, we note that as foreshadowed by its counsel, the Council resolved to withdraw the land concerned from the Stage 2 Variations on 8 February 2018, with the result that it reverted to our jurisdiction.

30. Lastly, in a memorandum dated 9 February 2018, counsel for the Council drew our attention to the recent decision of the High Court in *Royal Forest and Bird Protection Society Inc v Bay of Plenty Regional Council*⁷⁸

2. APPROACH TAKEN IN UPPER CLUTHA MAPPING REPORTS

2.1 Format of Stream 12 Reports

31. The number of submissions required to be considered in this hearing stream, and the extent of the cases advanced by a number of submitters means that it is impractical for us to report to Council on all of the matters we heard in one report. We have therefore adopted the following approach to drafting our reports:
 - a. This report canvasses the background to the Stream 12 hearing, the parties we heard, the procedural directions made, and the general approach adopted to our considerations of the submissions we heard. It attaches the planning maps for the Upper Clutha area, as we recommend they be revised in response to submissions and further submissions. However, our recommendations on submissions and our detailed reasoning for our recommendations is in the following reports;
 - b. Report 16.1 considers and makes recommendations on the location of ONL, ONF and SNA notations on the Upper Clutha Planning Maps (and consequential changes to UGB boundaries);
 - c. Separate Reports consider and make recommendations on specific requests we heard for rezoning and/or other changes to the Upper Clutha Planning Maps, as follows:
 - i. Urban Wanaka and Lake Hawea- Report 16.2
 - ii. Urban Wanaka (Varina Pty Ltd and Sneaky Curlew Ltd)- Report 16.3
 - iii. Glen Dene Homestead- Report 16.4
 - iv. State Highway 6 at Lake Hawea (Lesley and Jerry Burdon)- Report 16.5
 - v. Lake Hawea Campground- Report 16.6
 - vi. Rekos Point Rural Residential Zone - Report- 16.7
 - vii. Church Road, Luggate- Report 16.8
 - viii. Lake McKay Station Rural Residential Zone- Report 16.9
 - ix. Lake McKay Station Rural Lifestyle Zones- Report 16.10
 - x. Wanaka Luggate Highway (SH6) and Mt Barker Road (Jeremy Bell Investments Limited) - Report 16.11
 - xi. Smith Road (Jeremy Bell Investments Limited)- Report 16.12
 - xii. John Wellington- Report 16.13
 - xiii. Mt Iron- Report 16.14
 - xiv. Sticky Forest-Report 16.15
 - xv. Parkins Bay and Glendhu Bay- Report 16.16
 - xvi. Makarora Rural Lifestyle Zone – Report 16.17
 - xvii. East Luggate (Willowridge) – Report 16.18
 - d. In each report, we have not undertaken a separate Section 32AA analysis. Rather, our analysis in terms of the requirements of that section is set out in the body of our Report where we discuss recommended changes.

⁷⁸ [2017] NZHC 3080.

2.2 General Approach to Rezoning Applications:

32. The tests to be employed in finalising the terms of the PDP are outlined in Report 1. We refer to and rely on that discussion.
33. The current context (submissions on the planning maps) raises particular issues that require some discussion at a general level. Most of the submissions we had to consider sought a different zoning for land from that shown on the planning maps. To the extent that some submissions sought to alter ONL, ONF and SNA notations on the planning maps, we will discuss the particular issues posed by those submissions in our Report 16.1.
34. In relation to rezoning applications, counsel for the Council submitted to us⁷⁹ that the key question we had to answer for each rezoning sought is, “*what is the most appropriate zoning for an area of land?*”
35. We do not think that any of the submitters took issue with the way counsel for the Council had framed the essential inquiry. However, counsel for Varina Pty Ltd did take issue with the implication he drew from Ms Scott’s submissions in opening for the Council that submitters had some sort of onus to establish that the zone sought is more appropriate than the notified zone. Mr Page referred us to long standing authority⁸⁰ to the effect that there is no presumption in favour of the notified plan, nor an onus of proof on the submitter.
36. We think that any difference between the submissions Ms Scott made to us for the Council, and Mr Page’s submissions for Varina in response, is more apparent than real.
37. While there is no presumption in favour of the notified PDP, it has been the subject of extensive analysis under section 32, and to the extent that the Council position before us was to support the existing notified zoning, further evidence supporting that initial section 32 analysis.
38. Any change in zoning of land from that shown in the planning maps requires evaluation under Section 32AA.
39. If the only material we have before us is the existing Section 32 analysis and further Council evidence supporting the notified zoning, we have no basis on which to undertake the required Section 32AA evaluation in respect of any alternative zoning and must necessarily recommend rejection of any submissions seeking an alternative zoning⁸¹.
40. We think that Mr Page rather accepted that proposition because, when we discussed it with him, he agreed that if a submitter fails to call adequate evidence, it risks not getting the relief sought. Even more so if the submitter calls no evidence.
41. The practical application of these principles means that for the large number of submissions seeking rezoning where the submitter did not appear and call evidence as to why their submission should be accepted and the evidence for the Council recommends rejection of the submission, we have necessarily been put in the position where acceptance of that recommendation is the only position open to us. The only potential exception would be if the

⁷⁹ Opening Legal Submissions for Council at 2.15

⁸⁰ *Green and McCahill Properties v Auckland Regional Council* [1997] NZRMA 519 (High Court)

⁸¹ This is a specific example of the principles discussed in Report 3 related to the strategic chapters of the PDP, at Section 1.6

material provided as part of the original submission was sufficiently extensive that it provided the basis for a Section 32AA evaluation of the alternative rezoning sought. While some submissions did indeed include a substantial volume of material supporting the requested relief, by in large, these were the submissions that were the subject of evidence before us.

42. We should record that this position does not mean that the failure of a submitter to appear and provide us with evidence to support the relief sought is fatal to the success of the submission. In a number of cases, the review of submissions undertaken by the Council's witnesses, either as part of the Section 42A report or in the written reply for Council, concluded that a submission had merit, prompting a recommendation that it be accepted in whole or in part.
43. This is a practical application of the principles Mr Page referred us to. So long as there is cogent evidence that enables us to conclude that an alternative zoning is the most appropriate zoning for the land in question, and that alternative zoning is within scope, it does not matter whose evidence that might be.
44. Nor, we emphasise, does the evidence for Council have any head-start over the evidence for any other party. It is the cogency of the evidence when considered within the framework of legal tests we have to apply that counts. Among other things, that means that where the evidence for Council supports a rezoning proposal, we have to be satisfied that the reasoning prompting a change of position on the part of Council is sound, just as we would need to be satisfied that the evidence for a submitter should be preferred to the analysis set out in the section 32 reports supporting the notified zoning. In some instances where the Council position has changed to one of full or partial support for the requested rezoning in response to the evidence of the submitter, we have disagreed with both the Council and the submitter, and recommended rejection of the submission.
45. The end result, however, is that we recommend that the vast majority of submissions seeking rezoning (or indeed other changes to the planning maps) that were not supported by any evidence be rejected. For the avoidance of doubt, we adopt the reasoning of the relevant section 42A report in each case. The detailed reports we have prepared do not discuss those submissions further for that reason. For convenience, the submissions in this category are listed in Appendix 2 to this report.
46. For those submissions seeking rezoning that were the subject of evidence, the application of the principles set out in Report 1 threw up a number of general issues that required our consideration.

2.3 Use of assessment principles:

47. In his strategic overview report that effectively formed the introduction to the Section 42A Report, Mr Craig Barr noted that a range of assessment principles had been identified to assist in assessment of rezoning requests⁸². We queried counsel for the Council as to the status of these criteria. Ms Scott submitted that they were not binding and advised that they had been developed by Council officers and used in other chapters to form a Council view.
48. While many of the rezoning assessment principles represent a restatement of the Section 32 tests (e.g. "*Whether the zone proposed/sought is more appropriate than the notified zone*") or otherwise make good practical sense in terms of the administration of the PDP (e.g. "*changes should take into account the location and environmental features of the site...*"), we think

⁸² Refer Strategic Overview and Common Themes Report at [2.14]

there are dangers in paraphrasing the legal tests that need to be applied even on this kind of rule of thumb, non-binding basis. To the extent general principles can be identified, the approach we have taken is set out in the paragraphs that follow.

2.4 Relevance of higher order provisions to our inquiry:

49. The first general point that we should address relates to the practical application of the Section 32 tests to a rezoning proposal. The zones shown on the planning maps are provisions of the PDP. Sitting behind those provisions, there is a suite of objectives and policies that vary according to the zone identified on the planning maps. Sitting at a higher level, Chapters 3-6 of the PDP provide strategic direction and contain higher level objectives and policies.
50. Above the strategic objectives and policies in Chapters 3-6 again, there are the higher-level documents that we need to factor into our decision making, giving effect to some (the Operative RPS and higher still, National Policy Statements) and having regard to others (in particular, the Proposed RPS and the Iwi Management Plans). Above them all, there is the purpose of the Act, which the objectives of the PDP are measured against, supported by the balance of Part 2 of the Act.
51. The particular question that requires consideration in the context of rezoning applications is, when section 32(1)(b) talks about examining whether the provisions in a proposal are the most appropriate way to achieve the objectives, which objectives are relevant for this purpose?
52. Recommendation Report 1 discusses the extent to which the Hearing Panels considering the provisions of the PDP seeking to implement the strategic direction provided by Chapters 3-6 should go beyond the strategic chapters into an inquiry as to the implications of the higher-level documents and other statutory provisions. It concludes that while the intention of the Hearing Panels making recommendations on Chapters 3-6 is that they faithfully reflect the legal requirements in the Act as regards higher level documents and other guidance, those recommended provisions are necessarily not 'settled' and accordingly, reference is required back to the higher-level provisions. Specifically, in relation to Part 2 of the Act, the Hearing Panel has to consider whether the strategic directions are complete, clear and in accordance with the legal requirements⁸³. We do not therefore, need to discuss those matters further.
53. The issue for us is whether, when measuring the appropriateness of particular zonings, the reference point is the objectives of the relevant zone, or the objectives of the strategic chapters, or both.
54. We posed that question to counsel for the Council, asking for assistance on it in her reply submissions.
55. Counsel's submission was that the appropriate objectives to measure alternative zone proposals against are the strategic objectives in Chapters 3-6 of the PDP, although emphasising (for the reasons discussed just above) that it is permissible and in fact probably mandatory for us to have regard to the superior planning instruments, and potentially Part 2 of the Act⁸⁴.
56. We agree with that submission. As counsel notes, if we have alternative zoning proposals before us, it can be anticipated that each proposal will likely be consistent with the

⁸³ The decision of the High Court in *Royal Forest and Bird Protection Society Inc v Bay of Plenty Regional Council* noted above would appear to confirm that this approach is correct, at least as regards higher order National and Regional Policy Statements.

⁸⁴ Refer legal submissions for Council in reply at 4.7

intermediate level objectives for the respective zones and so assessing the appropriateness of the proposed zone against those objectives is likely to be of little or no assistance in determining which zone is the most appropriate provision for the PDP as a whole. To determine that, one must look to higher-level guidance, initially in Chapters 3-6 and, as appropriate, to the higher-level planning documents and Part 2 of the Act.

57. That is not to say that the intermediate objectives are irrelevant. They need to be considered as part of the inquiry but, in our view, they are unlikely to be determinative in a contested situation.

2.5 Site specific plan provisions:

58. Thus far, our reasoning reflects the relatively simple case where a submission seeks to employ an existing zone in the PDP without amendment. That was not, however, the position that applied to a large number of submissions we heard, particularly those relating to land at the urban fringe or in the rural areas of the District. The proposals we heard took varying forms. In some cases, submitters suggested that the zone provisions might be the subject of site specific amendment, in effect, providing a subzone with its own policies and rules (and sometimes its own objectives). In many cases, this was an iterative process as submitters sought to address concerns expressed in the Section 42A Report regarding their proposal, converting what had started as a relatively simple request to amend the planning maps to a more complex planning response.
59. Submitters are not bound to maintain the stance originally set out in their written submission. Strategic retreat is possible provided that the end result is somewhere between the relief sought in the original submission and the Proposed Plan as notified⁸⁵.
60. A small number of submissions sought a new zone of their own specification including an entire package of objectives, policies and rules tailored to the particular character of the site and the submitter's desired use for it. The most obvious example is the new zone proposed by GBT.
61. We note in passing that this scenario reinforces the need to look beyond the immediate objectives a zone seeks to implement, to the strategic direction of the PDP (and higher). Looking solely at the zone provisions GBT had drafted would be an entirely circular exercise, since they were obviously designed to facilitate the activities the zone provides for.
62. While no issue can be taken regarding the jurisdiction to insert site-specific Plan provisions if a submission seeks that relief, a proliferation of such site-specific provisions raises issues in terms of Plan administration.
63. One of the features of the ODP is the extent to which it already provides, through the mechanism of a series of 'special' zones, bespoke planning provisions for particular areas of the district. Most, but not all of those special zones have been reserved for subsequent stages of the District Plan review process⁸⁶ and so we do not know whether and to what extent that position will be perpetuated. What we do know, however, is that to the extent existing special zones have been rolled over (in chapters 41-43 of the PDP), those provisions provide a precedent for what the submitters before us were seeking.

⁸⁵ Refer *Re An application by Vivid Holdings Limited, Environment Court C086/99* at [19]

⁸⁶ The Council's website advises that a number of Special zones will be the subject of Stage 4 of the District Plan Review, with notification targeted for the second quarter of 2019.

64. Accordingly, we do not think an objection in principle to site specific planning provisions could be sustained. Having said that, however, this is a matter of scale and degree. At a certain point, there are so many site-specific planning provisions that a plan loses overall direction and coherence. It also expands in size as general provisions affecting large-areas are replaced or overlaid in respect of relatively small areas – often a single site. Even in an age where increasing use of electronic documents is becoming the norm, this affects the usability of the PDP.
65. In Section 32 terms, these issues affect the efficiency of the provisions in achieving the objectives.

2.6 Zones or resource consents?

66. Consideration of these points runs into a separate general issue that was something of a theme of Mr Barr's evidence regarding a number of submissions seeking site specific relief for rural properties. He observed that highly prescriptive plan provisions were more appropriately dealt with through resource consent processes. Again, we think this is a matter of scale and degree. While a high level of prescription may be appropriate in a resource consent setting, to circumscribe the nature of the activities authorised, a degree of prescription may also be appropriate in a plan setting, depending on the circumstances. Section 32 talks of the efficiency and effectiveness of provisions. Both have to be considered. Highly prescriptive provisions might be effective so long as they can be enforced – another issue Mr Barr raised - but not be efficient, and vice versa. Accordingly, each situation has to be judged on its own merits in terms of the Section 32 tests.
67. In relation to the specific case of submissions seeking either a Rural Lifestyle or a Rural Residential zone rather than a Rural Zone, recommended Policy 6.3.20 that we quote below⁸⁷, bears on the point given its preference for zoning over ad-hoc subdivision and development.
68. However, as Policy 6.3.20 also notes, Rural Lifestyle and Rural Residential zones need to be located in areas where the landscape can accommodate the change.
69. The evidence we heard from Ms Mellsop for Council was that Rural Residential development does not retain rural amenity to any great extent and thus, in her view, a Rural Residential zoning was only appropriate when rural amenity is not important.
70. There may be exceptions but the 'Rural Residential' developments which have occurred within what is now the Wanaka UGB and to which the PDP now applies urban zonings tend to illustrate her point.
71. Rural Lifestyle development, because of its significantly reduced density (compared to Rural Residential), can be consistent with preservation of rural amenity values, but the policy focus on rural amenity values is the answer to the position put to us strongly by Mr Colin Harvey, the owner of Lake McKay Station Limited, that the market should be left to determine how much rural living development occurs.
72. We return to address the issue in relation to specific proposals, but we observe more generally that, during the course of our site visits, we noted some rural living developments that provide examples of developments located in areas where the landscape could not (with the benefit of hindsight) accommodate the change which has actually occurred, leading to unsatisfactory landscape outcomes.

⁸⁷ See Section 3 below

2.7 Certainty as to management of adverse effects:

73. The other aspect of Mr Barr's evidence that put him in conflict with a number of planning witnesses for submitters was in relation to the extent to which reliance might be placed on the discretions conferred by different zone provisions to control potential adverse effects. In her opening submissions for the Council⁸⁸, Ms Scott submitted that the effect of Section 76(3) of the Act is that submitters need to provide "*a level of detail that corresponds to the scale and significance of the environmental effects that are anticipated from the implementation of [a] new zone, and ... need to provide sufficient evidence to assist the Panel in considering whether actual or potential adverse effects are satisfactory...*". Counsel argued, specifically, that it was not adequate to rely on matters of discretion or control in the PDP to assess adverse effects at the consent application stage.
74. We consider that counsel's submissions were a little over stated. In particular, we think that she went too far suggesting to us that before rezoning any land, we need to be satisfied that actual or potential adverse effects from the activity facilitated by the new zone are satisfactory. When we discussed it with Ms Scott, she rather tended to agree - among other things, if we could be sure that management of actual and potential effects would be satisfactory within a particular zone, that would suggest that all relevant activities should be permitted in that zone.
75. The purpose of a zone is to provide a framework within which a range of activities may occur. Different zones facilitate different ranges of activities. For example, the Rural Lifestyle Zone facilitates rural living activities to a greater extent than does the Rural Zone. A number of submitters sought rezoning of Rural Zone land to Rural Lifestyle Zone, on the basis of planning evidence suggesting to us that the effects of subdivision and creation of rural lifestyle blocks could be adequately managed under the rules governing the Rural Lifestyle Zone.
76. The way the PDP is structured, the key rules governing subdivision and development for residential purposes are those in Chapter 27. As notified, Chapter 27 provides that subdivision and development is a discretionary activity in a number of zones, including the Rural Lifestyle Zone.
77. We discussed the interrelationship between the subdivision provisions of the PDP and the zoning issues that we had to form a view on with Mr Withnall QC, appearing for Hawthenden Limited. He contended that the ambit of discretion on subsequent subdivision meant that the issues that might be raised against rezoning the Hawthenden land (and which had been raised in the Section 42A Report) were matters to be addressed at the subsequent subdivision stage. We discussed with Mr Withnall the fact (as noted in the Stream 4 Report considering submissions on Chapter 27⁸⁹) that there are a very large number of submissions seeking that applications to subdivide Rural Residential and Rural Lifestyle Zone land (and indeed, land in residential zones within urban environments) should be controlled activities. Mr Withnall agreed that it would follow from acceptance of those submissions that there should be a bigger hurdle to zoning upfront. As he put it, if the provisions provide an easy route to consent for subdivision and development, that creates a greater onus to addressing issues upfront, at the zoning stage. Similarly, it followed in Mr Withnall's submission that if, as the Reporting Officer in Stream 4 had recommended, subdivision was a restricted discretionary activity, that would impose a correspondingly larger hurdle at the subdivision stage (but not as large as would discretionary activity status), leaving less to be addressed upfront.

⁸⁸ At paragraphs 2.16 and 2.17

⁸⁹ Refer Report 7 at Section 2.1

78. The Stream 4 Hearing Panel’s Report records that the submitters heard in that Stream argued strenuously that certainty was required at the subdivision stage and that, to the extent any discretion was retained to refuse subdivision consent, it needed to be tightly constrained. In particular, the evidence and submissions from submitters in that hearing stream emphasised the importance of developers being able to rely on achieving the development yield provided for in a particular zone. They opposed any discretion over the density of development on the basis that this was determined when land was zoned.
79. The Stream 4 Hearing Panel accepted the underlying premise of the submissions made to it that the zoning of the land represents a considered decision that the land is suitable for development for the identified purpose – in the case of the Rural Lifestyle Zone, for development into rural lifestyle blocks – at the density provided for in that zone. Thus, while the Stream 4 Hearing Panel recommends that subdivision applications in a range of zones that meet the relative performance standards be restricted discretionary activities, this is designed to enable the Council to reject poorly framed resource consent applications rather than to exercise a more wide-ranging discretion to reject subdivision applications or to demand reductions in the density of development⁹⁰.
80. We accept Mr Withnall’s submissions as drawing a logical connection between the activity status for subdivisions and the rezoning submissions we had before us. We consider that in terms of the sliding scale that we discussed with Mr Withnall, the hurdle to rezoning is relatively high. Put another way, we need to be satisfied that it is appropriate to confer the development rights that are implicit in the zone sought.
81. Having said that, a rezoning application is not a resource consent application. It does not demand the same level of detailed analysis of positive and negative adverse effects as would a resource consent application. We asked Mr Withnall QC whether he agreed, however, with the proposition that in considering a rezoning application, we need to be satisfied that there is a satisfactory solution available that the Plan provisions that would apply provide a framework for its adoption (as opposed to knowing exactly what that solution is and ensuring it is adopted, which we regard as the role of the resource consent conditions). Mr Withnall concurred.
82. Our discussion with Mr Withnall was in the context of proposals for rezoning of land that was not within an ONL or ONF. In cases where that additional element is present, the stakes are raised more than somewhat by recommended strategic objective 3.2.5.1 and the higher-order provisions sitting behind it. We consider that where an ONL or OFL is ‘in play’, greater confidence is required, not just that a satisfactory solution is available, but that it is likely to be implemented – otherwise the PDP would not be recognising and providing for the protection of ONLs and ONFs from inappropriate subdivision, use and development. The fact that the detailed assessment criteria usually governing developments in ONLs and ONFs do not apply other than in the Rural Zone emphasises the need for caution.
83. We have accordingly approached consideration of the rezoning applications we heard on that general basis.
- 2.8 The relevance of infrastructure capacity:**
84. However, it is appropriate that we address more specifically the area where the adequacy of the information by submitters regarding the appropriateness of the rezoning applications they

⁹⁰ Refer Report 7 at Section 2.1

made came most sharply into focus. This was in the context of the ability for infrastructure to accommodate the development facilitated by the rezoning sought.

85. The evidence for the Council considered in each case of proposed zoning within or immediately adjacent to existing urban areas, whether Council infrastructure had existing capacity to service the site at the maximum density provided for in the relevant zone, and if not, whether planned upgrades would provide that capacity. Mr Glasner gave evidence on infrastructural capacity with respect to the three waters (potable water, stormwater and wastewater) and Ms Banks addressed traffic capacity issues.
86. Presenting the Council's case in opening, Ms Scott told us that the Council's position was that having appropriate provision for supply of infrastructure services to a site in place (or at least planned and approved) was determinative of whether a rezoning application for the site should be accepted. Subsequent answers to our questions, however, left us unclear as to whether that somewhat hard-edged position correctly reflected Council's view. Ms Scott, for instance, told us that the Council's decisions whether or not to plan for future infrastructure capacity in a particular area were not an absolute road block to development. Similarly, Mr Barr's position in evidence for Council was that submitters seeking rezoning do not hit a wall if infrastructure is not in place or provided for.
87. We therefore asked that Ms Scott confirm the Council's position in reply. The answer we received⁹¹ was that a rezoning request should be declined where an urban zone is sought, but no or insufficient capacity currently exists in the infrastructure network and no provision is made in the Council's long-term plan for the relevant infrastructure upgrade. Ms Scott made it clear that development in the Rural, Rural Residential and Rural Lifestyle Zones were an exception. Consistent with Mr Glasner's evidence, the Council accepted that in those zones on-site infrastructure can be privately provided. Ms Scott drew to our attention however, to the Council's unease with Rural Residential and Rural Lifestyle zones being located on the periphery of urban areas because of the expectation that the Council will provide services to them.
88. Counsel referred us to the Environment Court's decision in *Foreworld Developments Limited v Napier City Council*⁹² where the Court held that it is contrary to the purpose of the Act to zone land for an activity when the necessary infrastructure to allow that activity to occur without adverse environmental effects does not exist and there is no commitment to providing it.
89. The appellant there sought a deferred zoning, arguing that provision of infrastructure for more intensive levels of development could be considered as part of a resource consent application. The Court's response⁹³ was that in that event:

"Unmeetable expectations are raised and the Council is put under pressure to spend money it has decided, as a matter of managing this City in an integrated fashion, to commit elsewhere. That is the antithesis of the function of integrated management of resources imposed on territorial authorities by the RMA."
90. None of the submitters who appeared before us cited authority that would call this decision into question and we accept it, certainly as it relates to the provision of access to the Council's infrastructure networks for the three waters.

⁹¹ Legal submissions for Council in reply at 5.2

⁹² Environment Court Decision W8/2005

⁹³ At [20]

91. The position is not quite as black and white in relation to transport infrastructure, partly because provision of transport infrastructure does not have the same binary characteristics as the three waters and partly because, in a number of cases, Ms Banks' evidence for the Council was that rezoning might be able to proceed if a nominated traffic upgrade occurred. This prompted us to inquire as to the mechanism by which we could be assured that the identified impediment would be resolved and at our request, Ms Banks' reply evidence included a table identifying whether, and how, the relevant defect might be addressed. This was helpful because it enables case by case consideration of the relevance of transport infrastructure to our ultimate recommendations.

2.9 Relevance of NPSUDC:

92. Counsel for the Council provided us with a general outline of the NPSUDC in her memorandum of 3 March 2017. This was supplemented by a further Memorandum dated 19 April 2017 and then by the evidence of Messrs Barr and Osborne on the outputs from the DCM model, and its implications in relation to submissions we heard.

93. We also note the very helpful evidence we received from Ms Hampson for Michael Beresford that we will discuss further in a moment.

94. The NPSUDC focuses initially on whether a district contains an "urban area" which is projected to grow by between 5 and 10% between 2013 and 2023 (that being classed as medium growth) or alternatively at greater than 10% over the same period (that being classed as high growth). An urban area is in turn defined with reference to Statistics New Zealand's classification as such, together with a requirement that the urban area must have either a resident population of over 30,000 people or, at any point of the year, a combined resident population and visitor population of over 30,000 people (as determined by Statistics New Zealand population estimates).

95. The Council's position (as per the counsel's Memorandum of 3 March 2017) is that Queenstown is a 'high growth urban area' as defined and accordingly, the NPSUDC applies to the district as a whole, by virtue of the table contained in its preamble.

96. The Council did not provide us with an explanation as to the precise basis on which it came to that conclusion, but we infer (based on advice that the residential population of the Queenstown Urban Area, as defined by Statistics New Zealand is less than 30,000⁹⁴) that this is on the basis of the combined resident and visitor population exceeding 30,000 people on occasions. Certainly, that accords with our understanding of the position and no other party sought to dispute that. While we were not advised by Council of Statistics New Zealand's estimates of Queenstown's growth rate over the relevant period, Mr Osborne's evidence was that it is projected to be significantly higher than 10%. Again, this accords with our general understanding and no party sought to dispute that.

97. As counsel notes in her 3 March Memorandum, the operative provisions of the NPSUDC focus on 'urban environments' that are defined to be:

"An area of land containing, or intended to contain, a concentrated settlement of 10000 people or more and any associated business land, irrespective of local authority or statistical boundaries."

⁹⁴ Refer paragraph 20 of counsel's 19 April 2017 Memorandum

98. Also as noted by counsel, it is not easy to apply that definition to the situation in the Upper Clutha area, to define whether there is an 'urban environment' and if so, what exactly it takes in. The definition makes it clear through that unlike 'urban areas', statistical boundaries are not determinative.
99. The view taken by the Council, as set out in counsel's 3 March 2017 Memorandum, is that there is one urban environment in the Upper Clutha area encompassing Wanaka, Albert Town, Lake Hawea and Luggate. This was on the basis that they function "*as the same concentrated settlement*". This submission prompted us to inquire as to the status of the land north east of the settlement generally referred to as 'Wanaka', between that and Lake Hawea, and the land to the south east of 'Wanaka' between it and Luggate. Most of that land is zoned Rural with some Rural Residential and Rural Lifestyle zoned land. Mr Barr addressed that point in his evidence in reply, suggesting to us that the intermediate land was not part of the 'Wanaka urban environment'.
100. While the Council's suggested approach is a pragmatic response to a definition that is anything but clear in its practical application, we have difficulty accepting that Lake Hawea and Luggate are part of a 'concentrated settlement' given that they are separated from Wanaka proper by 17.1 and 14.4 km⁹⁵ of rural land respectively. We think Albert Town is in a different category. While, in the past, Albert Town was a discrete settlement, with urban development in the process of encircling the north side of Mount Iron, it is now effectively part of Wanaka.
101. Perhaps fortunately, the application of the NPSUDC to Wanaka does not depend on the conclusion we come to on this point given that, as counsel pointed out in her 19 April 2017 Memorandum⁹⁶, that settlement exceeds 10,000 people taking account of the capacity for growth in Wanaka proper. We consider this conclusion reinforced by the fact that the township of Wanaka is "*intended to contain*" the very substantial influx of non-residents over the Christmas/New Year holiday break and during the ski season.
102. When defining the outer limits of the Wanaka urban environment, the urban growth boundary shown on the planning maps has the specific purpose of identifying the area within which concentrated urban development is intended to occur⁹⁷, and in our view provides that demarcation.
103. This does not mean that urban development in Lake Hawea and Luggate is irrelevant to questions of whether the PDP gives effect to the NPSUDC. Mr Osborne confirmed, in response to our question, that those settlements form a common residential market with Wanaka so that increases in housing supply at Hawea or Luggate reduce demand for housing in Wanaka, and vice versa. Accordingly, it is appropriate in our view to factor in urban development capacity in those centres when assessing whether development capacity in the Wanaka urban environment is sufficient to meet projected demand.
104. We heard no expert evidence, however, that the same was true of rural residential or rural lifestyle developments outside the Wanaka urban growth boundary (or outside the existing areas of Luggate and Lake Hawea and their immediate environs) so as to suggest that they also should be treated as part of the same market.

⁹⁵ Measured by road, according to Google

⁹⁶ At paragraph 25

⁹⁷ Refer recommended policy 3.3.14

105. Turning to the provisions of the NPSUDC, the objectives of that document are grouped into four groups. The first group of objectives relates to outcomes for planning decisions, the second group to evidence and monitoring to support planning decisions, the third to responsive planning and the fourth to co-ordinated planning evidence and decision-making.
106. Many of these objectives relate to the operation of urban environments and thus are principally relevant to the provisions as to what activities may occur within those environments. To the extent, however, that zoning choices provide different outcomes, we note objective OA1:

“Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.”

Objective OC1:

“Planning decisions, practices and methods that enable urban development which provides for the social, economic, cultural and environmental wellbeing of people and communities and future generations in the short, medium and long term.”

Objective OD1:

“Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.”

which might all be seen as relevant.

107. Objective OD1 would certainly appear to support the position the Council has taken regarding the need to align zoning decisions with existing and planned upgrades to infrastructure.
108. Objectives OA1 and OC1 might also be seen to relate to the development capacity provided by zoning within urban environments. This is more particularly addressed in Objective 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.”*
109. Other objectives are more forward looking or alternatively, relate to the Council’s internal functions with respect to urban environments and urban growth. As such, they are less relevant to the matters we had to consider.
110. Seeking to achieve those objectives, Policy PA1 is particularly relevant to us:

“Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity according to the table below:

<i>Short term</i>	<i>Development capacity must be feasible, zoned and serviced with development infrastructure.</i>
<i>Medium term</i>	<i>Development capacity must be feasible, zoned and either:</i> <ul style="list-style-type: none"> • <i>serviced with development infrastructure; or</i>

	<ul style="list-style-type: none"> • <i>the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.</i>
<i>Long term</i>	<i>Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002."</i>

111. This policy needs to be read against a background where “development capacity” is defined to mean:

“...in relation to housing and business land, the capacity of land intended for urban development based on:

- a) The zoning, objectives, policies, rules and overlays that apply to the land, in the relevant proposed and operative regional policy statements, regional plans and district plans; and*
- b) The provision of adequate development infrastructure to support the development of the land.”*

112. “Development infrastructure” is in turn defined to mean:

“...network infrastructure for water supply, wastewater, stormwater, and land transport” as defined in the Land Transport Management Act 2003, to the extent that it is controlled by local authorities.”

113. The definition of “feasible” also needs to be noted. It means:

“...that development is commercially viable, taking into account the current likely costs, revenue and yield of developing; and feasibility has a corresponding meaning.”

114. Lastly “short term”, “medium term” and “long-term” are defined respectively as within the next three years, 3-10 years and 10-30 years.

115. The short and medium term accordingly aligns with the life of the PDP.

116. Policies PA3 and PA4 also need to be noted:

“PA3: When making planning decisions that affect the way and the rate in which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people in communities and future generations, whilst having particular regard to:

- a) Providing for 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;*
- b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and*

- c) *Limiting as much as possible adverse effects on the competitive operation of land and development markets.*

PA4: When considering the effects of urban development, decision-makers shall take into account:

- a) *The benefits that urban development would provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and*
b) *The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects.”*

117. Policies PC1-PC4 also all need to be noted. The NPSUDC states that their application is not restricted to the boundaries of the urban area:

“PC1: To factor in the proportion of feasible development capacity that may not be developed, in addition to the requirement to ensure sufficient, feasible development capacity as outlined in Policy PA1, local authorities should also provide an additional margin of feasible development capacity over and above projected demand of at least:

- *20% in the short and medium term;*
- *15% in the long-term.*

PC2: If evidence from the assessment under Policy PB1, including information about the rate of take-up of development capacity, indicates a higher margin is more appropriate, this higher margin should be used.

PC3: When the evidence base or monitoring obtained in accordance with Policies PB1 to PB7 indicates that development capacity is not sufficient in any of the short-medium or long term, local authorities shall respond by :

- a) *Providing future development capacity; and*
b) *enabling development.*
in accordance with Policies PA1, PC1 or PC2, and PC4. A response shall be initiated within 12 months.

PC4: A local authority shall consider all practicable options open to it to provide sufficient development capacity and enable development to meet demand in the short, medium and long term, including:

- a) *Changes to Plans and Regional Policy Statements, including to the zoning, objectives, policies, rules and overlays that apply in both existing urban environments and greenfield areas....”.*

118. Policies PC5-PC11 of the NPSUDC relate to the exercise of powers by Regional Councils, and the response of territorial authorities to the exercise of those powers. Unsurprisingly, Otago Regional Council has not yet put in place minimum targets pursuant to those policies that would require a response from the Council.

119. The key question we have to consider is whether, in terms of Policy PA1, the PDP provides sufficient housing and business land development capacity in the Wanaka urban environment over the short, medium and long term. The PDP does not purport to provide for industrial

activities in urban areas. Similarly, it does not include the Three Parks Special Zone. Accordingly, our consideration of the extent of land providing capacity for business activities is necessarily limited. Those issues will, however, come much more into focus in subsequent stages of the District Plan Review.

120. It will be apparent from the provisions quoted above that the NPSUDC does not prescribe where any particular urban development capacity needs to be located, merely that sufficient capacity has to be provided in terms of Policy PA1 and that, in terms of Policy PA3(a) particular regard has been had to provision for choices meeting the needs of people and communities and future generations.
121. It follows that the NPSUDC provides general background to the rezoning applications we heard, but does not dictate which rezoning submissions we should accept. However, if we conclude that the PDP does not currently provide sufficient capacity in terms of policy PA1, we should presumably take steps to ensure enough additional capacity is rezoned that that policy is complied with. That would on turn present us with the task of identifying a principled basis to determine which submissions seeking rezoning we should recommend be granted in order to give effect to the NPSUDC. Fortunately perhaps, we have concluded below that we do not need to go down this path.
122. We are unclear how we should respond if the evidence before us is that infrastructure capacity is neither available nor planned for sufficient urban development capacity to meet Policy PA1 given that the provision of such infrastructure is a matter for Council in the exercise of its statutory powers under the Local Government Act 2002 and therefore not something the PDP can require. To the extent that Policy PA1 might be considered to require rezoning of additional urban development capacity notwithstanding the lack of provision for infrastructure services, that would seem to directly conflict with both the purpose of the Act and the functions of the Council, as interpreted by the Environment Court in the *Foreworld* decision already noted.
123. The preamble to the NPSUDC states that it “*does not anticipate development occurring with disregard to its effect*”. We take that to mean, among other things, that the purpose of the Act (and the balance of Part 2) prevails over what otherwise appear to be the consequences of application of the NPSUDC and thus it is not necessary to have to resort back to the principles enunciated by the Supreme Court in *EDS v King Salmon*⁹⁸ to resolve that conflict.
124. Another preliminary observation we should make is that while a number of submitters sought to rely on the NPSUDC in respect of submissions seeking rezoning of rural land, we do not regard their cases being advanced by reference to the NPSUDC. Policies PA1 and 3 relate to provision of development capacity, which is defined as the capacity of land “*intended for urban development*”. More generally, Policies PA1-PA4 we stated to apply to urban environments. Land outside the Wanaka UGB is not within an urban environment. And even if we are wrong about the definition of the urban environment, other than in Lake Hawea Township and Luggate, it is not “*intended for urban development*.”
125. Turning to the evidence we heard regarding compliance with the NPSUDC, the case for the Council relied on the outputs from the DCM explained to us by Mr Osborne.
126. Mr Osborne’s evidence was that he relied on inputs from a third party (Rationale Projections) for estimates of future demand for housing. Those estimates indicated that the population of

⁹⁸ [2014] NZSC 38

the Wanaka Ward⁹⁹ would increase by 61% in the period 2015 to 2028 and 118% in the period 2015-2048. He advised that projections of the demand for occupied dwellings over the same periods were similar, but that projections provided by Rationale for unoccupied dwellings were that they would continue to grow over the period to 2028, but at a slower rate than the rate of population increase, and that in the longer term (to 2048) the number of unoccupied dwellings would reduce compared to a 2015 baseline.

127. We found this aspect of the Rationale projections somewhat surprising and Ms Hampson, in her evidence for Michael Beresford, expressed the view that it should not be relied upon. We will come back to the significance of that point.
128. The methodology of the DCM explained by Mr Osborne was that it starts with the theoretical capacity enabled by the combination of notified PDP zones and ODP zones for the areas not covered by the PDP and then discounts that theoretical capacity to arrive at first a 'feasible' capacity and then a more conservative 'realised' capacity, which might be compared with the estimated demand.
129. We were unclear as to how Mr Osborne's 'feasible' and 'realised' classifications equated to the NPS definition of 'feasible', but even taking Mr Osborne's most conservative figure of what might be realised, he predicted 6615 dwellings would be available in the entire Upper Clutha area compared to a projected demand of approximately 5000 dwellings, that is to say a 'safety margin' of in excess of 30%.
130. Mr Osborne produced DCM predictions of the number of dwellings within the Wanaka UGB boundaries, but because the demand figures were not provided to us for that area, there was no ready comparator.
131. We discussed with Mr Osborne the sensitivity of his projections to the assumption discussed above, regarding the trend in unoccupied dwellings in future. He advised us that even if the proportion of unoccupied homes to the total remained approximately as at present, the end result would be to soak up about half of the predicted safety margin out to 2048. That would suggest a margin of a little over 15% on that assumption.
132. Ms Hampson's evidence for Michael Beresford took the form of a critique of Mr Osborne's approach rather than an alternative modelling approach. We emphasise that is not intended to imply criticism of Ms Hampson's approach, which we found helpful in assisting us to test the robustness of Mr Osborne's predictions. Ms Hampson drew our attention to a number of areas where, in her view, the logic of Mr Osborne's approach was either flawed or dubious and suggested a more conservative assessment of the model outputs would be appropriate. She concluded that on the most conservative basis, 78-86% of feasible capacity would be utilised in the long term, that is to say still maintaining an approximate 15% margin, as sought by the NPSUDC.
133. Mr Osborne acknowledged the force of some of the points Ms Hampson made. He agreed, for instance, that experience to date did not indicate that the full capacity of medium density zoned land would be utilised, but he said that he had already factored that into his predictions of realised capacity. He also agreed in response to our questions, that his productions might be considered conservative because it made no allowance for the potential for residential flats to be constructed, as permitted by the PDP.

⁹⁹ As we understood it, effectively the entire area the subject of our hearing

134. The fact that medium density land is apparently not being developed to capacity is linked to another point Ms Hampson made, regarding the possible under provision of what she described as ‘attached dwellings’, which we understood to be apartments, terrace housing and the like. Mr Osborne suggested to us that land developers are currently not utilising the greater density provided for in medium density residential zones, because lower density development is perceived as a lower risk option at this time, rather than because there is no demand for such development. In our view, this observation rather tends to support Ms Hampson’s point, at least in principle.
135. However, we were left unsure as to the robustness of Ms Hampson’s estimates of the extent of any under provision for this sector of the housing market, because she inferred a demand for attached dwellings in Wanaka based on a nationwide percentage of attached dwellings to the whole. She, however, agreed that there was a potential that the larger cities might be skewing that national percentage and that it was desirable to construct a district specific model.
136. Even accepting though that there is a current unsatisfied demand for attached dwellings that might prove to be an issue in future (given the instruction in Policy PA3 to have particular regard to provision for choices meeting the needs of people and communities), none of the submitters seeking rezoning (including Mr Beresford) indicated to us any intention (still less a commitment) to construct attached urban dwellings that would meet the latent demand that Ms Hampson identified¹⁰⁰. Therefore, we regard it as an issue of limited relevance to the rezoning requests we have to form a view on.
137. More generally we note the emphasis given in Mr Osborne’s evidence to the DCM being a work in progress. The number of moving parts in the DCM and the need for Mr Osborne to correct some substantive errors in his analysis¹⁰¹ rather tended to emphasise that fact. The extremely high growth rates in the Upper Clutha Area in general, and the Wanaka Urban Environment in particular also suggests a need for caution about projections out into the future as far as 2048.
138. We note that one of the features of the NPSUDC that we have not highlighted is the requirement for councils to keep the provision of urban development capacity under continuous review and to react to adverse trends. We think that that particular requirement will likely be called into play in the Upper Clutha area. It seemed to us that notwithstanding the effort and expertise brought to bear by both Mr Osborne and Ms Hampson, the only certainty is that the long-term position is uncertain.
139. Ultimately, we find that there are grounds for confidence that at least during the life of the PDP (equating to the short and medium term defined in the NPSUDC) there is more than sufficient capacity provided for urban residential development. We find also that there is considerably more uncertainty as to the position the further into the future one projects, but that the best evidence at this point is that the residential development capacity provided by the PDP, in combination with the ODP where relevant, either exceeds the margin required by the NPSUDC, or is close to it.

¹⁰⁰ This is also an answer to the criticism Mr Colin Harvey made more generally of the Council’s attempts to constrain how much urban development should occur given the evidence of unsatisfactory living arrangements for people during periods of peak holiday demand.

¹⁰¹ Recording Arthurs Point within the Upper Clutha area and Northlake within the Queenstown area

140. It follows from our conclusions that submissions seeking upzoning of land to facilitate urban development in currently rural zoned areas, or urban development in existing urban areas at greater densities than currently provided, cannot rely on the NPSUDC as a basis for the relief sought.
141. That does not mean that the submissions in question should not be granted, but the relief sought needs to be supported on some other relevant basis.

2.10 Submissions seeking substitution of ODP Zones:

142. In her Opening Submissions for the Council, Ms Scott noted that a number of submitters we would hear from had sought that their land be rezoned to an ODP Zone. She gave the example of the Industrial Zones, which are being reviewed through a later state of the District Plan review.
143. Ms Scott accepted that such submissions were within scope so that we needed to consider the relief sought on the merits.
144. Ms Scott identified a concern that if we were to find merit in such submissions, the end result might be inconsistent with the overall assessment the Council has yet to make regarding the need for industrial zoned land (for instance), where that land should be located, and what activities should be provided for within any new Industrial Zone(s).
145. She indicated that the Council's preference was that, if the Panel found merit in a submission of this kind, it should be addressed by way of variation at a later stage of the District Plan review.
146. As we discussed with Ms Scott, this suggestion has the potential to prejudice the position of submitters whom we determine have made out a case for rezoning because, if the Council should choose not to renotify the land in question at a later stage, for whatever reason, the submitter would be unable to pursue the relief they are currently seeking. Such a submission would be out of scope. We described it as a 'catch 22'. Ms Scott accepted that this was an issue, because the Council retained the ability to determine what was or was not renotified as part of Stage 2 of the District Plan Review. She did not have the authority to commit the Council in that regard at the time, although we note that at least as regards submissions seeking imposition of a Visitor Accommodation zone, Council has now committed to considering submissions seeking to expand such zonings over PDP Stage 1 and 2 land as part of the Stage 2 Variation hearing process¹⁰².
147. The same issue arose in the context of Hearing Stream 13 (Queenstown Mapping) and the Chair issued a Minute dated 29 May 2017 indicating that where a submission seeks rezoning of land the subject of the PDP to an ODP Zone, the issue is not one of jurisdiction, but rather whether the submitter has shown how the proposed zone fits into the PDP as a whole (and in particular the Strategic Direction Chapters that are not contained in the ODP) by providing evidence as to the entire objective, policy and rule framework proposed in order that the Hearing Panel can be satisfied that the proposed zone is consistent with the overall objectives and policies of the PDP.
148. Counsel for the Council agreed with that position in her written submissions in reply, as do we. We have accordingly approached submissions seeking imposition of ODP Zones on that basis.

¹⁰² Refer the discussion at Section 1.5 above

149. We record that the submission for Council in reply is that none of the submitters in question have met the required evidential threshold. We discuss whether we agree with that submission in the relevant reports¹⁰³.

3. SUMMARY OF KEY PDP PROVISIONS:

150. In his Section 42A Report (Strategic Overview and Common Themes), Mr Barr set out a synopsis of the key strategic, district wide and zone policy frameworks, to provide the background to his and Ms Bowbyes's review of the submissions on the plan maps. Mr Barr's review reflected changes to the relevant notified provisions recommended by reporting officers in the various hearing streams that had already occurred.

151. Those recommendations have now been overtaken by the review of submissions and further submissions undertaken by each Hearing Panel, and more particularly, by the changes they are recommending to the Plan provisions. In some cases, the effect of the Stage 2 Variations also needs to be considered, although, with those provisions only just notified, and our having no knowledge of the submissions on it, nor scope to make recommendations on it, we need to be somewhat circumspect about relying on it

152. The evidence we heard put the following principal matters in issue (in no particular order):

- a. Urban amenity in residential zones;
- b. The role of Wanaka town centre, and the management of activities affecting that and Three Parks;
- c. The role of local shopping centres;
- d. The location and role of UGBs, both as regards residential development within the UGB and outside it;
- e. Identification of ONLs and ONFs;
- f. Identification of SNAs;
- g. Development in and adjacent to ONLs and ONFs;
- h. Development affecting SNAs;
- i. Maintenance of rural character;
- j. Management of reverse sensitivity effects;
- k. Managing residential development in settlements where there is no UGB.

153. Using that list of issues as a reference point, relevant objectives recommended in Chapter 3 include:

“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 centres are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.

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

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

¹⁰³ See in particular recommendation reports 16.2 and 16. 6

conservation values and Ngāi Tahu values, interests and customary resources are maintained.

- 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.*
- 3.2.4.1 *Development and land uses sustain or enhance the life-supporting capacity of air, water, soil and ecosystems and maintain indigenous biodiversity;*
- 3.2.4.5 *Public access to the natural environment is maintained or enhanced;*
- 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."*

154. Turning to the recommended policies of Chapter 3, we note the following in particular:

- "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.*
- 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 zoning that could undermine the role of the Queenstown and Wanaka town centres as the primary focus for the District's economic activity.*
- 3.3.9 *Support the role of township commercial precincts and local shopping centres fulfil in serving local needs by enabling commercial development that is appropriately sized for that purpose.*
- 3.3.11 *Provide for a wide variety of activities and sufficient capacity within commercial zoned land to promote business growth and diversification.*
- 3.3.13 *Apply Urban Growth Boundaries (UGBs) around the urban areas of the Wakatipu Basin (including Jacks Point), Wanaka, and Lake Hawea Township.*
- 3.3.14 *Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.*
- 3.3.15 *Locate urban development of the settlements where no UGB is provided within the land zoned for that purpose.*
- 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).*
- 3.3.18 *Protect SNAs from significant adverse effects and ensure enhanced biodiversity outcomes to the extent that other adverse effects on SNAs cannot be avoided or remedied.*
- 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 that they would protect, maintain or enhance landscape quality, character and visual amenity values.*
- 3.3.22 *Provide for rural living opportunities in areas identified on the District Plan Maps as appropriate for rural living developments.*
- 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.*
- 3.3.28 *Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development.*
- 3.3.29 *Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan Maps.*
- 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 minor and or not temporary in duration.*
- 3.3.31 *Identify the District's Rural Character Landscapes on the District Plan Maps.*

- 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.*"
155. Chapter 4 provides more direction on urban development. There are three objectives. The first recommended objective, 4.2.1, relates to use of UGBs:
- "Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges."*
156. The first three policies of Chapter 4 flesh out the policies of Chapter 3 already noted related to definition of UGBs, focussing urban development within UGBs, and to a lesser extent within smaller rural settlements, and ensuring UGBs operate as effective boundaries to urban development.
157. Policy 4.2.1.4 might particularly be noted:
- "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."*
158. Chapter 4 then provides two related objectives for management of development within UGBs as follows:
- "4.2.2.A A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.*
- 4.2.2.B Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features and areas supporting significant indigenous flora and fauna."*
159. Policies particularly relevant to zoning choices within UGBs include:

- “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 3.3.2-3.3.5 and associated policies; and*
 - j. the need to locate emergency services as 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.*
- 4.2.2.12 Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.”*

160. Recommended Policy 4.2.2.22 should also be noted:

“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 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.”*

161. Recommended Chapter 5 (Tangata Whenua) is notable for its acceptance of the Council staff recommendation that the statement of the chapter’s purpose in Section 5.1 make it clear that Chapter 5 relates to Ngāi Tahu’s cultural interests only. The language of Chapter 5 referring to their interests is also changed a little, to reflect the language of the Proposed RPS and its focus on Ngāi Tahu’s values, interests and customary resources. Beyond that, the provisions remain much as described in Mr Barr’s Section 42A Report¹⁰⁴.

162. The final Chapter in the Strategic Direction section of the PDP is recommended to be retitled “*Landscapes and Rural Character*”. The recommended Statement of Purpose emphasises the inter-relationship between this chapter and the objectives of Chapter 3. Consistent with that, the recommended Chapter 6 has no objectives of its own. It does, however, have relevant policies under a number of headings. Relevant to the management of ONFs and ONFs, recommended Policy 6.3.1 provides the basis for the classification of rural land:

“Classify the Rural Zoned landscapes in the District as:

- *Outstanding Natural Feature (ONF)*
- *Outstanding Natural Landscape (ONL)*
- *Rural Character Landscape (RCL)”*

163. Policy 6.3.3 then states:

“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 relating to those categories do not apply unless otherwise stated.”

164. In relation to activities across all rural zones, the following recommended policies are worthy of note:

“6.3.8 Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District’s distinctive landscapes.

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

¹⁰⁴ Paragraphs 15.14-15.22

subdivision or development constitutes a change in the intensity of the land use or the retirement of productive farmland.

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)."*

165. In relation to activities in ONLs and on ONFs, we note the following policy:

"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."

166. In relation to activities in Rural Character Landscapes, the following policies should be noted:

"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.

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*

6.3.21 *Require the 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.*

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.

6.3.27 *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."*

167. Turning to Urban Residential Zones, there were no submissions relating to the High Density Residential Zone. The other three residential zones in the notified PDP, being the Medium Density Residential Zone (PDP Chapter 8), the Low Density Residential Zone (PDP Chapter 10) and the Large Lot Residential Zone (PDP Chapter 11) were all the subject of submission.

168. The structure of the residential zone provisions starts with the high density residential zone as the 'apex' of the PDP's residential zones in terms of the scale and intensity of development

enabled, and the scarcity with which it has been distributed. The recommended purpose of the High Density Residential zone includes the following:

“The High Density Residential Zone provides for the efficient use of land within close proximity to town centres that is easily accessible by public transport, cycle and walk ways. In conjunction with the Medium Density Residential Zone, the zone plays a key planning role in minimising urban sprawl and consolidating growth in existing urban areas.”

169. Below the High Density Residential zone is the Medium Density Residential zone. This zone is intended to help accommodate growth in locations that can support density, such as around centres and amenities such as trail networks. Key provisions relevant to the re-zoning requests, specifically in terms of the recommended approach to the location of the zone, are:

Objective 8.2.1:

“Objective - Medium density development occurs close to employment centres which encourage travel via non vehicular modes of transport or via public transport.”

Supporting policies to this objective are recommended to be:

“8.2.1.1 Provide opportunities for medium density housing close to town centres, local shopping zones, activity centres and public transport routes.

8.2.1.2 Provide for compact development forms that encourage a diverse housing supply and contribute toward containing the outward spread of residential growth away from employment centres.

8.2.1.3 Enable increased densities where they are located within easy walking distance of employment centres and public transport routes, subject to environmental constraints including local topography, stability and waterways, that may justify a limitation in density or the extent of development.

8.2.1.4 Enable medium density development through a variety of different housing forms including terrace, semi-detached, duplex, townhouse, or small lot detached housing.”

170. The Medium Density Residential zone is also recommended to include provisions to manage character and amenity values effects on adjacent sites. This is relevant from the point of view of submitter and further submitter concerns as to whether and to what extent the Medium Density Residential zone may result in adverse effects on adjacent sites. Relevant recommended provisions are:

Objective 8.2.3:

“Objective - Development provides high quality living environments for residents and provides reasonable maintenance of amenity values enjoyed on adjoining sites taking into account the changed future character intended within the zone.”

Policies supporting this objective are recommended to include:

“8.2.3.1 Apply permitted activity and resource consent requirements based on recession plane, building height, setbacks and site coverage controls as the primary means of ensuring reasonable maintenance of neighbours’ privacy and amenity values.

8.2.3.2 *Where a resource consent is required for new development, reasonably minimise the adverse effects of the new development on the amenity values enjoyed by occupants of adjoining sites, and have particular regard to the maintenance of privacy for occupants of the development site and neighbouring sites through the application of setbacks, offsetting of habitable room windows from one another, screening or other means.”*

171. The next tier down the residential zone hierarchy is the Low Density Residential zone. This has been recommended to be re-named the Lower Density Suburban Residential zone. This zone is intended to be the ‘standard’ residential zone, and is the one that contains what could be described as ‘suburban’ detached dwellings. It is recommended to enable a mix of housing types and configurations. Relevant to the issues raised in the submissions and further submissions are the following recommended provisions:

Objective 7.2.1:

“7.2.1 Objective – Development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone.”

The policies supporting this objective are:

“7.2.1.1 Ensure the zone and any development within it is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.

7.2.1.2 Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development, and maintains suburban residential amenity values including predominantly detached building forms, and predominantly one to two storey building heights.

7.2.1.3 Ensure that the height, bulk and location of development maintains the suburban-intensity character of the zone, and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.”

7.2.1.4 Require, as necessary, all new buildings, relocated buildings and additions and alterations to existing buildings that contain an Activity Sensitive to Road Noise located adjacent to a State Highway to be designed to maintain internal residential amenity values and in particular provide protection to sleeping occupants from road noise.”

172. Objective 7.2.3 is also very relevant to the issues and concerns raised in the mapping submissions. It is recommended to state:

“7.2.3 Objective - Encourage higher density development where it responds sensitively to the context and character of the locality and is designed to maintain local amenity values.”

Policies supporting this objective are recommended to be:

“7.2.3.1 Encourage densities higher than 1:450 square metres per residential unit where this is designed to fit well with the immediate context, with particular significance attached to the way the development:

- a. manages dominance effects on neighbours, through measures such as deeper boundary setbacks, sensitive building orientation and design, use of articulation and landscaping.*
- b. achieves a reasonable level of privacy between neighbours through measures such as deeper boundary setbacks, offsetting habitable room windows that face each other, or the use of screening devices or landscaping.*
- c. provides activation of streets through the placement of doors, windows and openings that face the street.*

7.2.3.2 Limit building height on sites smaller than 900 square metres that are proposed to be developed for two or more principal units (i.e. excluding residential flats) so as to mitigate a reduction in spaciousness around and between buildings that otherwise forms part of suburban residential amenity values.

7.2.3.3 Encourage landscaped areas to be well-designed and integrated into the development layout and design, providing high amenity spaces for recreation and enjoyment, having particular regard to the visual amenity of streets and street frontages.”

173. The lowest ‘rung’ in the residential zone ladder is the Large Lot Residential Zone. As a result of the submissions received to the Stream 6 Hearing, it has been recommended to split this zone into two sub-zones, Area A (2,000m² minimum lot size applies) and Area B (4,000m² minimum lot size applies). This zone is intended to sit toward the periphery of urban areas where there is less demand or practical justification for higher densities. Development in this zone is typified by larger houses on large garden settings. The relevant provisions recommended are:

Objective 11.2.1:

“Objective – A high quality of residential amenity values are maintained within the Large Lot Residential Zone.”

Policies supporting this objective are recommended to be:

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

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

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

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

174. The Wanaka Town Centre Zone and the Local Shopping Centre Zone were both addressed in Report 16.2. Key aspects of the recommended zone provisions are addressed in those reports. Likewise, the Airport Zone recommended in Chapter 17 is addressed in the report related to the submission of JBIL¹⁰⁵.

175. Turning to the rural zones, the Gibbston Character Zone was not relevant to the submissions we heard, for obvious reasons. There were, however, a number of submissions seeking rezoning of land notified as being within the Rural Zone to either Rural Residential or Rural Lifestyle.

176. Mr Barr recorded in his Section 42A Report that the Rural Zone encompasses the majority of the land within the District and that as well as a wide range of productive activities, the zone also accommodates a wide range of rural living, recreation, commercial and tourism activities. The statement of the zone's purpose in Chapter 21.1 is recommended by the Stream 2 Hearing Panel to read:

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

177. The purpose objectives and policies of Chapter 21 reflect the diversity of activities that occur in the Rural Zone. Particular reference might be given to recommended objective 21.2.8:

"Subdivision, use and development in areas that are unsuitable due to identified constraints not addressed by other provisions of this Plan, is avoided, or the effects of those constraints are remedied or mitigated."

178. Turning to the Rural Residential and Rural Lifestyle zones, the recommended zone purpose in Chapter 22.1 reads as follows:

"The Rural Residential and Rural Lifestyle zones provide residential living opportunities on the periphery of urban areas and within specific locations amidst the Rural Zone. In both zones a minimum allotment size is necessary to maintain the character and quality of these zones and the open space, rural and natural landscape values of the surrounding Rural Zone."

179. Chapter 22.1 goes on to record in relation to the Rural Residential Zone:

"The Rural Residential Zone generally provides for development at a density of up to one residence every 4000m². Some rural residential areas are located within visually sensitive landscapes. Additional provisions apply to development in some areas to enhance landscape values, indigenous vegetation, the quality of living environments within the zone and to manage the visual effects of the anticipated development from outside the zone, particularly from surrounding rural areas, lakes and rivers. The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and, where required, design and landscaping controls imposed at the time of subdivision."

¹⁰⁵ Report 16.11

180. The corresponding provision in Chapter 22.1 related to the Rural Lifestyle Zone states:

“The Rural Lifestyle Zone provides for rural living opportunities with an overall density of one residential unit per two hectares across a subdivision. Building platforms are identified at the time of subdivision to manage the sprawl of buildings, manage adverse effects on landscape values and to manage other identified constraints such as natural hazards and servicing. The potential adverse effects of buildings are controlled by height, colour, and lighting standards.

Many of the Rural Lifestyle Zones are located within sensitive parts of the district’s distinctive landscapes. While residential development is anticipated within the zone, provisions are included to manage the visual prominence of buildings, control residential density and generally discourage commercial activities. Building location is controlled by the identification of building platforms, bulk and location standards and where required, design and landscaping controls imposed at the time of subdivision.”

181. Consistent with those introductory comments the objectives of Chapter 22 include reference to:

- a. Maintaining and enhancing the district’s landscape quality, character and amenity values while enabling rural living opportunities in areas that can absorb development;
- b. Recognising that the predominant land use within Rural Residential and Rural Lifestyle Zones is rural living;
- c. Recognising that sensitive activities conflicting with existing and anticipated rural activities need to be managed.

182. These provisions need to be read together with the provisions of Chapter 27 (Subdivision and Development) discussed above¹⁰⁶.

183. These provisions also need to be read against a background where the Rural Lifestyle and Rural Residential zones do not occur within the Wakatipu Basin (by virtue of the Stage 2 Variations).

184. Relevant to some of the rezoning requests we heard, the provisions of Chapter 28 (Natural Hazards) should also be noted, particularly recommended Policy 28.3.2.1:

“Avoid significantly increasing natural hazard risk.”

4. SUMMARY OF RECOMMENDATIONS

185. Our recommended changes to the PDP are set out in detail in Reports 16.1- 16.17 that accompany this report.

186. Most of the recommended changes manifest themselves as changes to the planning maps for the Upper Clutha area, a copy of which is attached as Appendix 1 to this Report. Where recommendations other than changes to the District Plan Maps have been made, these are detailed in the individual reports. However, for convenience, we note the following recommendations for further action by the Council:

- a. In Report 16.1, we have recommended that Council undertake a review of its approach to ONLs and ONFs incorporating the following elements:

¹⁰⁶Section 2.7 above

- i. To consider application of the landscape notations to zones not the subject of the PDP where appropriate;
 - ii. To consider whether any existing ONL or ONF boundaries should be extended to cover land not within the Rural Zone or (in the case of the instances noted in this report) the existing boundaries over non-Rural Zone land including roads are appropriate;
 - iii. To identify the attributes of ONLs and ONFs that are identified that contribute to those landscapes and features being outstanding;
 - iv. To identify any consequential amendments required to the PDP, including but not limited to Chapters 3 and 6 to reflect the results of the review on the points above;
- b. In Report 16.2, we have recommended that Council consider:
- i. Development, working with landowners and the community, of a structure plan for the land generally bound by Orchard Road (southwest), Riverbank Road (south east) and Ballantyne Road (northeast). This structure plan would identify a long-term urban form outcome, staging / timing sequence, and a platform for timely Plan Changes as appropriate;
 - ii. Imposition of an appropriate urban zoning for the Willowridge land at Hawea currently zoned Township in the ODP as part of a future stage of the District Plan review process, taking account of our recommendations as to the zoning of the balance of the Willowridge land;
- c. In Report 16.9, we have recommended that Council consider accepting land offered by LMS as reserve, adjacent to Luggate Creek;
- d. In Report 16.13, we have recommended that Council consider undertaking a strategic planning exercise for the Rural Character Landscape areas of the Upper Clutha Basin, similar to that which it has undertaken for the Wakatipu Basin;
- e. In Report 16.14, we have recommended that Council:
- i. Negotiate additional easement rights over the private land on Mt Iron in favour of the public, preferably paralleling those that the submitter has indicated it would be prepared to confer as recompense for the proposed rural lifestyle rezoning, whose rejection we have recommended;
 - ii. Consider notifying a variation to include within existing SNA E18C the alternate SNA area ultimately recommended by Dr Lloyd, that is to say, including the 2.3 hectares he identified as part of his evidence;
 - iii. Consider what steps it might take to assist landowner with the maintenance and enhancement of SNAs on private land;
- f. In Report 16.17, we have recommended that Council consider where and how it wishes the small communities in the Makarora Valley to expand when it reviews the ODP Township Zone.

187. Lastly, we have attached as Appendix 2 a list of the submissions that were not supported by any evidence and therefore that we have recommended be rejected.

For the Hearing Panel



Trevor Robinson, Chair
Dated: 27 March 2018

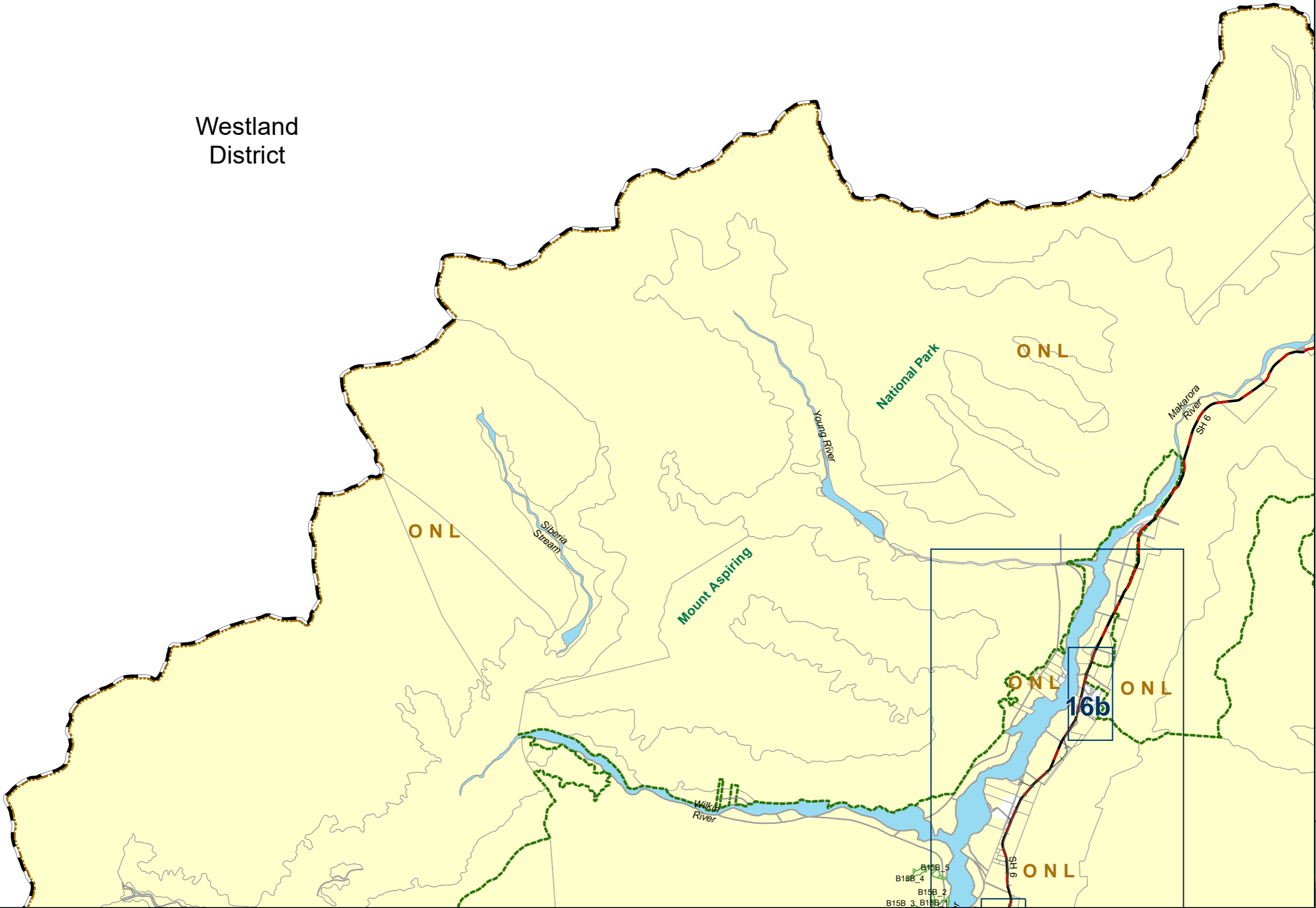
Attachments to this Report

Appendix 1: Recommended revised planning maps for the Upper Clutha District¹⁰⁷.
Appendix 2: List of submissions rejected because no evidence to support relief sought.

¹⁰⁷ Noting that any amendments to the Ski Area Sub Zones in the Upper Clutha area shown on the maps are the subject of recommendations from the Stream 11 Hearing Panel (Report 15)

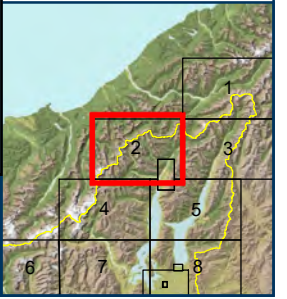
Appendix 1
Recommended Upper Clutha Planning Maps

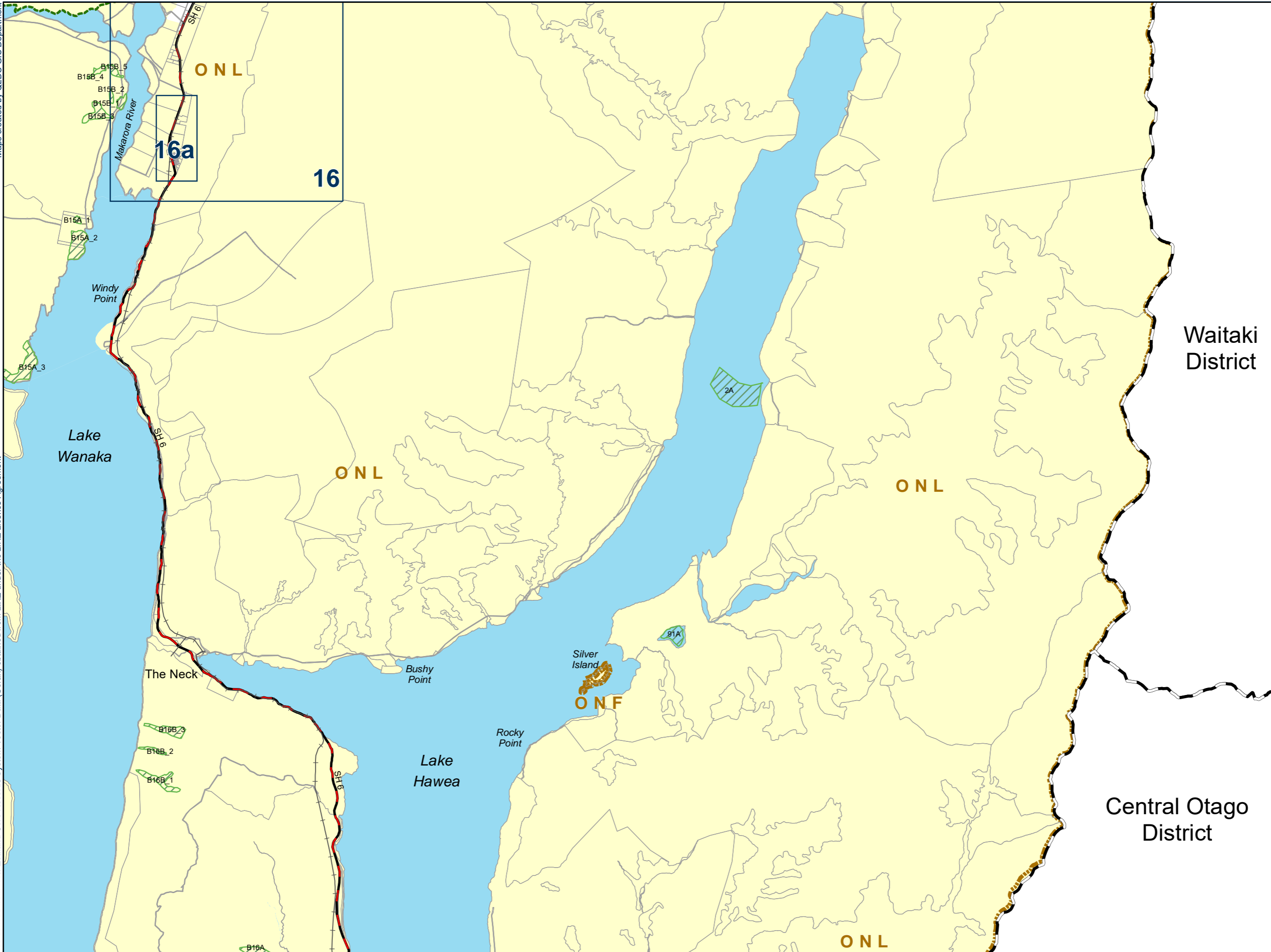
Westland
District



- Legend**
- Aurora Distribution Lines – For Information Only
 - Mount Aspiring National Park
 - State Highway
 - Parcel/Road Boundary
 - Landscape Classification (ONF,ONL,RCL)
 - Territorial Authority Boundary
 - Significant Natural Area
 - Unformed Roads
 - Rural
 - Water (zoned Rural unless otherwise shown)

2



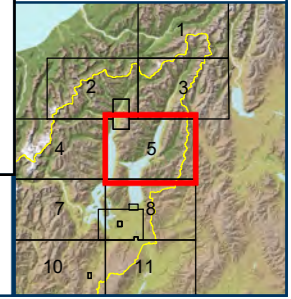


- Legend**
- Aurora Distribution Lines – For Information Only
 - Mount Aspiring National Park
 - State Highway
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RCL)
 - Territorial Authority Boundary
 - Significant Natural Area
 - Unformed Roads
 - Rural
 - Water (zoned Rural unless otherwise shown)

Waitaki District

Central Otago District

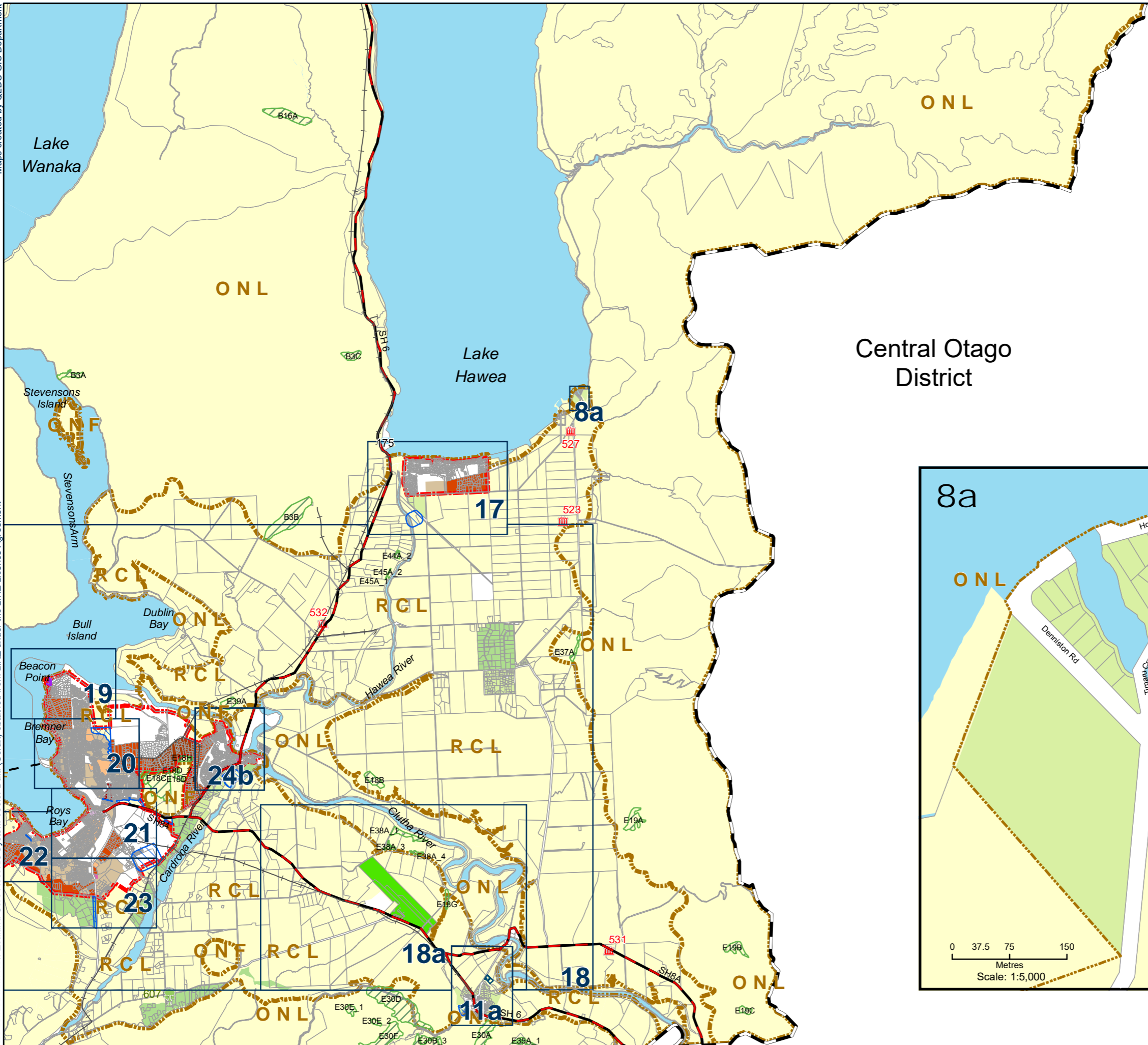
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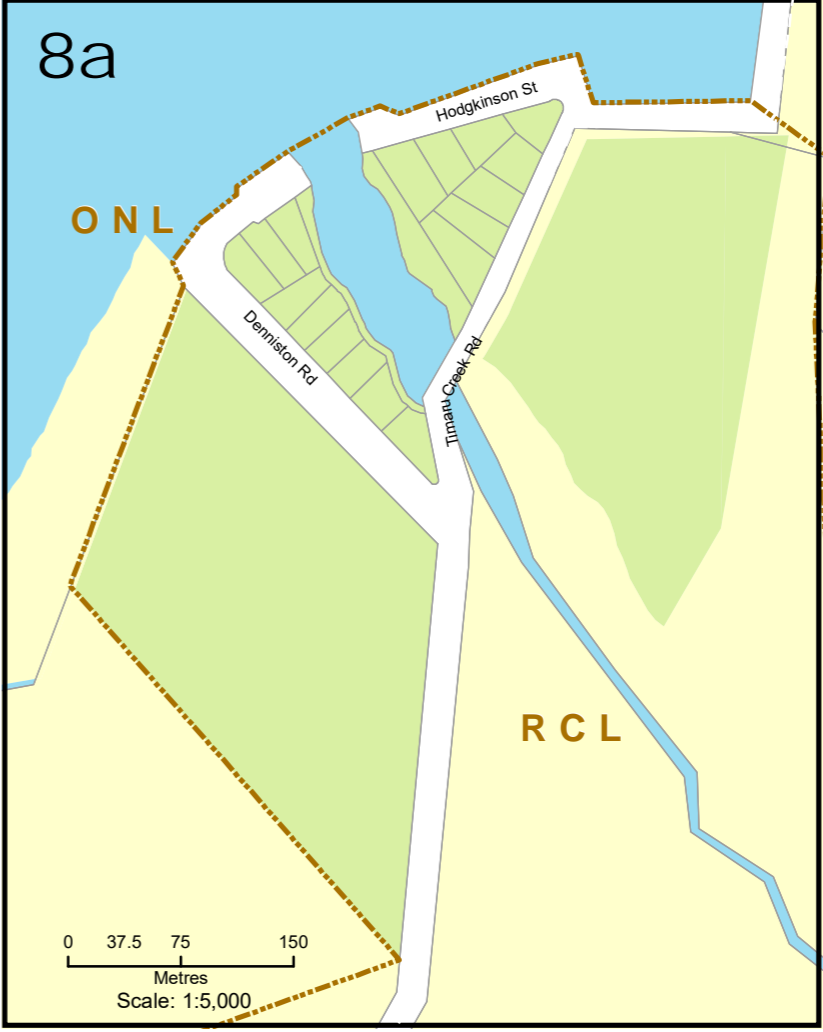
PDP Decisions Version Map 5 - Hunter River, Lake Hawea, Lake Wanaka



Date Published: 11-Apr-18

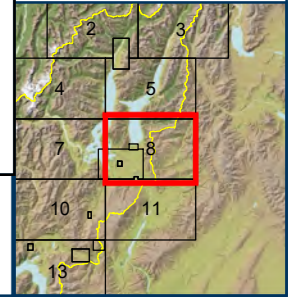


Central Otago District



- Legend**
- Historic Heritage Features
 - Protected Tree
 - Aurora Distribution Lines - For Information Only
 - State Highway
 - Parcel/Road Boundary
 - Specific Rules Apply
 - Landscape Classification (ONF, ONL, RCL)
 - Urban Growth Boundary
 - Territorial Authority Boundary
 - Significant Natural Area
 - Unformed Roads
 - Building Restriction
 - Rural Industrial Sub-Zone
 - Medium Density Residential
 - Large Lot Residential A
 - Large Lot Residential B
 - Lower Density Suburban Residential
 - High Density Residential
 - Town Centres
 - Local Shopping Centre
 - Business Mixed Use
 - Airport Zone
 - Rural
 - Rural Residential
 - Rural Lifestyle
 - Water (zoned Rural unless otherwise shown)

8

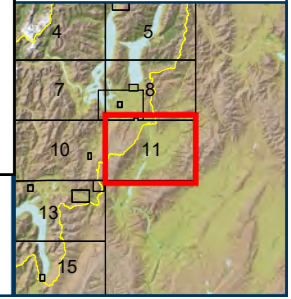


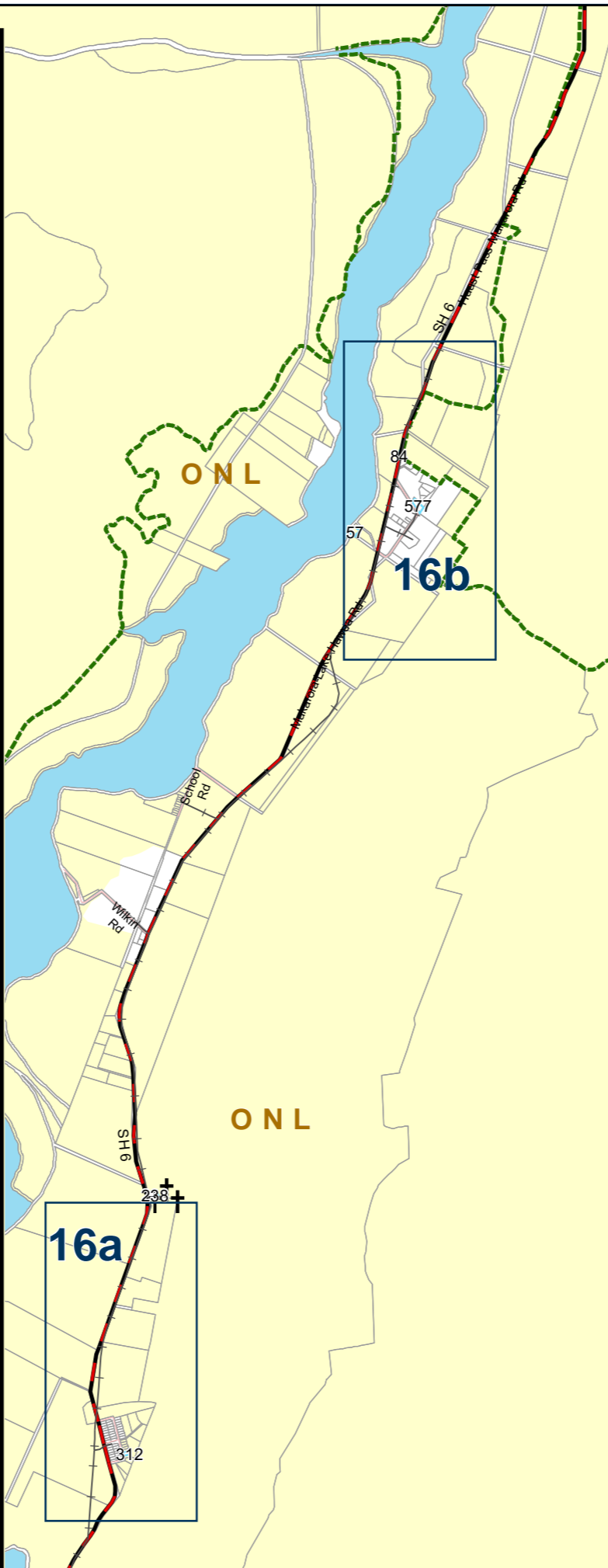
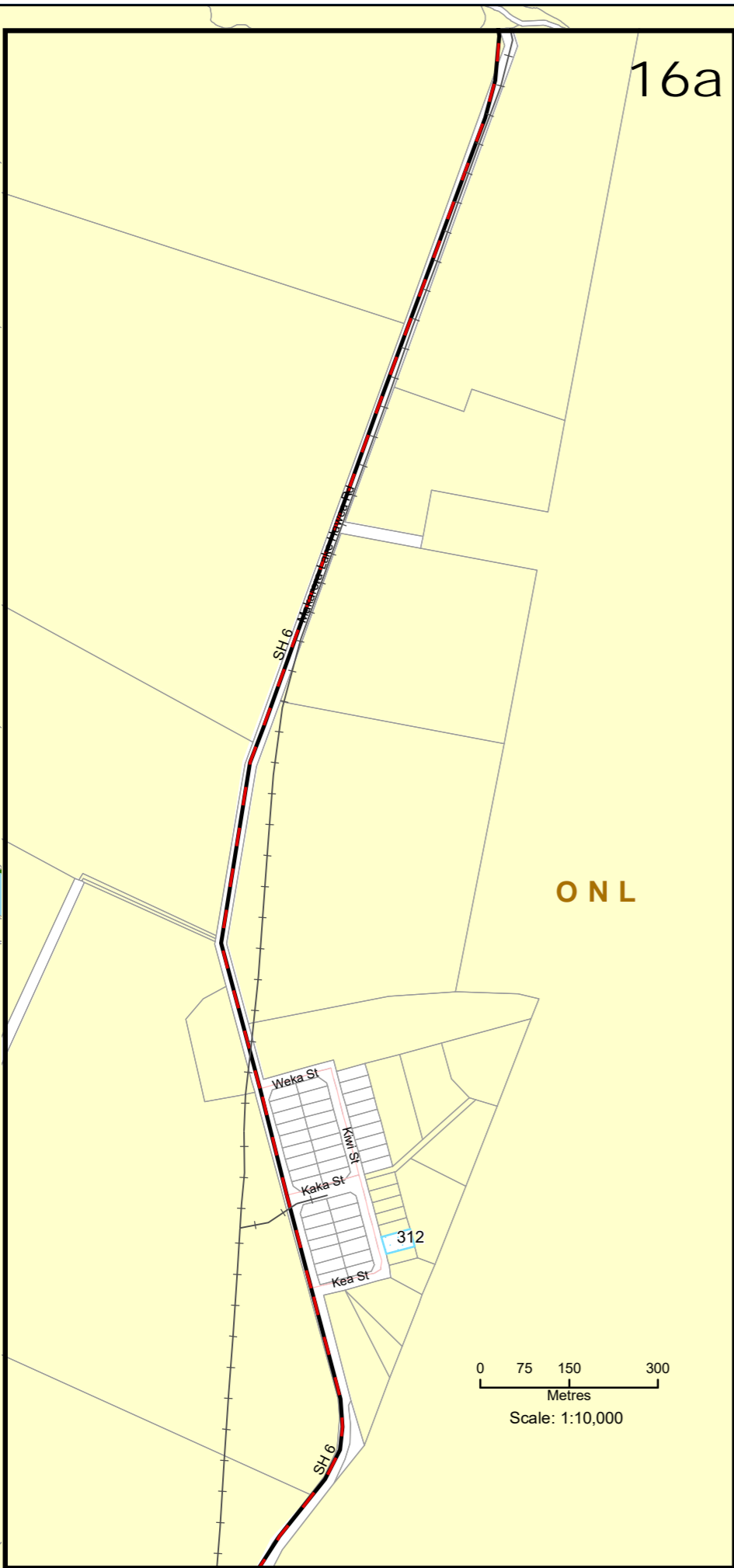


Central Otago District



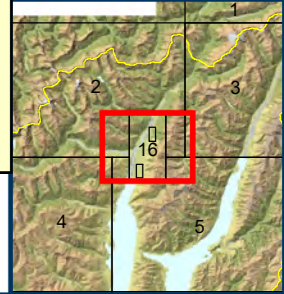
- Legend**
- Historic Heritage Features
 - Protected Tree
 - Aurora Distribution Lines - For Information Only
 - State Highway
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RCL)
 - Territorial Authority Boundary
 - Significant Natural Area
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Ski Area Sub-Zone
 - Rural Industrial Sub-Zone
 - Airport Zone
 - Rural
 - Rural Residential
 - Rural Lifestyle
 - Water (zoned Rural unless otherwise shown)

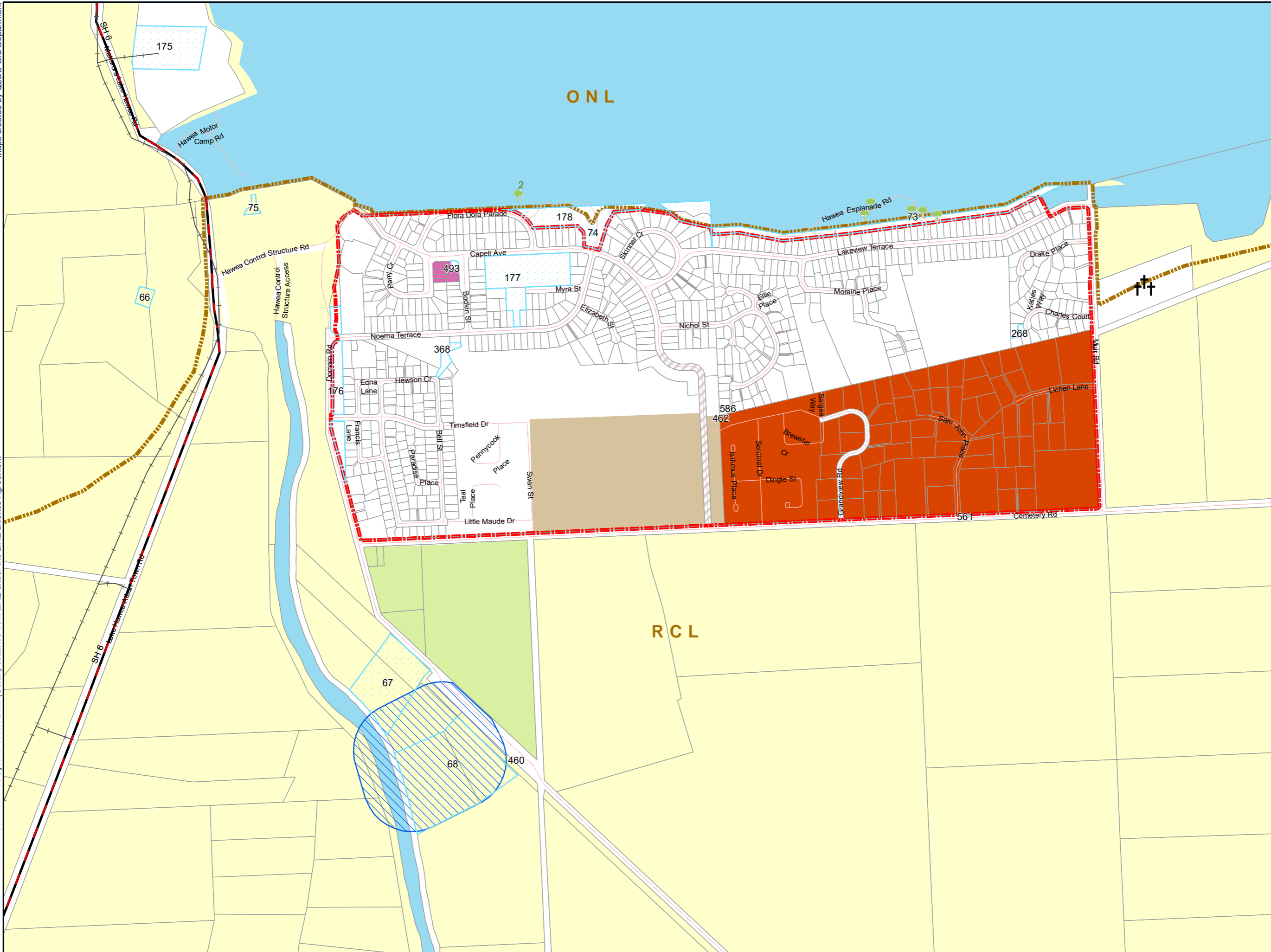




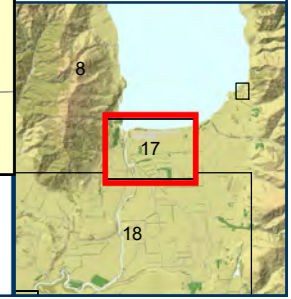
- Legend**
- Open Cemetery
 - Aurora Distribution Lines - For Information Only
 - Mount Aspiring National Park
 - Roads
 - State Highway
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RCL)
 - Unformed Roads
 - Designated Areas
 - Rural
 - Water (zoned Rural unless otherwise shown)

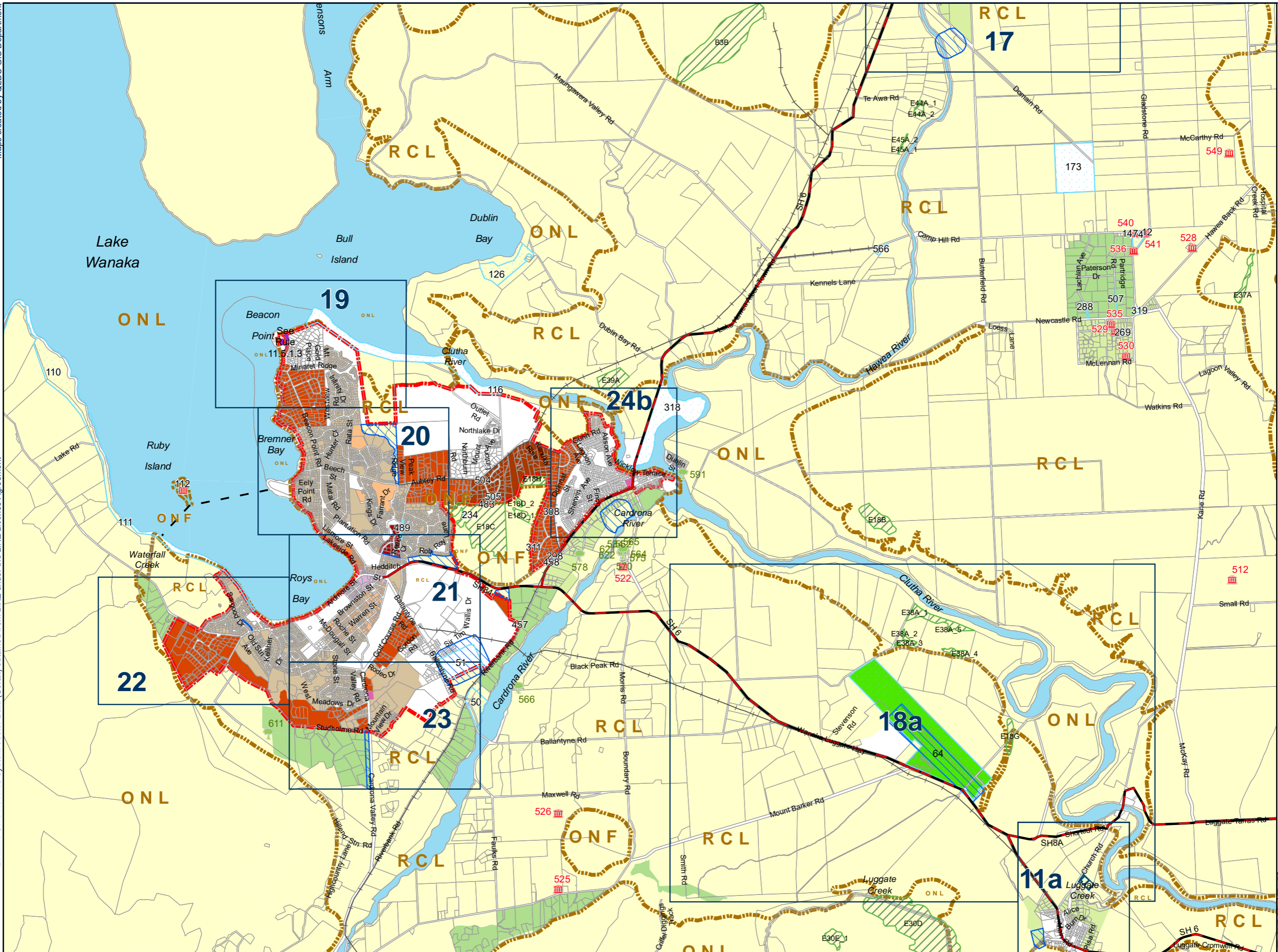
16





- Legend**
- Open Cemetery
 - Protected Tree
 - Aurora Distribution Lines – For Information Only
 - Roads
 - State Highway
 - Parcel/Road Boundary
 - Landscape Classification (ONF,ONL,RCL)
 - Urban Growth Boundary
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Large Lot Residential A
 - Lower Density Suburban Residential
 - Local Shopping Centre
 - Rural
 - Rural Residential
 - Water (zoned Rural unless otherwise shown)

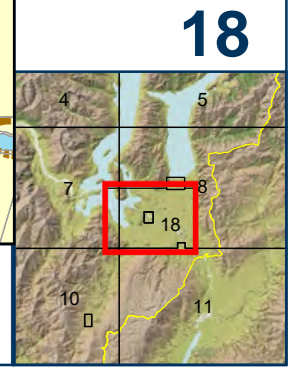




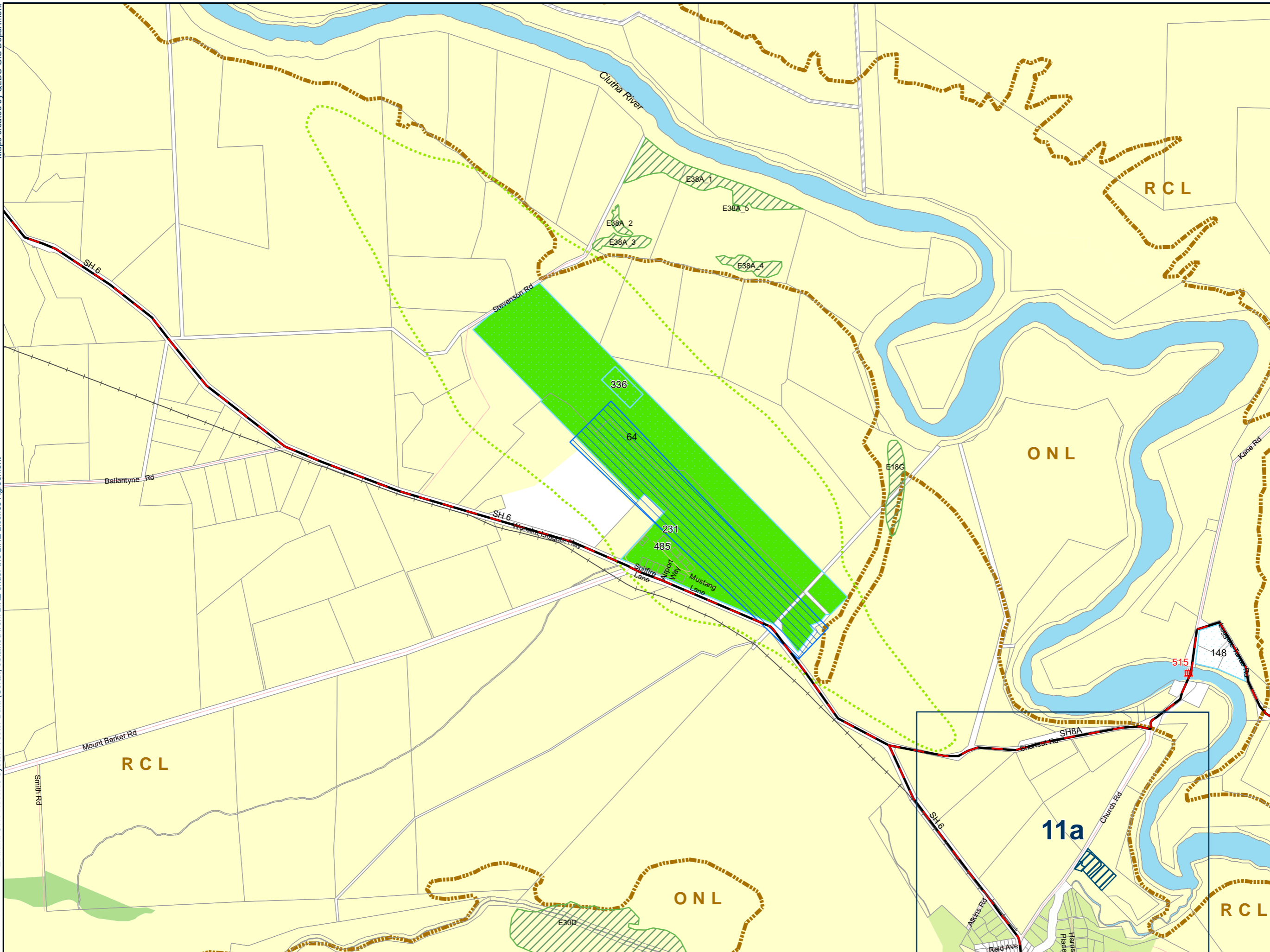
- Legend**
- Historic Heritage Features
 - Protected Tree
 - Aurora Distribution Lines – For Information Only
 - State Highway
 - Parcel/Road Boundary
 - Specific Rules Apply
 - Landscape Classification (ONF, ONL, RCL)
 - Urban Growth Boundary
 - Significant Natural Area
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Building Restriction
 - Rural Industrial Sub-Zone
 - Medium Density Residential
 - Large Lot Residential A
 - Large Lot Residential B
 - Lower Density Suburban Residential
 - High Density Residential
 - Town Centres
 - Local Shopping Centre
 - Business Mixed Use
 - Airport Zone
 - Rural
 - Rural Residential
 - Rural Lifestyle
 - Water (zoned Rural unless otherwise shown)



PDP Decisions Version Map 18 - Wanaka Rural, Hawea Flat



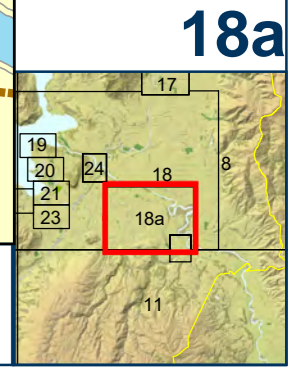
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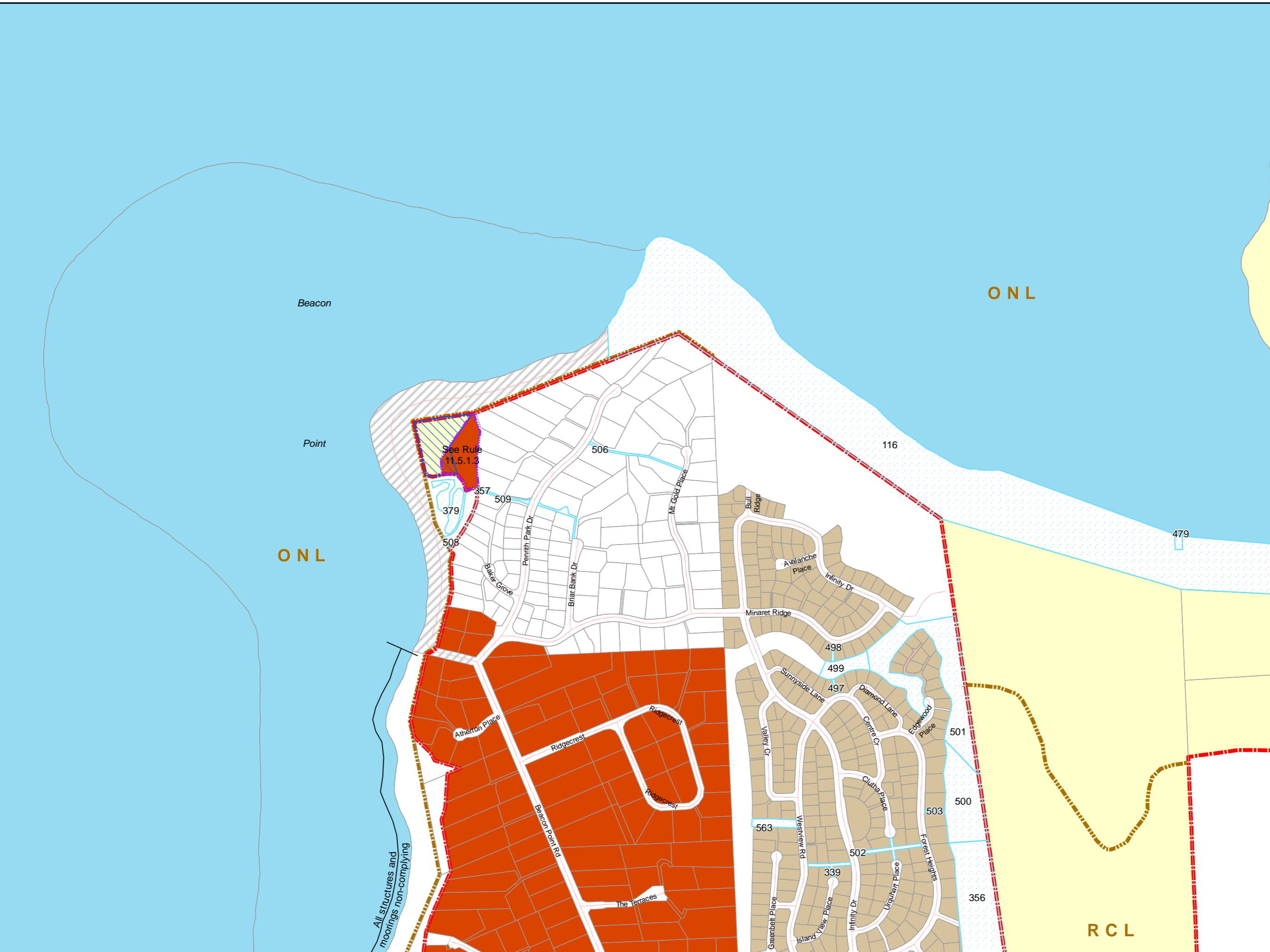
- Legend**
- Historic Heritage Features
 - Aurora Distribution Lines - For Information Only
 - Wanaka Airport Outer Control Boundary
 - Roads
 - State Highway
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RCL)
 - Significant Natural Area
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Rural Industrial Sub-Zone
 - Airport Zone
 - Rural
 - Rural Residential
 - Rural Lifestyle
 - Water (zoned Rural unless otherwise shown)



PDP Decisions Version Map 18a - Wanaka Airport



18a



- Legend**
- Roads
 - Parcel/Road Boundary
 - Specific Rules
 - Landscape Classification (ONF, ONL, RCL)
 - Urban Growth Boundary
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Large Lot Residential A
 - Lower Density Suburban Residential
 - Rural
 - Water (zoned Rural unless otherwise shown)

Beacon

Point

ONL

ONL

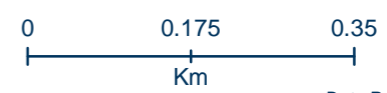
RCL

See Rule 11.5.1.3

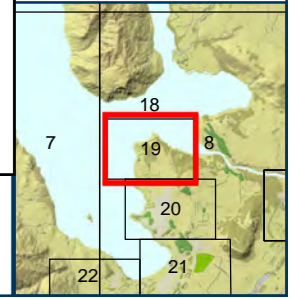
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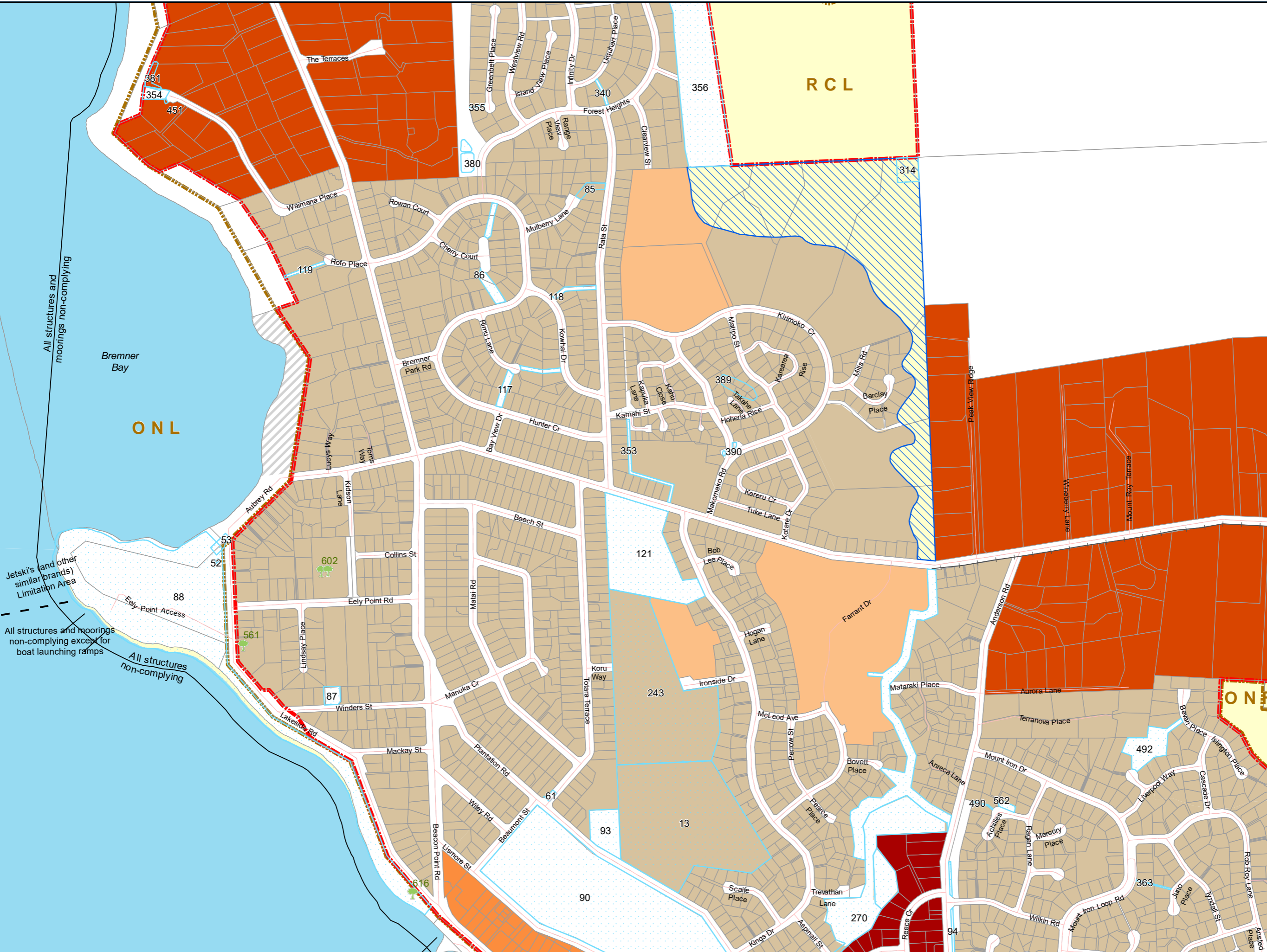


PDP Decisions Version Map 19 - Beacon Point



Date Published: 17-Apr-18





- Legend**
- Protected Tree
 - Aurora Distribution Lines – For Information Only
 - Roads
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RCL)
 - Urban Growth Boundary
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Medium Density Residential
 - Large Lot Residential A
 - Lower Density Suburban Residential
 - High Density Residential
 - Business Mixed Use
 - Rural
 - Water (zoned Rural unless otherwise shown)

All structures and moorings non-complying

Jetski's and other similar brands Limitation Area

All structures and moorings non-complying except for boat launching ramps

All structures non-complying

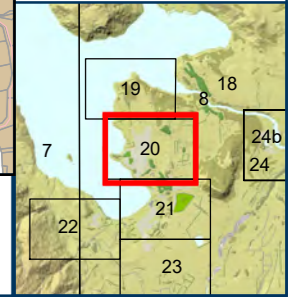


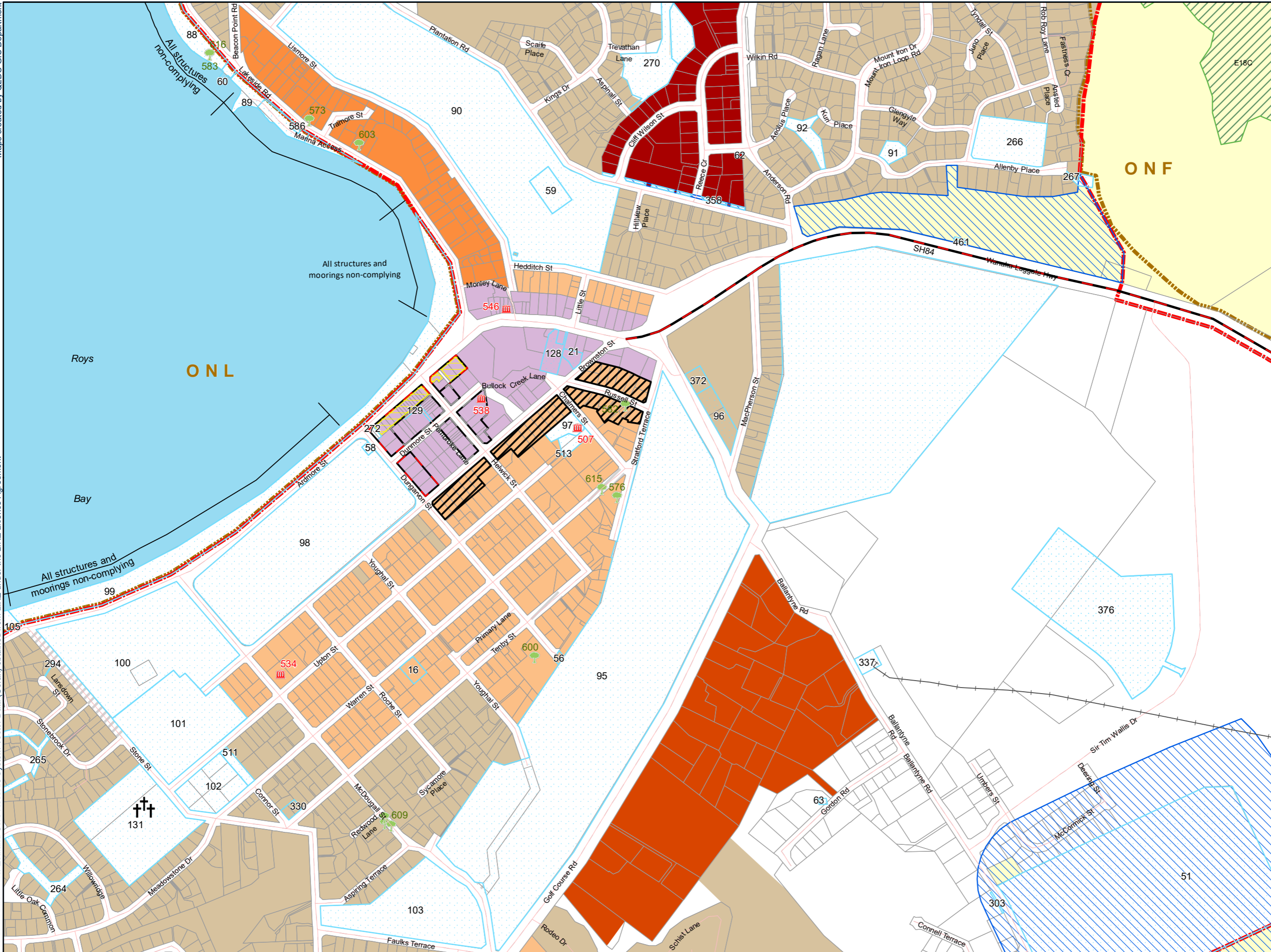
PDP Decisions Version Map 20 - Wanaka



Date Published: 17-Apr-18

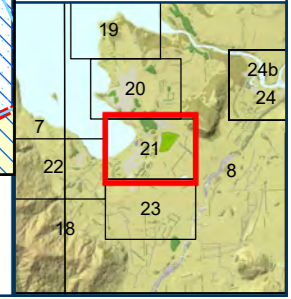
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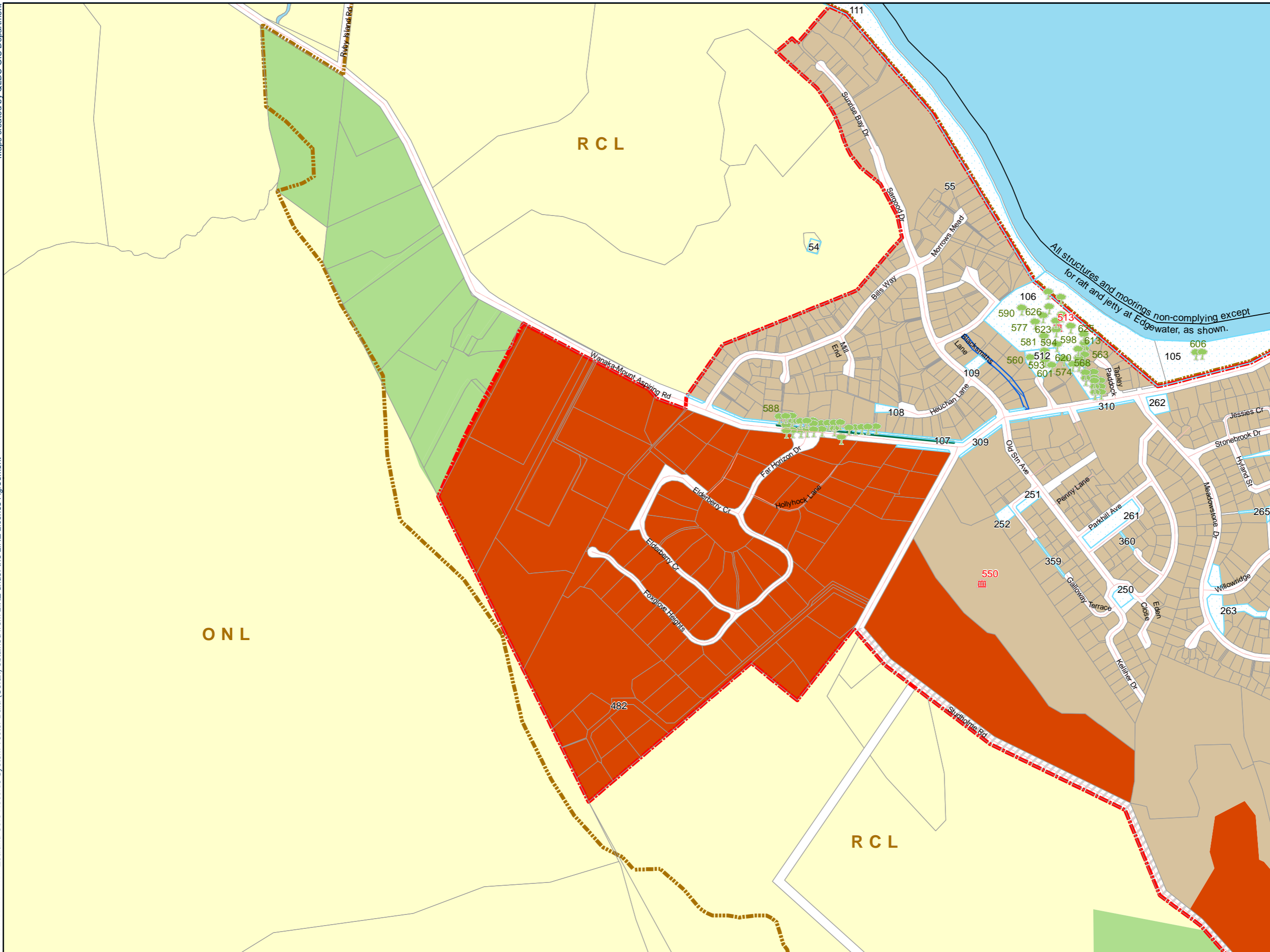
- Legend**
- Open Cemetery
 - Historic Heritage Features
 - Protected Tree
 - Aurora Distribution Lines - For Information Only
 - Roads
 - State Highway
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RCL)
 - Urban Growth Boundary
 - Significant Natural Area
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Town Centre Transition Overlay
 - Town Centre Entertainment Precinct Overlay
 - Town Centre Height Precinct P1
 - Town Centre Height Precinct P2
 - Medium Density Residential
 - Large Lot Residential A
 - Lower Density Suburban Residential
 - High Density Residential
 - Town Centres
 - Business Mixed Use
 - Rural
 - Water (zoned Rural unless otherwise shown)

21



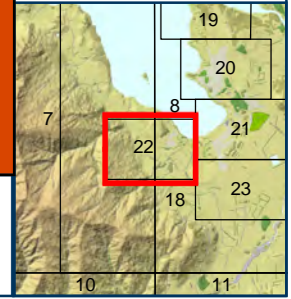
PDP Decisions Version Map 21 - Wanaka Central





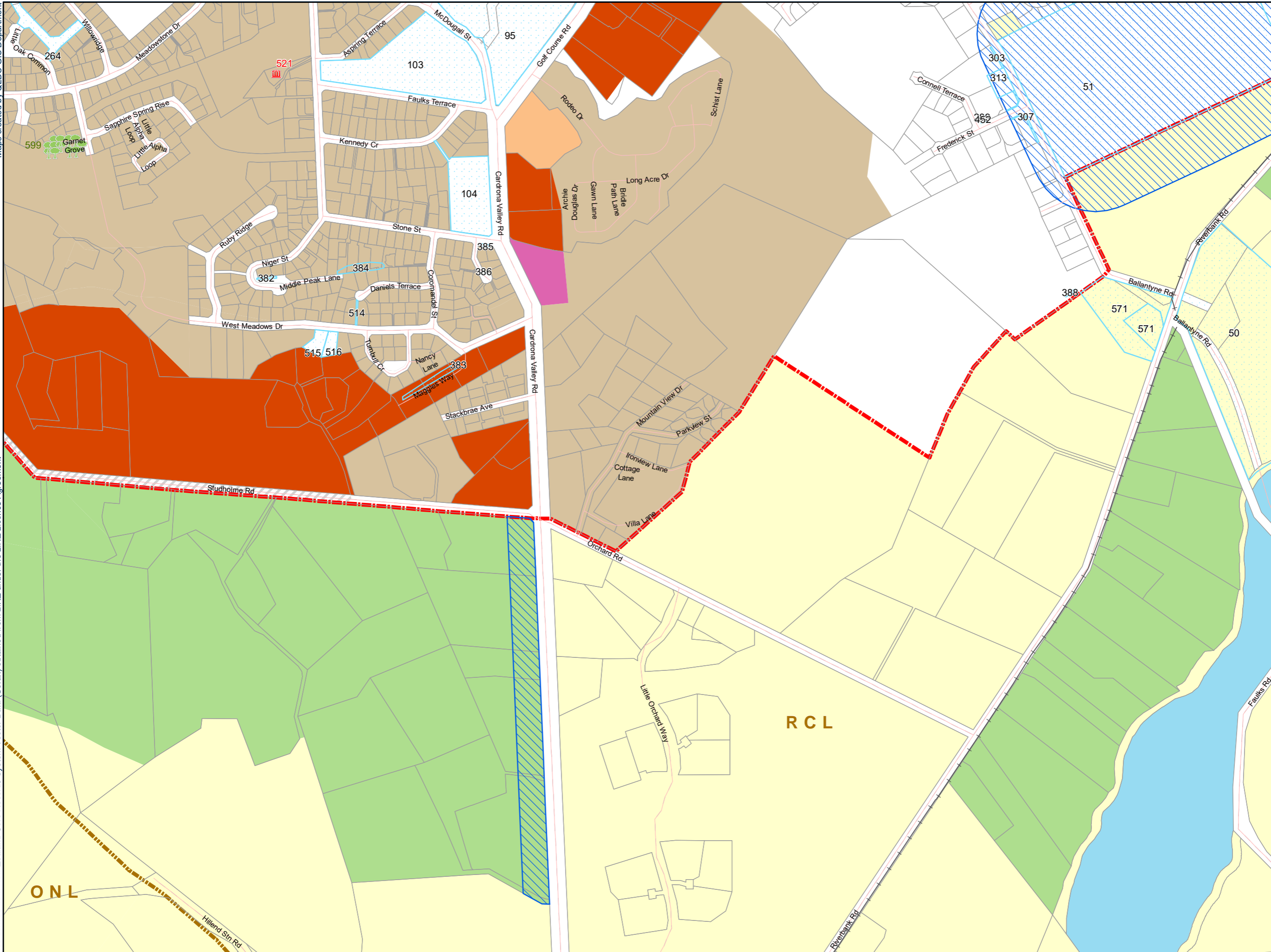
- Legend**
- Historic Heritage Features
 - Protected Tree
 - Roads
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RCL)
 - Urban Growth Boundary
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Large Lot Residential A
 - Lower Density Suburban Residential
 - Rural
 - Rural Lifestyle
 - Water (zoned Rural unless otherwise shown)

22



PDP Decisions Version Map 22 - Wanaka





- Legend**
- Historic Heritage Features
 - Protected Tree
 - Aurora Distribution Lines – For Information Only
 - Roads
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RCL)
 - Urban Growth Boundary
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Medium Density Residential
 - Large Lot Residential A
 - Lower Density Suburban Residential
 - Local Shopping Centre
 - Rural
 - Rural Residential
 - Rural Lifestyle
 - Water (zoned Rural unless otherwise shown)

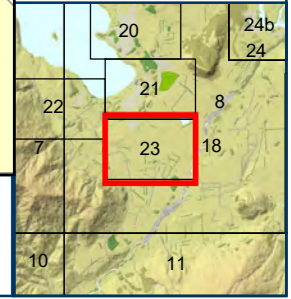
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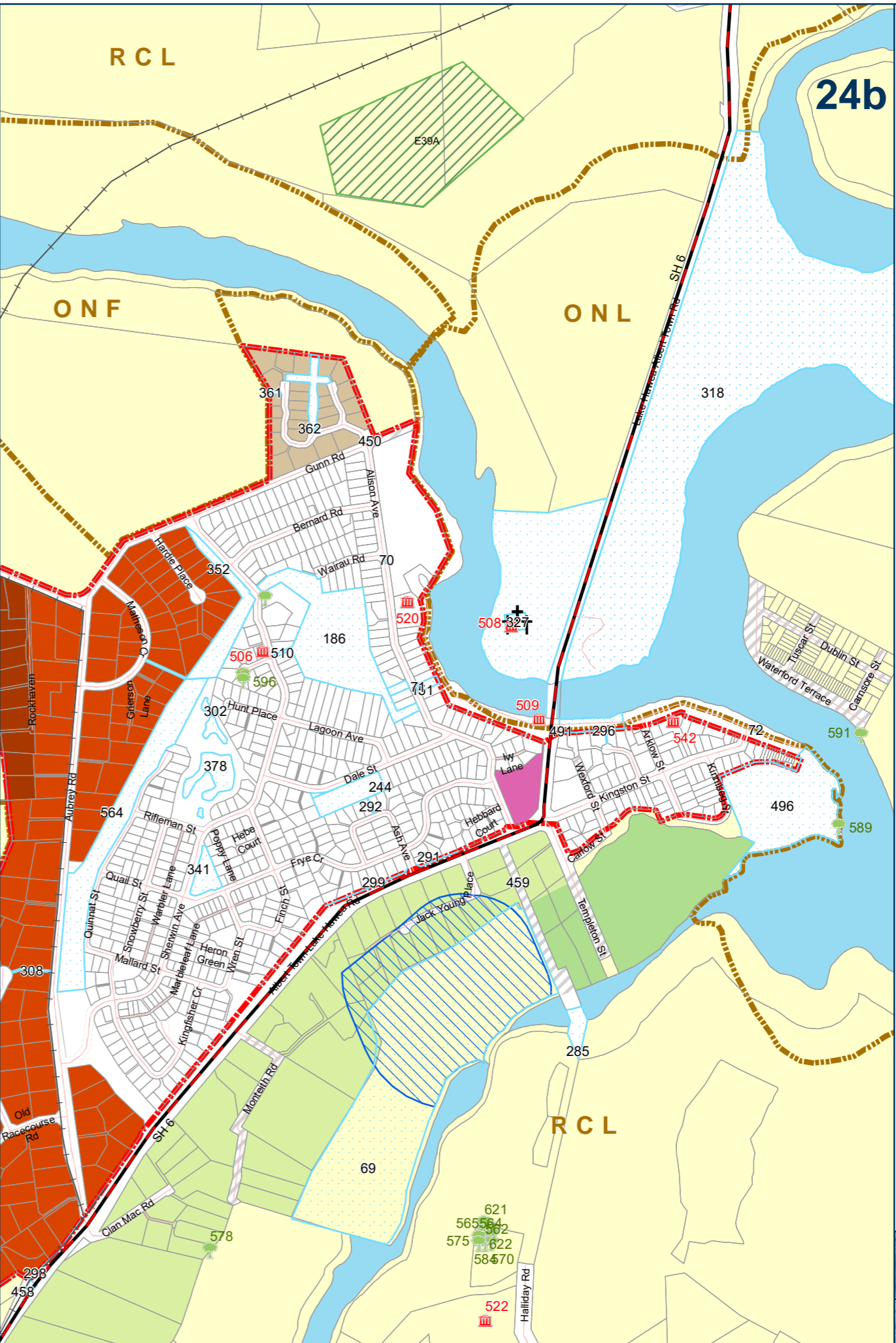
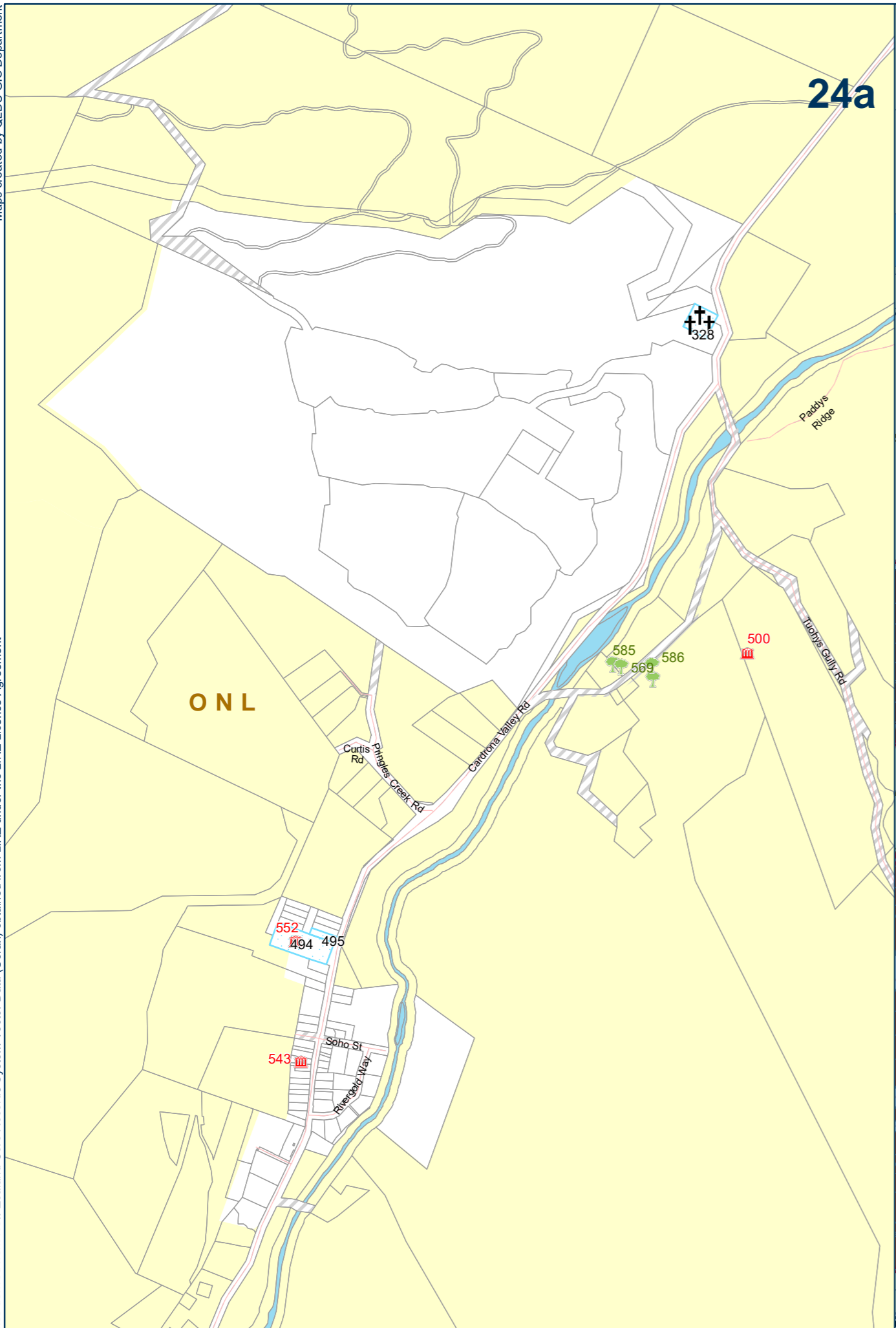
RCL

23



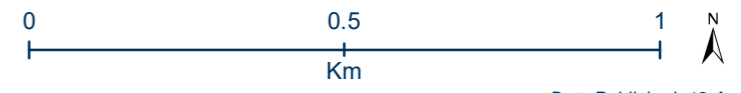
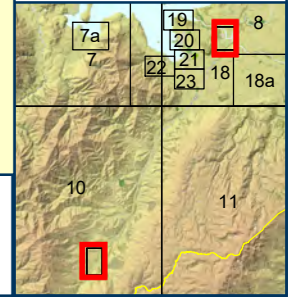
PDP Decisions Version Map 23 - Wanaka Rural





- Legend**
- Open Cemetery
 - Historic Heritage Features
 - Protected Tree
 - Aurora Distribution Lines - For Information Only
 - Roads
 - State Highway
 - Parcel/Road Boundary
 - Landscape Classification (ONF, ONL, RCL)
 - Urban Growth Boundary
 - Significant Natural Area
 - Unformed Roads
 - Designated Areas
 - Building Restriction
 - Large Lot Residential A
 - Large Lot Residential B
 - Lower Density Suburban Residential
 - Local Shopping Centre
 - Rural
 - Rural Residential
 - Rural Lifestyle
 - Water (zoned Rural unless otherwise shown)

24



Appendix 2

	SUBMITTER NAME
2	Jeff Rogers
9	Terry Drayron
17	Elizabeth Purdie
62	Stonebrook Properties
110	Alan Cutler (regarding Penrith Park Special Zone and Medium Density Zoning south of Wanaka Town Centre)
221	Susan Cleaver
242	Andrew and Zuzana Millson
269	David Barton
273	Full and Bye Trust
300	Rob Jewell
362	Philip Thoreau
369	Deborah Brent
391	Sean and Jane McLeod
432	Christine Pawson
440	Trevor and Mary-Anne Sievers
498	RJ and SH Wallace
518	Scott Mazey Family Trust
592	Wanaka Kiwi Holiday Part and Motels Ltd
652	Adventure Consultants Ltd
704	Ross and Judith Young Family Trust
721	Robert and Lynette Duncan
733	John Young
741	Marianne Roulston
742	Gerald Telford
743	K and M R Thomlinson
745	Danni and Simon Stewart
747	M and E Hamer
749	Craig and Maree Jolly and Shaw
750	Peter J E and Gillian O Watson
753	Graham P and Mary H Dowdall
756	E B Skeggs
792	Patricia Swale
795	Noel Williams
800	F M A Taylor