

In the matter of            the Resource Management Act 1991

And

In the matter of            the Queenstown Mapping Hearings Topic 13

And

In the matter of            The Frankton Flats north of State Highway 6

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**Statement of Evidence of Christopher Bruce Ferguson**

Dated 12 June 2017

Hansen Family Partnership (#751)  
FII Holdings Ltd (#847)  
Peter and Margaret Arnott, Fernlea Trust (#399)  
The Jandel Trust/ Jaron Lyell McMillan (#717)  
Universal Developments Ltd (#177)

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## 1. INTRODUCTION

- 1.1 My name is Christopher Bruce Ferguson. I hold the position of Principal with the environmental consultancy firm Boffa Miskell Limited. I am based in Queenstown and have been employed by Boffa Miskell since April 2015. I hold the qualification of a Bachelor of Resource and Environmental Planning (Hons) from Massey University and have 20 years' experience as a resource management practitioner.
- 1.2 The full details of my experience and qualifications are set out in my Evidence in Chief, dated 29 February 2016.
- 1.3 In preparing this evidence I have reviewed:
- (a) The reports and statements of evidence of other experts giving evidence relevant to my area of expertise, including:
    - i. The Landscape Planning evidence of Mr Bentley; and
    - ii. The evidence by Mr Carr.
  - (b) The decisions made by the Otago Regional Council on the proposed Otago Regional Policy Statement (notified on 1 October 2016);
  - (c) The s.42A report prepared by Ms K Banks (25 May 2017) and associated expert evidence prepared for the Council by Ms W Banks, Dr Read and Mr Glasner; and
  - (d) The relevant submissions made in respect of the mapping for this area.
- 1.4 In accordance with the directions of the Hearing Panel Chair, this evidence has been prepared and presented in the same manner as expert evidence presented to the Environment Court. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## 2. SCOPE OF EVIDENCE

2.1 I have been asked to prepare evidence on the mapping of land on the northern side of the Frankton – Ladies Mile Highway (State Highway 6), Queenstown identified on the planning maps of the Proposed District Plan ('PDP') as being within the Medium Density Residential Zone and Rural Zone. This brief has been prepared on behalf of a consortium of five different but adjoining landowners, seeking to achieve similar outcomes for the zoning of this land. They are:

- (a) Hansen Family Partnership (#751) – as the owner of four parcels on the Frankton – Ladies Mile Highway, Sections 130 – 133, Block I Shotover SD (CFR OT47/188);
- (b) FII Holdings Ltd (#847) – as the owners of 145 Frankton – Ladies Mile Highway, Sections 22 – 25, Block II, Shotover SD (CFR OT27/222);
- (c) Peter and Margaret Arnott, Fernlea Trust (#399) – as the owners of 111 Frankton – Ladies Mile Highway, Sections 128 – 129, Block I Shotover SD (CFRs OT11A/1316 and SO247/249);
- (d) The Jandel Trust/ Jaron Lyell McMillan (#717) – as the owners of 179 Frankton – Ladies Mile Highway, Lot 1 DP 308784 (CFR 34092);
- (e) Universal Developments Ltd (#177)- as the owners of 163 Frankton-Ladies Mile Highway and 72 Jim's Way, Lot 2 DP 497316 (CFR 764774)

2.2 Figure 1 – Land Ownership Plan, attached to the evidence of Mr Bentley illustrates the location of each submitters land and hereafter referred to as the "Site". The total area of the Site is 26.0992 ha.

2.3 I was involved in the initial assessment of the notified provisions, the preparation of submissions and further submissions for the Hansen Family Partnership.

## 3. EXECUTIVE SUMMARY

3.1 This evidence has been prepared to address the appropriate zoning of the five properties comprising the Site (described above).

- 3.2 The evidence sets out the unique situation that applies to the Site both in terms of existing activities, zoning and the character of the surrounding area. It is particularly notable that none of the properties that make up the Site are strongly rural in character, with a range of residential and commercial activities established. The surrounding area has changed rapidly over recent areas and is dominated by commercial development on the south side of the Frankton – Ladies Mile Highway, which will continue to expand and provide an intensive node of development.
- 3.3 The relevant statutory considerations are assessed, including the applicable National Policy Statements, National Environmental Standard, Regional Policy Statements and objectives of the proposed District Plan. The rezoning of the Site to an urban zone (whether it be mixed use or residential) is consistent with the intent of the higher order documents to provide for growth and development in appropriate locations, relevantly within identified urban growth boundaries. The provisions of the Proposed District Plan are able to provide the necessary recognition of and protection for the National Grid transmission corridor running through the site, and the adjacent Outstanding Natural Landscape. Of particular significance is the recognition in the strategic objectives of the role of Frankton as providing a mixed use area.
- 3.4 The Site is subject to a range of constraints that influence the way in which zoning should be applied to the land and the way in which rules should be included in the District Plan. These constraints include:
- (a) The identification of the extent of the ONL through the Site and if it does apply, whether that should modify the UGB and/or any zoning outcome;
  - (b) Management of ASAN within the Queenstown Airport OCB;
  - (c) The management of activities that could impact on the Transpower transmission line network;
  - (d) Management effects of traffic and reserve sensitivity effects on the State Highway network.
- 3.5 My evidence considers the options available for zoning of the Site, including the status quo (rural), the Council officer recommendation (rural and High Density Residential), the notified medium density

residential, a mixture of zones, and Business Mixed Use zoning. In analysing the options against the objectives of the Plan it is clear that the Business Mixed Use zoning is the most appropriate in achieving the range of objectives dealing with the role of Frankton, urban growth, protection of the airport, and landscape values. This zoning is the preferred option for the land.

- 3.6 It is appropriate to apply some specific rules to the BMU zoning of the land, to recognise the relevant constraints and ensure appropriate management of effects. New rules are proposed to restrict activities within the OCB, ensuring appropriate acoustic insulation for sensitive activities close to the State Highway and managing vehicle access to protect the function of the State Highway.

#### **4. RELIEF SOUGHT IN SUBMISSIONS**

- 4.1 I have prepared a summary of the submissions by each of the five landowners within the Site within **Appendix 1**. The relief sought through these submissions and relevant to the Queenstown Mapping hearing is detailed below.

##### **Hansen Family Partnership**

- (a) To rezone the area of rural and medium density residential zones located over the land on the northern side of State Highway 6 located between Hansen Road and the Eastern Access Road, and within the Queenstown Urban Growth Boundary, to industrial. Alternatively, rezone this land as any mix of Low, Medium or High Density Residential, Industrial, Business Mixed Use or Local Shopping Centre Zones; and
- (b) To amend the location of the Ferry Hill ONL.

##### **FII Holdings Ltd**

- (a) To rezone its land and the wider area to Business Mixed Use Zone or Industrial; or
- (b) To amend the Medium Density Residential Zone.

##### **Peter and Margaret Arnott (Fernlea Trust)**

- (a) Rezone their land from rural to Local Shopping Centre zone and/or Business; and

- (b) Amend the ONL line further north.

**The Jandel Trust**

- (a) Rezone the site and wider area to Business Mixed Use or Industrial; and
- (b) Rezone that part of the Quail Rise Zone within the ONL as Rural.

**Universal Developments Ltd**

- (a) Retain the Medium Density Residential Zone (as notified), subject to changes to the following policies:
  - i. Deletion of Policy 8.2.11.1
  - ii. Deletion of Policy 8.2.11.2
  - iii. Amend Policy 8.2.13.1 to replace “80m” with “15m”; and
- (b) Amend the ONL line.

- 4.2 Except for Universal Developments, all submissions seek to modify the proposed zoning of their respective land interests to accommodate commercial activity, with many indicating a preference for the Business Mixed Use Zone, which provides for commercial and residential activity. In any case Universal Developments, and specifically if Council determine BMU is not appropriate for the Universal land, are comfortable with the HDR zoning now being recommended by Council for their land. Also, common to each submission is a request that the notified ONL boundary be moved.

**5. BACKGROUND**

**Receiving Environment**

- 5.1 The land owned by Universal Developments has an existing house located close to the eastern boundary, and otherwise remains largely as a rural landholding. This land has no history of any existing approved or unimplemented consents.
- 5.2 A residential dwelling is located at the south west corner of the Jandel Trust site in close proximity to State Highway 6 along with a 24m long storage shed and a glasshouse to the north east of the dwelling. This land has a history of previous consents authorising the use of land and

buildings associated with commercial activities for the storage of vehicles, machinery and equipment (RM090499 and RM100571). On 8 May 2017, Jaron Lyell McMillan received land use consent to establish a residential flat outside of a building platform.

- 5.3 FII Holdings Ltd has an established dwelling, located along the eastern boundary with a large yard area to the west created through land use consents to enable earthworks (now implemented). As part of the upgrade to the State Highway, NZ Transport Agency has also constructed a new vehicle crossing into this site, an earth mound and associated landscape planting along the State Highway frontage. FII Holdings Ltd has more recently sought land use consent (RM161212) to use a part of the site for the storage of vehicles, equipment and a small quantity of aggregate.
- 5.4 Hansen Family Partnership has recently obtained resource consent (RM051046) for a subdivision and to establish four new residential building platforms on the land above the Site located east of Hansen Road. This consent is addressed in more detail within the evidence of Mr Bentley. In addition, the Otago Foundation Trust Board and Wakatipu Community Presbyterian Church has applied for resource consent (RM170105) to subdivide a part of the site into two allotments, construct a church and recreation building and to identify two residential building platforms associated with the Church. This application is still being processed by the Council.
- 5.5 On 9 May 2017, P & M Arnott received resource consent (RM170134) from the council for the de-amalgamation of their two land parcels, a boundary adjustment to create a lot around the existing house and a larger vacant lot of 3.5ha. Land use consent was also approved to enable building on the larger new vacant lot. This decision leaves the Arnott's existing house on one title and the new 3.5ha title extending alongside the Transpower Substation.
- 5.6 Beyond the Site and immediately to the west of the Arnott's land is the Transpower substation, then the Aurora contracting depot and substation further west and lastly an engineering workshop close to Hansen Road. To the east the Site adjoins the Quail Rise Zone, being a largely established suburban neighbourhood having a predominance of low density dwellings with access from Tucker Beach Road.

- 5.7 The Frankton Flats area opposite the Site is an area undergoing rapid change through largely commercial land development, initially as part of the Five Mile development located west of Grant Road and more recently the Mitre 10 Mega and the Pak n Save Supermarket. The wider area is included within the Frankton Flats Special Zone (B), finally approved by the Environment Court in September 2014 to create a mixed-use zone providing opportunities for industrial, yard based industrial, commercial, residential and visitor accommodation. The zone has been supported by upgrades to Council infrastructure and the creation of new road access through the designation and construction of the Eastern Access Road (now Hawthorne Drive) and link roads through to Glenda Drive. Most of the Frankton Flats Special Zone (B) is undeveloped but will in time be a significant commercial centre for the district and an intensive node of development.

### Operative District Plan

- 5.8 The Site is located entirely within the rural general zone within the operative District Plan, as shown in the extract from Planning Map 31a below.



**Figure 1: operative District Plan zoning pattern**

- 5.9 Designations 84 and 370 are both by the NZ Transport Agency for State Highway purposes, with #370 relating to the roundabout intersection of State Highway 6 and the Eastern Access Road, now Hawthorne Drive. This designation, which has now been constructed, was made possible through the acquisition of 1,247 m<sup>2</sup> of land from the Hansen Family Partnership to accommodate the geometry of the new roundabout on

the northern side of the new intersection. The Notice of Requirement for this work provided a two lane, four leg roundabout centred on the State Highway and is designed to incorporate an opposite leg to the Frankton Flats North area<sup>1</sup>.

### The Proposed District Plan

5.10 The Site has been included within Stage 1 of the District Plan Review, through a combination of zones, all falling within the new Queenstown Urban Growth Boundary (UGB), as identified on the extract from Planning Map 31a below.



Figure 2: proposed District Plan zoning pattern

5.11 The important features identified on the Planning Map are the identification of the Queenstown Airport Outer Control Boundary (the 'OCB') (Ldn55) shown as a green line, the Transmission Corridor and Transpower Pylons shown as a blue line with black diamonds, the Outstanding Natural Landscape boundary shown as a brown dashed line and a Protected Tree (#203). The UGB, shown in red, follows the northern boundary of the Site and Quail Rise Zone, inside which it is proposed to include a most of the Site within the Medium Density Residential Zone.

5.12 At the western end of the site the boundary of the Medium Density Residential Zone adjoins the Transpower Designation (#1) described as being for the purpose of "National Grid (including Electricity Substation

<sup>1</sup> Page 15, Section 5.2.1, NZTA – NoR for Designation Alternation (October 2014)

*and associated ancillary infrastructure*)” Frankton Sub-Station. An isolated sliver of land located within the OCB is proposed zoned as Rural, together with the Transpower sub-station, Aurora sub-station (designation #338) and remaining land up to the intersection with Hansen Road.

#### Medium Density Residential Zone

- 5.13 The proposed Medium Density Residential Zone (**‘MDR’**) at Frankton for the land fronting State Highway 6 has an objective, supporting policies and several rules relating to the outcomes sought for this area. The objective is to provide a high quality residential environment which is sensitive to its location at the entrance to Queenstown, which minimises traffic impacts to the State Highway network and is appropriately serviced<sup>2</sup>. This objective is supported by a number of policies that seek to encourage a low impact stormwater design; provides a planting buffer along the road frontage to soften views from the State Highway network; provides for safe and legible transport connections that avoid any new access to the State Highway; requiring that the design of any road access within individual properties accounts for long term traffic demands for the area; and provides a safe and legible walking and cycle environment linking to other pedestrian and cycle networks.
- 5.14 The related rules within the MDR Zone that are specific to this area, under the Revised Proposal, provide for the following:
- (a) A transport, parking and access design that ensures connections to the State Highway networks are only via Hansen Road, the EAR roundabout and/or Ferry Hill Drive;
  - (b) There is no new vehicular access to the State Highway Network
  - (c) Landscape planting which provides for a planting buffer fronting State Highway 6

#### **Chapter 2 Strategic Directions and Chapter 6 Landscapes (Stream 01B)**

- 5.15 Within my evidence to the strategic directions chapters (Stream 01B), I examined the policies relating to Air Noise Boundaries and the Outer Control Boundary of the Queenstown Airport for Activities Sensitive to Aircraft Noise (ASANs). I supported the development of strategic policies

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<sup>2</sup> Objective 8.2.8, Chapter 8 Business Mixed Use Zone, Revised Proposal

for ASANs and the Airport generally, however in respect to the methods which are proposed to manage ASANs within these areas I suggested separation of the policy direction for each to better achieve the overall objectives and align with the lower order rules.

- 5.16 I generally supported the proposed introduction of an additional objective and policies within the s.42A report to better recognise and provide for the current use and planned development within the wider Frankton area. I supported the basis for this policy and in particular the mixed-use role of this area. I also supported the recognition of this area as a single entity for the purposes of the strategic provisions. I suggested amendments to the new provisions that better achieve the purposes without referring to the individual entities or to Frankton as a “commercial area”.
- 5.17 Immediately following my appearance at the hearing on Stream 01B, expert witness conferencing on the provisions relating to Queenstown Airport within Chapters 3, 4 and 6 of the PDP concluded with an Expert Witness Conferencing Statement sent to the Panel on 22 March 2016. I have incorporated the relevant objectives and policies relating the Queenstown Airport within **Appendix 4**.
- 5.18 During the Stream 01B hearing, the Panel also asked that I consider four matters, from which I prepared and submitted a statement of Supplementary Evidence dated 24 March 2016. The scope of this evidence addressed whether there is justification for the District Plan to impose restrictions on activity proposed to occur within the Outer Control Boundary of the Queenstown Airport more restrictive than indicated through the New Zealand Standard, the wording of Policy 4.2.4.1, the wording of Objective 3.2.5.3, and the wording of Policy 4.2.3.8 relating to the management of activities sensitive to aircraft noise within the air noise boundary or outer control boundary. Where this evidence resulted in further changes, I have also incorporated into the relevant Objectives and Policies from the PDP contained within **Appendix 4**.

## **6. STATUTORY CONSIDERATIONS**

- 6.1 Given the background of both natural and physical resources present or affected by the Site, the following are considered to be the Statutory Documents with relevance to any zoning outcome for this land:

- (a) The National Policy Statement on Urban Development Capacity 2016 – s.74(1)(ea) and s.75(3)
- (b) The National Policy Statement on Electricity Transmission - s.74(1)(ea) and s.75(3)
- (c) The Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 – s.44A(7)
- (d) The Regional Policy Statement for Otago 1998 – s.75(3)(c)
- (e) The Proposed Regional Policy Statement (2016) – s.74(2)
- (f) The Objectives of the Proposed District Plan – s.32(1)(b)

### **National Policy Statement on Urban Development Capacity 2016**

6.2 The National Policy Statement on Urban Development Capacity (the ‘**NPS**’) came into force in November 2016. The purpose of the NPS is to give policy guidance that local authority planning should provide enough opportunities for development to meet the feasible housing and business needs of people and communities – both current and future. To address this, the NPS-UDC directs decision-makers under the RMA to:

- (a) put greater emphasis on enabling change and development when making decisions about urban development
- (b) provide sufficient urban development capacity to support housing and business growth
- (c) ensure that planning processes enable urban development when it is needed.

6.3 The Queenstown Lakes District is currently identified as a High Growth Area under Statistics New Zealand population projections for the 2013 (base) to 2023 period<sup>3</sup>. Under Policy PB1, the Council is required to develop by 31 December 2017 a housing and business capacity assessment estimating demand and supply of development capacity to meet that demand; an estimation of the demand for different types and locations of business land and the supply of development capacity to meet that demand; and to assess the interactions between housing and business activities, and their impacts on each other.

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<sup>3</sup> MfE, An Introductory Guide to the National Policy Statement on Urban Development Capacity 2016

- 6.4 I understand that the Council is working to update its Dwelling Capacity Model, presumably as part of the requirements to understand housing and business capacity and the related estimation of demand. The Council will be filing a statement of supplementary evidence on this topic on 16 June 2017. I note that the Council has provided some growth data in respect to the proposed new Medium Density Zone located on the northern side of Frankton Road within its Right of Reply to the hearing on Stream 01B (Strategic Directions). The Council's Right of Reply identified two new greenfield locations of Medium Density Rezoning on the northern side of SH6, Frankton and Scurr Heights, Wanaka. Although the Council's report cautions that a re-run of the Dwelling Capacity Model would be a more reliable, the report goes on to state:

*Firstly, the two greenfield sites comprise a combined land area of 338,290m<sup>2</sup>. As per Insight Economic's report, assuming a net developable area comprising 72% of this land area leaves 243,569m<sup>2</sup>. I assume a density of one dwelling per 325 square metres. This provides a capacity of 749 dwellings (243,569 divided by 325).*

- 6.5 At 10ha in area the Scurr heights land is roughly half of the area of the Frankton MDR Zone (approx. 20ha of land outside of the OCB), meaning that under the notified MDR zoning as notified, the Frankton land has potential to provide approximately 443 dwellings.
- 6.6 The Site is included within the Council's UGB for Queenstown and is identified as being highly suitable to accommodate urban development. The s.42A Report confirms that the land within this location is close to the water supply source, the wastewater treatment plant and is within the Council's scheme boundaries and has sufficient capacity to connect to this land. The Council's Chief Engineer does not oppose rezoning to LDR, MDR, HDR, LSCZ, BMU or Industrial as from an infrastructure perspective it is expected this area is able to be serviced with minimal upgrades<sup>4</sup>.
- 6.7 In my view the outcomes sought for the Site for urban development and to realise greater opportunities for residential and business land will positively meet Policy PA1 of the NPS.

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<sup>4</sup> Para 5.11, page 11, Evidence of Mr Ulrich Glasner (24 May 2017)

### **The National Policy Statement on Electricity Transmission**

- 6.8 The PDP is required to “give effect to” any National Policy Statement, including the National Policy Statement of Electricity Transmission (2008) (**NPSET**).
- 6.9 The objective of the NPSET is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:
- (a) managing the adverse environmental effects of the network; and
  - (b) managing the adverse effects of other activities on the network.
- 6.10 For activities proposed to occur within the vicinity of the electricity transmission network, the policies seek to recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include maintained or improved security of supply of electricity<sup>5</sup>; and that decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised<sup>6</sup>.
- 6.11 These provisions have informed the generation of objectives, policies and rules within Chapter 30 (Energy and Utilities), addressed further below.

### **Otago Regional Policy Statement 1998**

- 6.12 In changing the district plan, the Council is required to “give effect to” any regional policy statement<sup>7</sup>. The relevant policies of the Regional Policy Statement (**RPS**) are contained within **Appendix 2**.
- 6.13 The RPS provides a very general policy framework for the management of the land resources areas. The objectives of most relevance are 5.4.1

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<sup>5</sup> Policy 1, National Policy Statement on Electricity Transmission (2008)

<sup>6</sup> Policy 10, Ibid.

<sup>7</sup> s.74(2), Resource Management Act 1991

relating to the sustainable management of Otago land resource, 5.4.2 seeking to avoid, remedy or mitigate degradation of the natural and physical resources from activities using the land resource and 5.4.3 seeking to protect outstanding natural features and landscapes.

- 6.14 Policy 5.5.4 promotes the diversification and use of the land resource to achieve sustainable land use and management systems.
- 6.15 Within the built environment, Objective 9.4.1 promotes the sustainable management of Otago's built environment in order to: Meet the present and reasonably foreseeable needs of Otago's people and communities; and provide for amenity values, and conserve and enhance environmental and landscape quality; and recognise and protect heritage values.
- 6.16 Of relevance to infrastructure, including the electricity network and the Councils water and wastewater services, is Objective 9.4.2 to promote the sustainable management of Otago's infrastructure to meet the present and reasonably foreseeable needs of Otago's communities; and Policy 9.5.2 to promote and encourage energy efficiency in development and use of Otago's infrastructure through encouraging development that maximises the use of existing infrastructure.
- 6.17 Management of urban development on transport networks is recognised through Policy 9.5.3 to promote and encourage the sustainable management to Otago's transport network through encouraging a reduction of fuels and promoting the protection of transport infrastructure from the adverse effects of land use activities. This policy can be considered as supporting urban consolidation generally as that would positively reduce the need for fossil fuels, but will also have implications on this Site in terms of how traffic accesses the State Highway and impacts of noise sensitive activities.
- 6.18 For building, Policy 9.5.4, addresses the effects of urban development and settlement. This policy is concerned with the management of the effects of urban growth and in particular discharges to the environment, landscape qualities and a range of further matters including community values, Kai Tahu cultural and spiritual values, heritage, amenity, ecosystems and the habitats of trout and salmon. Associated with this is Policy 9.5.5 addressing the quality of life for people and communities within Otago's built environments, though the identification and provision

of an acceptable level of amenity; management of effects on communities' health and safety from the use, development and protection of natural and physical resources; and managing effects on landscape values.

- 6.19 Taken together the relevant provisions of the RPS relating to urban development and the management of the effects of urban development, provide wide scope for how territorial authorities may wish to manage this issue at the local level. In my view the objectives and policies of the RPS do not conflict with urban development on this land, provided that its effects on the transport network and infrastructure can be managed.

### **Proposed Otago Regional Policy Statement 2016 (Decision Version)**

- 6.20 In changing the district plan, the Council is required to “have regard to” any proposed regional policy statement<sup>8</sup>.
- 6.21 The Otago Regional Council has released decision on submission to the Regional Policy Statement on 1 October 2016 (**RPS(DV)**), with many of the provisions now under appeal. The extent of these appeals and the relative weight which can be afforded to the decisions version of the RPS is addressed in more detail within legal submissions.
- 6.22 The provisions of the RPS(DV) of most relevance to this area relate to urban growth and development. The relevant provisions from the RPS(DV) are contained within **Appendix 3**.
- 6.23 The structure of the landscape policies is to identify outstanding landscape and features and “highly valued” landscapes, being the equivalent to the s.7 Rural Landscapes identified under the PDP. The RPS(DV) expects District Plans to set objectives, policies and methods to implement policies in the RPS as they relate to the District Council areas of responsibility and the RPS(DV) does not identify areas of outstanding or highly valued landscapes.
- 6.24 For outstanding natural landscapes, the RPS(DV) has a layered policy that seeks to protect, enhance and restore outstanding natural landscapes and features by avoiding adverse effects on those values which contribute to the significant of the landscape; avoiding, remedying or mitigating other adverse effects; recognising and providing for the

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<sup>8</sup> s.74(2), Resource Management Act 1991

positive contributions of existing introduced species to those values; controlling the adverse effects of pest species; and encouraging enhancement of those areas and values which contribute to the significance of the natural landscape<sup>9</sup>. The policy for managing highly valued landscapes adopts a similar structure and content but differs in terms of its focus to protect or enhance highly values landscapes by avoiding significant adverse effects on those values which contribute to the high value of that landscape<sup>10</sup>.

- 6.25 Based on the evidence of Mr Bentley the areas of land subject to proposed urban development would be located outside of the ONL.
- 6.26 The importance of the electricity transmission network and the state highway network is recognised within Policy 4.3.2 that seeks to recognise the national and regional significance of all of the following infrastructures: electricity transmission infrastructure; and roads classified as being of national or regional importance.
- 6.27 The protection of infrastructure generally is addressed within Policy 4.3.4, which seeks to protect infrastructure of national or regional significance by all of the following: restricting the establishment of activities that may result in reserve sensitivity effects; avoiding significant adverse effects on the function needs of such infrastructure; and protecting infrastructure corridors from sensitive activities. This policy is of particular relevance to the interface of the proposed new area of urban zoning with State Highway 6, the Queenstown Airport Outer Control Boundary and the Transpower transmission lines and the related measures that have been developed to address reserve sensitivity effects, including state highway mitigation and acoustic insulation<sup>11</sup>.
- 6.28 Electricity distribution infrastructure is also recognised within Chapter 4 whereby the policies seek to protect electricity distribution infrastructure, by all of the following: Recognising the functional needs of electricity distribution activities; Restricting the establishment of activities that may result in reverse sensitivity effects; Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure; Protecting existing distribution corridors for infrastructure

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<sup>9</sup> Policy 3.2.4, Otago Regional Policy Statement (Decision Version), 1 October 2016

<sup>10</sup> Policy 3.2.6, Ibid

<sup>11</sup> Rule 36.5.17, Chapter 36 Noise, PDP (as notified)

needs, now and for the future<sup>12</sup>. This policy flows from the NPSET and is of direct relevance to the Transpower electricity network extending through this Site.

- 6.29 In terms of energy efficiency, the policies of the RPS(DV) seek to enable energy efficient and sustainable transport for Otago's Communities by encouraging the development of compact and well-integrated urban areas, to reduce travel need within those areas; and to ensure transport infrastructure in urban areas has good connectivity, both within new urban areas and between new and existing urban areas<sup>13</sup>.
- 6.30 The provisions also provide much greater support for urban growth and development than the operative RPS, with the primary objective that urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments<sup>14</sup>. The relevant policy direction seeks to manage urban growth and development in a strategic and co-ordinated way by ensuring there is sufficient residential and commercial land capacity to cater for demand for such land over at least the next 20 years; and co-ordinating urban growth and development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way<sup>15</sup>. The development of Urban Growth Boundaries by territorial authorities is one of the ways in which the RPS(DV) seeks to implement this policy.

### **Strategic Directions Policies, Proposed Queenstown Lakes District Plan**

- 6.31 The proposed rezoning is to be assessed as to whether it will give effect to relevant objectives of the plan<sup>16</sup>. The strategy chapters contained within Part 2 of the PDP and considered as part of the hearings on Streams 01A and 01B, establish a range of objectives of relevance to this area.
- 6.32 I presented evidence at the hearing on Stream 01B (differently composed Panel) in relation to the strategic directions chapters, and as detailed above<sup>17</sup>. As part the evidence for that hearing, I suggested a

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<sup>12</sup> Policy 4.4.5, Otago Regional Policy Statement (Decision Version), 1 October 2016

<sup>13</sup> Policy 4.4.6, Ibid

<sup>14</sup> Objective 4.5, Ibid

<sup>15</sup> Policy 4.5.1, Ibid

<sup>16</sup> s.32(1), Resource Management Act 1991

<sup>17</sup> Statement of Evidence of Christopher Bruce Ferguson, 29 February 2016

range of additions and changes to those provisions and this evidence is prepared on the basis of the position advanced at the hearing on Stream 01B. I attach within **Appendix 4** the relevant objectives and policies from the strategic directions chapters, as amended through my earlier evidence.

### Chapter 3 Strategic Direction

- 6.33 The objectives within Chapter 3 provide overall strategic direction for the management of district wide issues relating to the management of land within the Queenstown Lakes District. There is significant overlap in the strategic directions objectives in relation to the management of landscapes and urban development with Chapters 6 and 4.
- 6.34 The potential opportunity to enable commercial and business related activities within the Site is supported by the objectives falling under the goal of developing a prosperous, resilient and equitable economy. This includes that the Queenstown (and Wanaka) town centres are the hub of the District's economy<sup>18</sup>; and the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities<sup>19</sup>.
- 6.35 Objective 3.2.1.2 sets out the direction for Frankton and provides that the key mixed use function of the Frankton Commercial area is enhanced with better transport and urban design integration between Remarkables Park, Queenstown Airport, Five Mile and Frankton Corner<sup>20</sup>. My earlier evidence generally supports this approach to recognise the role of Frankton as a significant commercial centre, providing an integrated approach to the management of land within Frankton and recognising the role of the Airport<sup>21</sup>. However, I do not consider to achieve these outcomes the objective should refer to the particular needs of Remarkables Park, Five Mile and the Airport. The basis of the provisions are to support these precinct "as one entity, from a strategic perspective" and this is then undermined by singling out entities (which may change).

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<sup>18</sup> Objective 3.2.1.1, Revised Proposal, Right of Reply version dated 07/04/2016

<sup>19</sup> Objective 3.2.1.5, Revised Proposal, *Ibid*

<sup>20</sup> Objective 3.2.1.2, Revised Proposal, *Ibid*

<sup>21</sup> Paras 134 -136, Statement of Evidence of C Ferguson (Stream 01B), dated 29/02/16

- 6.36 The policies supporting Objective 3.2.1.2 seek to provide a planning framework for the wider Frankton area that facilitates the integrated development of the various mixed use development nodes<sup>22</sup>; recognises and provides for the varying complementary functions and characteristics of the various mixed use development nodes within the Frankton area<sup>23</sup>; and avoids additional commercial rezoning within Frankton that will fundamentally undermine the function and viability of Frankton's commercial areas, or which will undermine increasing integration between the nodes in the area<sup>24</sup>.
- 6.37 Objective 3.2.2.1 provides direction regarding the strategic and integrated management of growth that is relevant not only for the spatial planning outcomes but for development within urban areas. This objective provides that Urban Development has a well-integrated urban form; and manages the cost of Council infrastructure.
- 6.38 The Site is located within the Urban Growth Boundary identified in the PDP for the communities in the Wakatipu Basin. Within these urban areas there is a suite of objectives under the goal of enabling a safe and healthy community that is strong, diverse and inclusive for all people. This includes ensuring a mix of housing opportunities<sup>25</sup>; providing a high quality network of open spaces and community facilities<sup>26</sup>; and ensuring planning and development maximises opportunities to create safe and healthy communities through subdivision and building design<sup>27</sup>. In addition, Objective 3.2.3.1 also seeks to achieve a built environment that ensures urban areas are desirable and safe places to live, work and play.
- 6.39 In terms of landscape values, the relevant objectives within Chapter 3 are for the protection of Outstanding Natural Features and Landscapes from inappropriate subdivision use and development<sup>28</sup>; and new urban subdivision, use or development will occur in those areas which have

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<sup>22</sup> Policy 3.2.1.2.1, *Ibid*

<sup>23</sup> Policy 3.2.1.2.2, *Ibid*

<sup>24</sup> Policy 3.2.1.2.3, *Ibid*

<sup>25</sup> Objective 3.2.6.2, Revised Proposal, Right of Reply version dated 07/04/2016

<sup>26</sup> Objective 3.2.6.3, *Ibid*

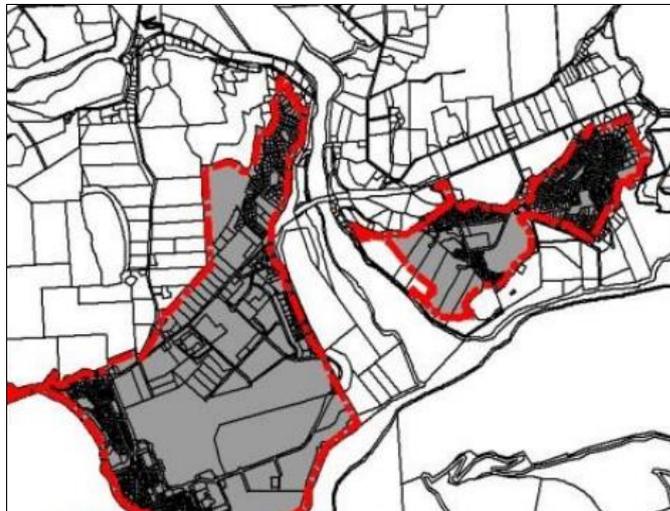
<sup>27</sup> Objective 3.2.6.4, *Ibid*

<sup>28</sup> Objective 3.2.5.1, *Ibid*

potential to absorb change without detracting from landscape and visual amenity values<sup>29</sup>.

#### Chapter 4 Urban Development

- 6.40 The objectives from Chapter 4 (Urban Development) establish direction for the management of urban growth, including through the establishment of urban growth boundaries ('UGBs'). Whilst these are primarily a tool to aid in the spatial planning outcomes for urban development, they also provide a basis for the integration of infrastructure and services<sup>30</sup>; the use of UGBs as a tool to manage growth of major centres with distinct and defensible urban edges<sup>31</sup>; and a compact and integrated urban form that maximises the efficiency of infrastructure operation and provisions<sup>32</sup>.
- 6.41 An UGB for the Queenstown Area is included within the PDP, as shown on the diagram below, and includes all of subject land.



**Figure 3: Urban Growth Boundary**

- 6.42 The Site is located within the UGB for Queenstown and providing for urban development within this location will positively achieve a defensible urban edge, a compact urban form, limiting lateral spread of urban areas and the efficiency of infrastructure.
- 6.43 Being in proximity to a major urban node having community and education facilities and access to public transport also makes the Site

<sup>29</sup> Objective 3.2.5.3, *Ibid*

<sup>30</sup> Objective 4.2.1, *Ibid*

<sup>31</sup> Objective 4.2.2, *Ibid*

<sup>32</sup> Objective 4.2.3, *Ibid*

ideally located to provide for increased density of residential development<sup>33</sup>. The relationship of the Site to the OCB does however introduce constraints relating to the management of urban growth on land in proximity to Queenstown Airport and the new provisions recommended to be introduced through Expert Witness Conferencing at the hearing on Stream 01B. The relevant objective is to ensure that the operational capacity and integrity of the Airport is not significantly compromised now and in the future<sup>34</sup>. This objective is supported by policies seeking to protect the airport from reverse sensitivity effects of ASANs via a range of zoning methods, including where appropriate the use of prohibited activity status<sup>35</sup>; and to ensure Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing ASANs within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels<sup>36</sup>.

- 6.44 I consider Objective 4.2.6 an important factor informing the most appropriate zoning as well as the methods that would apply with that zone to manage ASANs to protect the airport from reverse sensitivity effects. In this location, such methods would have dual benefit to the management of reverse sensitivity effects on the State Highway network.

#### Chapter 6 Landscape

- 6.45 The objectives from Chapter 6 Landscape as notified recognise and provide for the management of landscape values as a significant resource for the District. To align with the provisions of s.6(b) and s.7 of the Act and also of the higher order regional policy documents, the PDP seeks to identify Outstanding Natural Landscapes and Features as well as Rural Landscapes. The framework of landscape provisions under Chapter 6 provides for the identification of these categories of landscape under Objective 6.3.1, to achieve the goal that landscapes are managed and protected from the adverse effects of subdivision, use and development.

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<sup>33</sup> Policy 4.2.3.2, *Ibid*

<sup>34</sup> Objective 4.2.6, *Ibid*

<sup>35</sup> Policy 4.2.6.1, *Ibid*

<sup>36</sup> Policy 4.2.6.2, *Ibid*

- 6.46 Planning Map 31A (as notified) identifies a part of the Site as being within an ONL, extending roughly from the toe of the hill northwards to include Ferry Hill and its surrounds. As that ONL also lies within the UGB and runs centrally through the notified MDR Zone, the determination of the location of the ONL is an important aspect to this hearing and any eventual zoning outcome.
- 6.47 Of relevance to the Site, Chapter 6 also address the relationship between UGBs and ONF/Ls. Where UGBs expand urban settlements, through plan changes, the UGBs or extended urban areas should avoid impinging on ONF/Ls and minimise degradation to the values derived from open rural zoned landscapes<sup>37</sup>. Assuming this policy is intended to inform zoning decisions through the District Plan Review, it would have important implications for the location of the UGB if that cannot be reconciled with the ONL (if there is jurisdiction to amend the UGB in this area).
- 6.48 In the event the Site is determined to contain a part of the ONL, the primary objective relating to the Districts ONF/Ls is for the protection, maintenance or enhancement of the District's ONF/Ls from the adverse effects of inappropriate development<sup>38</sup>. In more general terms Objective 6.3.1 would also apply and provides landscapes are managed and protected from the adverse effects of subdivision, use and development. This objective is supported by a policy to discourage urban subdivision and development in the Rural Zones<sup>39</sup>.

## 7. EVALUATION

### Constraints

- 7.1 Based on the analysis of the provisions from each of the relevant statutory documents, the suitability of any urban zoning across this Site requires a consideration of a number of factors and constraints, some of which are addressed by existing methods in the plan and others that will need to be addressed within the appropriate zoning regime. The primary constraints need to be considered include:

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<sup>37</sup> Policy 6.3.1.6, *Ibid*

<sup>38</sup> Objective 6.3.3, *Ibid*

<sup>39</sup> Policy 6.3.1.4, *Ibid*

- (a) The identification of the extent of the ONL through the Site and if it does apply, whether that should modify the UGB and/or any zoning outcome;
- (b) Management of ASAN within the Queenstown Airport OCB and recognition that even outside of the OCB that aircraft movements over the site create a relatively noisy environment;
- (c) The management of activities that could impact on the Transpower transmission line network;
- (d) Management effects of traffic and reserve sensitivity effects on the State Highway network.

7.2 In my view the starting point is to determine the appropriate landscape classification and then each of the subsequent factors and constraints.

#### Landscape Classification

- 7.3 The evidence of Mr Bentley proposes that a water race above the Site would be a more appropriate boundary between the ONL and the lower valley landscape, whereas the evidence for the Council by Dr Read considers that the notified location is the most appropriate. I note for completeness that the Commissioners in making their decision on resource consent RM151046 suggest that the ONL boundary may be better placed following the UGB or somewhere between the notified line in the PDP and the cadastral boundary of the Hansen land (which formed the southern boundary of that application site)<sup>40</sup>.
- 7.4 The evidence of Dr Read is critical of the report attached to the submission by the Hansen Family Partnership prepared by Mr Bentley, stating that it is based on flawed analysis, is arbitrary and inappropriate. I understand the basis for her concerns relate to assumptions used in the report around the geological origins of the area below Ferry Hill. Dr Read on the other hand is herself reliant on an earlier report to the Queenstown Lakes District Council on appropriate landscape classifications, including subsequent updates. Dr Read concedes that assessment was not based on first principles. Dr Read has also previously indicated that she does not fully agree with the notified ONL

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<sup>40</sup> Para 58 – 59, Decision of the Queenstown lakes District Council RM151046

boundary. I refer to the email of 13 February 2015 from Dr Read to Mr Curley of Universal Developments Limited (attached as Appendix 6).

- 7.5 The evidence of Mr Bentley agrees that in the absence of human activity, the toe of the hillslope through the Site might form the logical basis for a delineation of the ONL. In his view however, this concept does not fit with the cultural overlays associated with this landscape, which has been observed to include the large scale electricity transmission lines, two electricity sub-stations, an engineering workshop, telecommunication infrastructure, at least four houses alongside the State Highway and four further lots approved for development as part of RM151046. It also does not fit well with delineation of the ONL on other parts of Ferry Hill.
- 7.6 Conceptually, I agree that a decision on the most appropriate zoning for this land needs to follow a determination of the landscape classification and that proposed zoning cannot predetermine that outcome. Based on the scale and nature of the human modification to the landscape alongside State Highway 6, there is only a very limited part of the Site where the toe provides a semi-coherent boundary. That would include that part of the Hansen Family Partnership land located alongside State Highway 6 that is farmed and has no road side vegetation. Even in this location the naturalness of the landscape is affected to a significant degree by the transmission lines. The land east and west of the Hansen land is developed to such a degree with introduced planting, domestic structures, industrial activities and utilities that there is very little visible evidence of the topographic break upon which a coherent ONL line can be drawn.
- 7.7 For these reasons, I prefer the evidence of Mr Bentley who finds that no part of the Site is located within the ONL. Based on this finding, there is no need to adjust the UGB to avoid urban growth impinging on the ONL in terms of Policy 6.3.1.6 (as detailed above).

#### Queenstown Airport OCB

- 7.8 As detailed above, the provisions relating to Queenstown Airport agreed through Expert Witness Conferencing, seek to protect the airport from reverse sensitivity effects of ASAN via a range of zoning methods, including where appropriate the use of prohibited activity status. It is clear from this policy the existence of the OCB does not in itself justify

requiring the affected land to be rural zone. Rather, whatever zone and provisions are adopted, they need to protect the airport from the effects of ASAN. While this might make a purely residential zoning undesirable, it would not prevent a mixed use, business, or industrial zone, as has been conceived within the Frankton Flats Special Zone (B) immediately south of the Site and within the OCB.

#### Transpower Transmission Lines

- 7.9 The management of the potential adverse effects on the electricity transmission network can be achieved through compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34 and the rules within Chapter 30 (Energy and Utilities). Subdivision is also impacted through the rules within Chapter 27.
- 7.10 Rule 30.4.29 establishes standards for buildings and structures within the National Grid Yard that are permitted 12m from any National Grid Support Structure. Similar restrictions exist on earthworks within the National Grid corridor. In addition, Rule 30.4.27 requires that any building, structure of National Grid Sensitive activity within 45m of the designated boundary of the Transpower Frankton Substation seek resource consent as a controlled activity.
- 7.11 The rules within Chapter 30 apply regardless of the underlying zone and will constrain to some degree the location and extent of urban development on the Site. The main constraint being clearly the 12m wide corridor either side of the transmission lines (24m wide total corridor bisecting the Site).
- 7.12 Under the rules within the subdivision chapter (revised proposal), subdivision of land in any zone within the National Grid Corridor, where all allotments identifying a building platform for the principal building and any dwelling to be located outside of the National Grid Yard is listed as a restricted discretionary activity. Discretion is restricted to impacts on the operation, maintenance, upgrade and development of the National Yard; the ability of future development to comply with NZECP34:2001; and the location, design and use of any proposed building platform as it relates to the National Grid transmission line.
- 7.13 In addition, subdivision of any land within any zone within 32m if the centre line of the Electricity Sub-Transmission Line identified on the planning maps is also listed as a restricted discretionary activity.

### Effects on the State Highway Network

- 7.14 It is clear from the NoR for the roundabout intersection at Hawthorn Drive and State Highway 6, that its design was intended to accommodate a fourth leg to provide access to the land north of State Highway 6. The NoR does not however quantify the volume of access designed to be accommodated through the fourth leg. The PDP as notified applied a rule<sup>41</sup> to the MDR zoning applicable to this land to constrain access via the roundabout, Hansen Road and Ferry Hill Drive and to avoid any other access direct to the state highway.
- 7.15 This constraint has been examined in the evidence of Ms Banks for the Council and Mr Carr for the submitters. The evidence of Ms W Banks finds that while urban development in this location generally is acceptable, the development potential needs to be reduced so that vehicle trips generated do not result in significant effects on the state highway and access should only be from an extension to the Eastern Arterial Road.
- 7.16 The evidence of Mr Carr finds that it is appropriate to allow development to occur within the Site up to a threshold of 1,430 vehicle movements (two-way) on the peak hours on a permitted basis. Below this threshold Mr Carr considers there is negligible risk to the efficiency of the roading network. In addition, Mr Carr further recommends an approach to limit the rate of traffic on a per hectare basis across the Site so as to avoid intensive nodes developing in a way that diminishes the capacity across the zone. He proposed a limitation of 55 vehicle movements (two – way) per hectare in the peak hours to allow for an equitable distribution of development opportunity without undue constraint. I support this approach.

### **Noise Environment**

- 7.17 The site is affected by noise from State Highway 6 and noise from overflying aircraft (both inside and outside of the OCB). That factor is relevant to the appropriateness of a purely residential zoning.

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<sup>41</sup> Proposed District Plan (notified version), Chapter 8 Medium Density Residential, rule 8.5.3.

**Identification of other reasonably practicable options for achieving the objectives s.32(1)(b)(i)**

- 7.18 Based on the constraints identified above, and subject to the primary decision on the appropriate location of the ONL boundary, I consider the reasonably practical options to enable the use and development of the Site to include:
- (a) Option 1 - Business Mixed Use Zone (BMU) across all sites;
  - (b) Option 2 - A Mixture of zones: MDR, HDR, BMU;
  - (c) Option 3 - The Councils now proposed approach of HDR for the land not located within the ONL or OCB, rural for the land within the OCB as well as some land outside of both the ONL and the OCB;
  - (d) Option 4 - The PDP as notified, as being all MDR; and
  - (e) Option 5 - The status quo under the ODP, as being all rural zone.
- 7.19 Option 1 to apply the BMU zoning would be particularly aligned with achieving Objective 3.2.1.2 relating to the mixed-use function of the wider Frankton area and especially developing and sustaining this area. Providing for additional business mixed use zoning would assist in integrating the mixed-use nodes, providing for complementary activities, and support viability of this area as sought in policies 3.2.1.2.1, 3.2.1.2.2 and 3.2.1.2.3. In addition, this option would provide for additional housing opportunities and business development.
- 7.20 The option would also achieve the objectives and policies relating to urban development by efficiently utilising land recognised to be within the urban growth boundary for urban development that supports the wider urban area. Objectives 4.2.2, 4.2.3 and 4.2.4 would be achieved by this option, as would the associated policies. Objective 4.2.1 and policies relating to integration, infrastructure and accessibility can also be achieved through business mixed use development in this location.
- 7.21 The option would be able to achieve outcomes sought for protection of the Airport through Objectives 4.2.5 and 4.2.6 (and associated policies) if appropriate rules are applied to manage ASANs within the OCB. The application of a business mixed use zoning enables a range of activities to utilise the land giving options for activities to establish within the OCB

that are not sensitive to airport activities and can appropriately utilise the land without the risk of reverse sensitivity impacts.

- 7.22 In relation to landscape values, and subject to a determination on the ONL boundary forming the zone boundary, Option 1 would provide for development outside the ONL as sought in Objectives 3.2.5.1, 3.2.5.3, 6.3.1 and 6.3.3. Whilst the BMU zoning would enable substantial built form viewed adjacent to and below the ONL, this is separated from the Rural / ONL boundary by a rural RLC buffer, and is not dissimilar to other areas of development that also adjoin the ONL/Rural zone boundary with urban zones.
- 7.23 Option 1 best recognises the range of constraints and factors which affect the site by enabling a range of possible development outcomes.
- 7.24 Option 2 with a mixed zone approach could achieve objectives relating to urban growth and development and housing opportunities (objectives 3.2.2.1, 3.2.6.2, 4.2.1, 4.2.2, 4.2.3 and 4.2.4) if appropriately applied across the Site. The zones would need to be appropriately located to achieve connections and opportunities sought through the objectives and policies around integration and compatibility. The mixed zoning approach would recognise the mixed use function of the Frankton area (objective 3.2.1.2) but would be less successful at this than application of the BMU zoning would be. It would also be less successful in recognising the constraints and factors identified above.
- 7.25 In addition, the zones would have to be applied in a way that avoids ASANs within the OCB to provide the necessary protection to the airport (objectives 4.2.5 and 4.2.6). Again, achievement of the objectives relating to protection of ONLs would be premised on the appropriate boundary for the ONL/Rural zone being determined.
- 7.26 The Council officer has suggested that an appropriate zoning pattern would be HDR for the land not located within the ONL or OCB and rural for most of the remainder. This approach would partly achieve the objectives relating to urban growth and development, including opportunities for housing (objectives 3.2.2.1, 3.2.6.2, and 4.2.1), although it would not achieve full recognition of the recognised urban growth boundary and the outcomes anticipated within the UGB under objectives 4.2.2, 4.2.3 and 4.2.4. Similarly, it would only partly achieve the outcomes anticipated for recognition of the Frankton area (objective

- 3.2.1.2) as it would only provide for residential development and not the wider and integrated mixed use opportunities anticipated for this area.
- 7.27 This option would achieve protection of ONLs (3.2.5.1, 3.2.5.3, 6.3.1 and 6.3.3) through the avoidance of most development. It could also be considered to achieve protection of the airport operations (objectives 4.2.5 and 4.2.6) but it is not necessary to apply a rural zoning to achieve this protection.
- 7.28 Option 4 would provide for MDR zoning cross the majority of the Site as contained in the PDP as notified. Similar to option 3 above, this option would achieve objectives relating to urban growth and development, including opportunities for housing and would utilise the land within the UGB. Again, it would only partly achieve the outcomes anticipated for recognition of the Frankton area (objective 3.2.1.2) as it would only provide for residential development and not the wider and integrated mixed use opportunities anticipated for this area. Nor would it appropriately recognise the constraints and factors identified above.
- 7.29 This option would achieve protection of ONLs and, if appropriate rules are applied, could achieve protection of airport operations albeit that would involve the area within the OCB being constrained from habitable residential development e.g. only used for open space or infrastructural support.
- 7.30 The status quo under the ODP is that all of the Site be rural zoned (option 5). This option would not achieve any of the objectives or policies around the mixed use function of Frankton, urban growth and development, opportunities for housing, or commercial growth. In particular, it would conflict with the objectives seeking to provide for compact and integrated development within the urban growth boundaries and would undermine the identification of the UGB in this location. It would establish a portion of land that is highly accessible and generally surrounded in development, that is not utilised for urban activity and would continue to provide an anomaly of zoning and use in this locality. It would also recognise the constraints and factors detailed above.
- 7.31 This option could however be seen to achieve the objectives relating to protection of the airport and the adjacent ONL, given that it would enable little or no built development to occur. However, application of rural

zoning across the whole of the Site would limit development further than is necessary to achieve this protection.

- 7.32 Of all the options assessed above, only option 1 (BMU zoning) most closely achieves all of the relevant objectives relating to anticipated outcomes for the Frankton area, urban growth, protection of the Airport and protection of ONLs. All of the other options are less successful at achieving the wide ranging goals of the objectives and policies, with some of the options, predominantly option 5, not particularly achieving any of the objectives. On this basis, Option 1 is the preferred option.

**Assessment of efficiency and effectiveness of provisions s.32(1)(b)(ii) and s.32(2)(a)**

- 7.33 Given the above conclusion, I have considered Option 1 (BMU zoning) in relation to its ability to efficiently and effectively achieve the outcomes sought for the area.
- 7.34 The BMU zone is designed to provide for complementary commercial, business, retail and residential uses that supplement the activities and services provided by town centres and to enable higher density living opportunities close to employment and recreational activities. Whilst the rules provide for a number of activities as permitted activities e.g. residential and commercial, there is a key rule requiring all new buildings to obtain restricted discretionary consent to ensure appropriate building design and appearance, together with key elements such as landscaping. Thus no new development can establish without some form of consent.
- 7.35 To ensure that the BMU zone appropriately addresses the constraints applicable to the Site, the following matters need to be addressed and/or incorporated into the BMU rules. Suggested additions to the BMU rules are set out in **Appendix 5**.

Transmission corridor

- 7.36 The National Grid transmission corridor running through the site requires consideration and protection to ensure the NPSET and NESETA are given effect to. The provisions contained within Chapter 30 Energy and Utilities (rules 30.5.10 and 30.5.11) adequately provide for the consideration of buildings and earthworks close to the transmission corridor and these rules apply district wide. Therefore, whilst accepting

that the extent of the transmission corridor running through the site would impact on the layout and scale of development, there would be no need to include any specific rules in the BMU zone to deal with this issue.

#### Airport protection

- 7.37 To ensure appropriate protection to the airport from reverse sensitivity risks, and to accord with agreements reached through expert conferencing, there is a need to ensure that no ASAN establish within the OCB. This can be effectively achieved through the inclusion of a rule within the BMU zone provisions that prohibits ASANs (as defined in the District Plan) from establishing within the OCB. This would also be aligned with the approach taken in other zones e.g. Frankton Flats. This rule would allow for the use of the land within the OCB by other activities that would efficiently utilise the land and complement activities on the rest of the Site and within the wider area.

#### Acoustic insulation – State Highway noise

- 7.38 As has been identified in other zones, there is a need to ensure that sensitive activities establishing close to the State Highway incorporate acoustic insulation to protect occupants. To achieve this protection, a rule can be included within the BMU zone that requires acoustic insulation for sensitive activities in close proximity. In other zones, and in the MDR zone applying to this land as notified, the appropriate level of protection has been determined to be within 80m of the state highway.

#### State Highway function

- 7.39 It is important to ensure that the function of the State Highway is maintained and this is able to be effectively achieved through requiring all access to the Site to be from a new fourth leg on the roundabout at Hawthorne Drive (the Eastern Access Road). A rule was provided within the MDR rules (as notified) requiring a Traffic Impact Assessment in relation to all development. However, given the evidence of Mr Carr, I support the addition of a traffic generation standard for this part of the Zone that would allow a level of development up to 1,430 vehicle movements (two-way) in the peak hours as suggested by Mr Carr, below which traffic would not adversely impact on the safe and efficient operation of the State Highway network. Beyond that threshold Mr Carr (and Ms W Banks) have reservations and could the uncertainty over

future traffic effects on the network could be more appropriately managed through a resource consent process above the threshold and requiring a similar level of assessment as set out within the MDR Zone.

- 7.40 In response to these concerns and the suggested approach made in the evidence of Mr Carr I suggest the addition of a new State Highway 6 Vehicle Access Rule to the BMU Zone. This is detailed within **Appendix 5**.

Transition between BMU Zone and Rural Zone

- 7.41 Policy 4.2.3.7 provides some direction for the management of the edges of Urban Growth Boundaries to provide a sensitive transition to rural areas, with the transition addressed within Urban Growth Boundaries.
- 7.42 The BMU Zone has strong emphasis on the quality of building design through the restricted discretionary activity rule. While the focus of this rule is more on urban design, I consider it could be readily modified to address the relationship of building within the BMU at the transition with the rural zone. Part of that transition will be managed through the 24m wide National Grid corridor, which particularly towards the eastern end will naturally provide an open space buffer. I outline below an amendment to Rule 16.4.2, as follows:

(a) Add the following matters of discretion:

- iii. Management of the transition between the BMU Zone along the northern side of State Highway at Frankton with the rural zone

(b) Add the following Assessment Matters:

For the BMU Zone at Frankton, north of State Highway 6:

- iv. Management of the transition of that part of the zone between the National Grid Corridor and the Rural Zone through an appropriate design response that provides:
- Greater proportions of open space between buildings:  
and
  - Lower building heights

- 7.43 I consider that with these amendments the zone will more readily address the transition between development within the BMU Zone and the Rural Zone.

An appropriate policy framework

- 7.44 As outlined in paragraph 5.13 (above) the MDR Zone at Frankton, north of State Highway 6, has its own objective, supporting policies and several rules setting out the outcomes expected for the development of this area. In my view these provisions are equally applicable to the proposed BMU Zone to establish an appropriate policy framework. I recommend inserting a new objective and related policies within the BMU Zone, based on the latest 'reply' version of the MDR provisions being recommended by Council, and further amended to account for this mixed-use environment and the additional constraints identified above in relation to the reverse sensitivity effects from road and aircraft noise, as follows:

**Objective**

**16.2.3 The development of land fronting State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality mixed-use environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, is appropriately serviced and address reserve sensitivity effects from road and aircraft noise.**

**Policies:**

**16.2.3.1 Encourage low impact stormwater design that utilises on-site treatment and storage / dispersal approaches, and avoids impacts on the State Highway network.**

**16.2.3.2 Provide a planting buffer along the road frontage to soften the view of buildings from the State Highway network.**

**16.2.3.3 Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrate with the road network and public transport routes on the southern side of State Highway 6.**

**Note:** Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.

**Note:** Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roading Powers Act 1989.

**16.2.3.4** Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.

**16.2.3.5** Provide a safe and legible walking and cycle environment that links to the other internal and external pedestrian and cycling networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes and is of a form and layout that encourages walking and cycling.

**16.2.3.6** Provide an internal road network that ensures road frontages are not dominated by vehicular access and parking.

**16.2.3.7** Require as necessary all new and altered buildings for activities sensitive to road noise located within 80m of the State Highway be designed to provide protection from sleep disturbance and maintain appropriate amenity.

**16.2.3.8** Prevent Activities Sensitive to Aircraft Noise within the Outer Control Boundary of Queenstown Airport.

7.45 Based on this suggested objective and associated policy structure for the Frankton BMU Zone, I also recommend grouping together most of the relevant rules specific to this zone to provide a legible connection to the policies. This group of rules, transferred and adapted from the zone-specific MDR rules, addresses the following matters:

- (a) Addition of a matter of discretion and an assessment matter for building, so as to manage the transition to the adjoining rural zone;
- (b) Provision of acoustic insulation and mechanical ventilation for all residential buildings within 80 m of the State Highway;

- (c) Vehicle access onto the State Highway;
- (d) Landscape Planting to provide a planting buffer fronting State Highway 6; and
- (e) Provision of a 20m setback for building from the boundary with State Highway 6, except for where the State Highway enters the cutting below the site towards the Shotover River Bridge.

7.46 I note for completeness that the provisions from the MDR specific to this area will also need to be deleted once transferred. Each of the proposed additions to the BMU Zone and deletions to the MDR Zone arising from the amendments recommended above are detailed within **Appendix 5**.

## 8. S.42A REPORT

8.1 The evidence of Ms K Banks provides a detailed analysis of options for the various parts of the site and considers most of the constraints touched on above. However, Ms K Banks does not appear to place much emphasis on the impact of the National Grid corridor through the Site, stating "*I do not see the transmission lines as a significant impediment to the development of the area*"<sup>42</sup>. Nor does she appear to recognise the position agreed through Expert Witness Conferencing relating to Queenstown Airport and protection of ASANs.

8.2 Ms K Banks recommends a mixed outcome as follows:

- (a) the land within the ONL rezoned from MDRZ to Rural;
- (b) the land located between Hansen Road and the EAR, and located within the OCB rezoned to Rural;
- (c) the land located from the EAR east to Ferry Hill Drive, and outside of the OCB, zoned for HDR below the ONL line; and
- (d) Some land outside of the ONL and outside of the OCB be zoned Rural.

8.3 Given the assessment carried out above, which includes consideration of Ms K Banks' recommended zoning, I do not consider her zone pattern to generally be appropriate to the location or to provide an efficient or effective means of dealing with the issues identified. I do agree that land

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<sup>42</sup> Para 10.9, Statement of Evidence of K Banks, dated 25 May 2017.

within the ONL should be zoned rural, but based on the evidence of Mr Bentley I do not consider the ONL boundary as notified to be appropriately located. I also do not consider it necessary that the land within the OCB be zoned rural to achieve protection of the airport.

- 8.4 Similarly, I do not consider that the zoning of the land as HDR is necessary to achieve residential opportunities, as these can be provided through the BMU zoning in addition to a range of other appropriate activities. With a BMU zoning, there is flexibility to locate activities throughout the site as they are best placed to respond to the constraints under a designed and integrated approach. The BMU rules enable appropriate consideration of the location, scale and appearance of buildings and activities (where necessary) to ensure that development is managed whilst continuing to facilitate growth for the Site and wider Frankton area.

## 9. CONCLUSION

- 9.1 On the basis of the assessment above I consider that the most appropriate zone for the Site is Business Mixed Use, with the application of some site specific rules to efficiently recognise particular constraints and factors.



**Chris Ferguson**

12 June 2017

## **APPENDIX 1**

### Summary of Submissions and Further Submissions

Submitter Number	Submitter	Provisions Submitted On	Reasons for Submission / Relief Sought
<u>751</u>	Hansen Family Partnership	<p>Chapter 4 Urban Development: Policy 4.2.3.8</p> <p>Chapter 8 Medium Density Residential: Objectives, policies and rules</p> <p>Chapter 21 Rural: Table 1, Rule 21.4</p> <p>Planning Maps: Map 31 - Lower Shotover, Map 31a - Queenstown Airport, Map 33 - Frankton</p>	<p>(a) Support the creation of the new area of Medium Density Residential Zone proposed on its land alongside State Highway 6, together with amendments to the provisions to improve their effectiveness and efficiency;</p> <p>(b) To rezone the area of rural and medium density residential zones located over the land on the northern side of State Highway 6 located between Hansen Road and the Eastern Access Road, and within the Queenstown Urban Growth Boundary, to industrial. Alternatively, rezone this land as any mix of Low, Medium or High Density Residential, Industrial, Business Mixed Use or Local Shopping Centre Zones.</p> <p>(c) To amend the location of the Ferry Hill ONL line; and</p> <p>(d) To amend the provisions of the rural zone to recognise and provide for development within historic rural living allotments created under the Transitional District Plan with the intention of accommodating dwellings</p>
<u>847</u>	FII Holdings Limited	<p>Chapter 8: Medium Density Residential Zone, 8.1 Zone Purpose, Policy 8.2.1.1, Policy 8.2.1.6, Policy 8.2.2.6, Policy 8.2.4.3, Objective 8.2.10, Policy 8.2.10.3, Objective 8.2.1.1, Policy 8.2.11.6, Objective 8.2.13, Policy 8.2.13.1, Rule 8.4.5, Rule 8.5.3.1, Rule 8.5.3.2, Rule 8.5.8.1, Rule 8.5.10</p> <p>Chapter 27: Subdivision and Development, Rule 27.5.1</p> <p>Chapter 36: Noise, Objective 36.2.1,</p>	<p>a. The rezoning of the site and wider area to Business Mixed Use zone or Industrial zone; or</p> <p>b. Amending the Medium Density Residential zone provisions (and related provisions) as set out in Annexure A.</p>

		Policy 36.2.1.2, 36.3.2 Planning Map 31a Queenstown Airport	
<u>8</u>	Stephen Spence	Map 31 Lower Shotover	Opposes rezoning of land north of SH6, between Quail Rise and substation, from rural to medium density residential.
<u>140</u>	I & D Williamson	Potential Rezoning - District Plan Review. Low Density / Medium Density	Opposes the rezoning of sites at Frankton from low density to medium density residential. [Not clear exactly what sites they are referring to but they live at 971 Frankton Road, so probably not relevant.]
<u>399</u>	Peter and Margaret Arnott (Fernlea Trust)	Proposed Planning Map 31a.  The position of the Outstanding Natural Landscape line on Planning Map 31a.  The proposed zoning of the Submitters' land shown on Planning Map 31a and legally described as Lot 1 Deposited Plan 19932 and Section 129 Block I Shotover Survey District (the "Submitters' Land").  Rule 8.5.3.1(a) and (b), Rule 8.5.3.2, and Rule 8.5.3.3.  Rule 27.4.1 that requires all subdivision to be a Discretionary Activity.	Seeks to have that part of the submitters land rezoned from rural to local shopping centre and/or business; that the ONL line be moved to the north boundary; subdivision is a controlled activity and certain rules are deleted.
<u>408</u>	Otago Foundation Trust	Chapter 2 Definitions	Seeks to have land within sec 130, 31 and 132 rezoned as medium

	Board as trustee for Wakatipu Community Presbyterian Church	Chapter 8 Medium Density Residential Zone  Chapter 27 Subdivision  Planning Maps 31 and 31a	density residential; that community activities be excluded from the definition of ASAN; removal of the ONL classification
<u>455</u>	W & M Grant	Proposed Planning Maps: Maps 31 (Lower Shotover), 31a (Queenstown Airport), 33 (Frankton)	Supports the inclusion of the land within the Urban Growth Boundary; seeks to modify the rural zone to rezone as either medium density with visitor accommodation overlay or commercial.
<u>717</u>	The Jandel Trust	Chapter 8: Medium Density Residential Zone, 8.1 Zone Purpose, Policy 8.2.1.1, Policy 8.2.1.6, Policy 8.2.2.6, Policy 8.2.4.3, Objective 8.2.10, Policy 8.2.10.3, Objective 8.2.1.1, Policy 8.2.11.6, Objective 8.2.13, Policy 8.2.13.1, Rule 8.4.5, Rule 8.5.3.1, Rule 8.5.3.2, Rule 8.5.8.1, Rule 8.5.10  Chapter 27: Subdivision and Development, Rule 27.5.1  Chapter 36: Noise, Objective 36.2.1,	Rezoning of the site and wider area to Business Mixed Use or Industrial; Rezone Quail Rise Res Zone within ONL as Rural. The submitters property is located at 179 Frankton - Ladies Highway.

		<p>Policy 36.2.1.2, 36.3.2</p> <p>Planning Map 31a Queenstown Airport</p>	
<u>177</u>	<p>Universal Developments Limited</p>	<p>Chapter 8 Medium Density Residential Zone, Policies 8.2.11.1, 8.2.11.2 and 8.2.13.1</p> <p>Chapter 27 Subdivision, Rule 27.4.1</p> <p>Planning maps (ONL lines)</p>	<p>(a) Confirm the existing Medium Density Residential zone provisions and zones identified on the planning maps, subject to the following changes:</p> <ul style="list-style-type: none"> <li>(i) Delete Policy 8.2.11.1.</li> <li>(ii) Delete Policy 8.2.1 1.2.</li> <li>(iii) Amend Policy 8.2.13.1, so that "80m" is replaced by "15m".</li> </ul> <p>(b) Amend Rule 27.4.1 and its associated objectives and policies so that subdivision is a Controlled Activity or a Restricted Discretionary Activity and, if deemed necessary, add design controls to the Controlled or Restricted Discretionary Activity rules that will ensure good urban design outcomes.</p> <p>(c) Amend the proposed district planning maps so that ONL lines are only shown on land that is to be zoned Rural.</p>

## **APPENDIX 2**

Relevant Objectives and Policies of the Regional  
Policy Statement

**Objective 5.4.1 To promote the sustainable management of Otago's land resources in order:**

- (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and**
- (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.**

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

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

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

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

- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and**
- (b) Provide for amenity values, and**
- (c) Conserve and enhance environmental and landscape quality; and**
- (d) Recognise and protect heritage values.**

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

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

- (a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and**
- (b) Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and**
- (c) Encouraging a reduction in the use of nonrenewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and**
- (d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.**

**Policy 9.5.3 To promote and encourage the sustainable management of Otago's transport network through:**

- (a) Promoting the use of fuel efficient modes of transport; and**
- (b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and**
- (c) Promoting a safer transport system; and**
- (d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards.**

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

- (a) Discharges of contaminants to Otago's air, water or land; and**
- (b) The creation of noise, vibration and dust; and**

- (c) *Visual intrusion and a reduction in landscape qualities; and*
- (d) *Significant irreversible effects on:*
  - (i) *Otago community values; or*
  - (ii) *Kai Tahu cultural and spiritual values; or*
  - (iii) *The natural character of water bodies and the coastal environment; or*
  - (iv) *Habitats of indigenous fauna; or*
  - (v) *Heritage values; or*
  - (vi) *Amenity values; or*
  - (vii) *Intrinsic values of ecosystems; or*
  - (viii) *Salmon or trout habitat.*

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

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

### **APPENDIX 3**

Relevant Objectives and Policies of the Proposed  
Otago Regional Policy Statement 2016 (as amended  
through decisions)

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

**Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes**

*Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:*

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

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

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

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

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

**Policy 4.4.5 Electricity distribution infrastructure**

*Protect electricity distribution infrastructure, by all of the following:*

- a) *Recognising the functional needs of electricity distribution activities;*
- b) *Restricting the establishment of activities that may result in reverse sensitivity effects;*
- c) *Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure;*
- d) *Protecting existing distribution corridors for infrastructure needs, now and for the future*

**Policy 4.4.6 Energy efficient transport**

*Enable energy efficient and sustainable transport for Otago's communities, by all of the following:*

- a) *Encouraging the development of compact and well integrated urban areas, to reduce travel needs within those areas;*
- b) *Ensuring that transport infrastructure in urban areas has good connectivity, both within new urban areas and between new and existing urban areas, by all of the following:*
  - i. *Placing a high priority on walking, cycling, and public transport, where appropriate;*
  - ii. *Maximising pedestrian and cycling networks connectivity, and integration with public transport;*
  - iii. *Having high design standards for pedestrian and cyclist safety and amenity;*
- c) *Enabling the development or upgrade of transport infrastructure and associated facilities that both:*
  - i. *Increase freight efficiency; and*
  - ii. *Foster the uptake of new technologies for more efficient energy uses, and renewable or lower emission transport fuels.*

**Objective 4.5 Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments**

**Policy 4.5.1 Managing for urban growth and development**

*Manage urban growth and development in a strategic and co-ordinated way, by all of the following:*

- a) *Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for the demand for such land, over at least the next 20 years;*
- b) *Coordinating urban growth and development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way.*
- c) *Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:*
  - i. *Minimise adverse effects on rural activities and significant soils;*
  - ii. *Minimise competing demands for natural resources;*
  - iii. *Maintain or enhance significant biological diversity, landscape or natural character values;*
  - iv. *Maintain important cultural or historic heritage values;*
  - v. *Avoid land with significant risk from natural hazards;*
- d) *Considering the need for urban growth boundaries to control urban expansion;*
- e) *Ensuring efficient use of land;*
- f) *Encouraging the use of low or no emission heating systems;*
- g) *Giving effect to the principles of good urban design in Schedule 5;*
- h) *Restricting the location of activities that may result in reverse sensitivity effects on existing activities.*

## **APPENDIX 4**

Relevant Objectives and Policies from the PDP

### Chapter 3 Strategic Directions

**Objective 3.2.1.1 ~~Recognise, develop and sustain the~~ The Queenstown and Wanaka central business areas town centres are as the hubs of New Zealand's premier alpine resorts and the District's economy.** (QLDC Right of Reply, 07/04/16)

**3.2.1.2 Objective – ~~Recognise, develop, sustain and integrate the key mixed use function of the wider Frankton commercial area, comprising Remarkables Park, Queenstown Airport, and Five Mile.~~** (Statement of Evidence of C Ferguson, dated 29/02/16)

**Policy 3.2.1.2.1** ~~Provide a planning framework for the wider Frankton commercial area that facilitates the integrated development of the various mixed use development nodes.~~ (Statement of Evidence of C Ferguson, dated 29/02/16)

**Policy 3.2.1.2.2** ~~Recognise and provide for the varying complementary functions and characteristics of the various mixed use development nodes within the Frankton commercial area.~~ (Statement of Evidence of C Ferguson, dated 29/02/16)

**Policy 3.2.1.2.3** ~~Avoid additional commercial rezoning within Frankton that will fundamentally undermine the function and viability of the Frankton's commercial areas, or which will undermine increasing integration between the nodes in the area.~~  
(Statement of Evidence of C Ferguson, dated 29/02/16)

**Objective 3.2.1.5 ~~Enable the~~ Development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.** (QLDC Right of Reply, 07/04/16)

**Objective 3.2.2.1 Ensure urban development occurs in a logical manner:**

- ~~to that promotes~~ a compact, well designed and integrated urban form;
- ~~to that manages~~ the cost of Council infrastructure; and
- ~~to that protects~~ the District's rural landscapes from sporadic and sprawling development. (QLDC Right of Reply, 07/04/16)

**3.2.5.1 Objective – Protection of the natural character quality of the Outstanding Natural Features and Landscapes and Outstanding Natural Features from inappropriate subdivision, use and development.** (QLDC Right of Reply, 07/04/16)

**Objective 3.2.5.3 - ~~Direct n~~ New urban subdivision, use or development to will occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.** (QLDC Right of Reply, 07/04/16)

**Objective 3.2.6.2- ~~Ensure a~~ A mix of housing opportunities is realised.** (QLDC Right of Reply, 07/04/16)

**Objective 3.2.6.3 - ~~Provide a~~ A high quality network of open spaces and community facilities** (QLDC Right of Reply, 07/04/16)

**Objective 3.2.6.4- ~~Ensure planning and development maximises opportunities to create~~ Safe and healthy communities through good quality subdivision and building design.** (QLDC Right of Reply, 07/04/16)

### Chapter 4 Urban Development

**Objective 4.2.1 - ~~Urban development is coordinated~~ integrated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.** (QLDC Right of Reply, 07/04/16)

**Policy 4.2.1.1** Land within ~~and adjacent to~~ the major urban settlements will provide the focus for urban development, with a lesser extent accommodated within smaller rural townships. (QLDC Right of Reply, 07/04/16)

**Policy 4.2.1.2** Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks. (QLDC Right of Reply, 07/04/16)

**Policy 4.2.1.3** Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycleways or are in close proximity to community and education facilities. (QLDC Right of Reply, 07/04/16)

**Policy 4.2.1.4** Development enhances connections to public recreation facilities, reserves, open space and active transport networks. (QLDC Right of Reply, 07/04/16)

**Policy 4.2.1.5** Urban development is contained within ~~or immediately adjacent to~~ existing settlements. (QLDC Right of Reply, 07/04/16)

**Policy 4.2.1.6** Avoid sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values; the efficiency and functionality of infrastructure; or compromise the viability of a nearby township. (QLDC Right of Reply, 07/04/16)

**Objective 4.2.2 - Urban Growth Boundaries are established as a tool to manage the growth of major centres within distinct and defensible urban edges.** (QLDC Right of Reply, 07/04/16)

**Objective 4.2.3 – Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.** (QLDC Right of Reply, 07/04/16)

**Policy 4.2.3.1** Provide for a compact urban form that utilises land and infrastructure in an efficient and sustainable manner, ensuring:

- connectivity and integration;
- the sustainable use of public infrastructure;
- convenient linkages to the public and active transport network; and
- housing development does not compromise opportunities for commercial or community facilities in close proximity to centres. (QLDC Right of Reply, 07/04/16)

**Policy 4.2.3.2** Enable an increased density of residential development in close proximity to town centres, public transport routes, community and education facilities. (QLDC Right of Reply, 07/04/16)

**Policy 4.2.3.4** Urban development occurs in locations that are adequately serviced by existing public infrastructure, or where infrastructure can be efficiently upgraded. (QLDC Right of Reply, 07/04/16)

**Policy 4.2.3.5** For urban centres where Urban Growth Boundaries apply, new public infrastructure networks are limited exclusively to land within defined Urban Growth Boundaries. (QLDC Right of Reply, 07/04/16)

**Policy 4.2.3.6** Development improves connections to recreational and community facilities, and enhances the amenity and vibrancy of urban areas., (QLDC Right of Reply, 07/04/16)

**Policy 4.2.3.7** *The edges of Urban Growth Boundaries are managed to provide a sensitive transition to rural areas, with the transition addressed within Urban Growth Boundaries.* (QLDC Right of Reply, 07/04/16)

**Objective 4.2.4 - Manage the scale and location of urban growth in the Queenstown Urban Growth Boundary** (QLDC Right of Reply, 07/04/16)

**Policy 4.2.4.2** *Ensure that development within the Queenstown Urban Growth Boundary:*

- *Provides a diverse supply of residential development to cater for the needs of residents and visitors*
- *Provides increased density in locations close to key public transport routes and with convenient access to the Queenstown Town Centre*
- *Provides an urban form that is sympathetic to the natural setting and enhances the quality of the built environment*
- *Provides infill development as a means to address future housing demand*
- *Provides a range of urban land uses that cater for the foreseeable needs of the community*
- *Maximises the efficiency of existing infrastructure networks and avoids expansion of networks before it is needed for urban development*
- *Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities*
- *Does not diminish the qualities of significant landscape features* (QLDC Right of Reply, 07/04/16)

**Objective 4.2.5 - Maintain and promote the efficient operation of Queenstown Airport and set appropriate noise limits in order to protect airport operations and to manage the adverse effects of aircraft noise on any Activity Sensitive to Aircraft Noise.** (QLDC Right of Reply, 07/04/16)

**Policy 4.2.5.1** *To ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.* (QLDC Right of Reply, 07/04/16)

**Policy 4.2.5.1** *To manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries whilst at the same time providing for the efficient operation of Queenstown Airport.* (QLDC Right of Reply, 07/04/16)

**Objective 4.2.6 - Manage urban growth issues on land in proximity to Queenstown Airport to ensure that the operational capacity and integrity of the Airport is not significantly compromised now or in the future.** (QLDC Right of Reply, 07/04/16)

**Policy 4.2.6.1** *To protect the airport from reverse sensitivity effects of Activity Sensitive to Aircraft Noise via a range of zoning methods, including where appropriate the use of prohibited activity status.* (QLDC Right of Reply, 07/04/16)

**Policy 4.2.6.2** *Ensure that Critical Listening Environments of all new and alterations and additions to existing buildings containing Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.* (QLDC Right of Reply, 07/04/16)

Chapter 6 Landscapes

**~~6.3.1 Objective - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development~~ Landscapes are managed and protected from the adverse effects of subdivision, use and development** (QLDC Right of Reply, 07/04/16)

**~~6.3.2 Objective - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development~~ Landscapes are protected from the adverse cumulative effects of subdivision, use and development.** (QLDC Right of Reply, 07/04/16)

**~~Objective 6.3.3- The Protection, maintenance or enhancement of the District's Outstanding Natural Features and Landscapes (ONF/ONL) from the adverse effects of inappropriate development.~~** (QLDC Right of Reply, 07/04/16)

## **APPENDIX 5**

Proposed Changes to Business Mixed Use  
Zone (Chapter 16)

## Chapter 16 – Business Mixed Use Zone

1. Insert the following new Objective 16.2.3, as follows:

**16.2.3 The development of land fronting State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality mixed-use environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, is appropriately serviced and addresses reserve sensitivity effects from road and aircraft noise.**

2. Insert new policies in support of the new Objective 16.2.3, as follows:

**16.2.3.1 Encourage low impact stormwater design that utilises on-site treatment and storage / dispersal approaches, and avoids impacts on the State Highway network.**

**16.2.3.2 Provide a planting buffer along the road frontage to soften the view of buildings from the State Highway network.**

**16.2.3.3 Provide for safe and legible transport connections that avoid any new access to the State Highway, and integrate with the road network and public transport routes on the southern side of State Highway 6.**

**Note:** Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.

**Note:** Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roadway Powers Act 1989.

**16.2.3.4 Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.**

**16.2.3.5** Provide a safe and legible walking and cycle environment that links to the other internal and external pedestrian and cycling networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes and is of a form and layout that encourages walking and cycling.

**16.2.3.6** Provide an internal road network that ensures road frontages are not dominated by vehicular access and parking.

**16.2.3.7** Require as necessary all new and altered buildings for activities sensitive to road noise located within 80m of the State Highway be designed to provide protection from sleep disturbance and maintain appropriate amenity.

**16.2.3.8** Prevent Activities Sensitive to Aircraft Noise within the Outer Control Boundary of Queenstown Airport.

3. Insert a new Rule 16.4.17, as follows:

<u>16.4.17</u>	<u>Activities Sensitive to Aircraft Noise (ASAN) between the Queenstown Airport Air Noise Boundary (Ldn65) (ANB) and the Queenstown Airport Outer Control Boundary (Ldn55) (OCB).</u>	PR
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4. Amend Rule 16.5.8 Maximum Building Height, as follows:

<b>16.5.8</b>	<b>Maximum Building Height</b>  <u>16.5.8.3 Frankton</u>  <u>a. up to 12m – Permitted</u>	<b>NC</b>
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5. Insert a Standards Table 16.5.11, as follows:

	<b><u>Standards for activities located in in the Business Mixed Use Zone-State Highway 6 (between Hansen Road and Ferry Hill Drive)</u></b>	<b><u>Non-compliance status</u></b>
<u>16.5.11</u>	<b><u>Site Fronting State Highway 6, Frankton</u></b>  <b><u>16.5.11.1 Building</u></b>  <u>Discretion is restricted to:</u>	RD

	<p><u>In addition to the matters of discretion provided for within Rule 16.4.2 (above):</u></p> <ul style="list-style-type: none"> <li>• <u>Management of the transition of that part of the zone between the National Grid Corridor and the Rural Zone through an appropriate design response that provides:</u></li> <li>• <u>Greater proportions of open space between buildings; and</u></li> <li>• <u>Lower building heights</u></li> </ul> <p><b><u>16.5.11.2 Acoustic Insulation and Mechanical Ventilation</u></b></p> <p><u>All residential buildings, or buildings containing activity sensitive to road noise located within 80 m of State Highway 6 where the site being developed is at or within 1 metre of the ground level of State Highway 6 shall be designed to meet internal sound levels of AS/NZ 2107:2000.</u></p> <p><u>Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level</u></p> <p><b><u>16.5.11.3 Vehicle Access onto State Highway 6 at Frankton</u></b></p> <p><u>Development of the BMU zone in Frankton to the north of State Highway 6 shall:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Ensure that there is no new direct vehicular access from the zone to State Highway 6.</u></li> <li>(ii) <u>Not generate more than a total of 1,430 vehicle movements (two-way) using the State Highway 6 / Hawthorne Drive roundabout during the evening weekday peak hour</u></li> <li>(iii) <u>Not generate more than 55 vehicle movements (two-way), per hectare of land, using the State Highway 6 / Hawthorne Drive roundabout during the evening peak hour (calculated in proportion to and on the</u></li> </ul>	<p><u>NC</u></p> <p><u>NC</u></p> <p><u>RD</u></p> <p><u>RD</u></p>
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	<p><u>basis of the gross area of land being developed)</u></p> <p>(iv) <u>If part of the zone is developed, not adversely affect the ability of any other part of the zone to be developed without requiring consent under this rule.</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li>• <u>Potential traffic effects on and arising from the State Highway / Hawthorne Drive roundabout (including outcomes of consultation with the New Zealand Transport Agency (NZTA):</u></li> <li>• <u>The potential concentration of traffic generation undermining the development potential elsewhere in the Zone.</u></li> </ul> <p><b><u>16.5.11.4 Landscaping</u></b></p> <p><u>Any development shall include a Landscaping Plan which provides a planting buffer fronting State Highway 6 as follows:</u></p> <p>a. <u>A density of two plants per square metre located within 4m of the State Highway 6 road boundary selected from the following species:</u></p> <ul style="list-style-type: none"> <li>- <u>Ribbonwood (Plagianthus regius)</u></li> <li>- <u>Corokia cotoneaster</u></li> <li>- <u>Pittosporum tenuifolium</u></li> <li>- <u>Grisilinea</u></li> <li>- <u>Coprosma propinqua</u></li> <li>- <u>Olearia dartonii</u></li> </ul> <p><u>Once planted these plants are to be maintained in perpetuity.</u></p> <p><u>Matters of discretion:</u></p> <ul style="list-style-type: none"> <li>- <u>Mitigation of the visual impacts of building when viewed from State Highway 6, Frankton.</u></li> </ul>	<p>RD</p> <p>RD</p>
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	<p><b><u>16.5.11.5 Boundary Setback</u></b></p> <p><u>The minimum setback of buildings from the boundary with State Highway 6 built on the ground which is at or within 1 metre of the ground level (vertically) of the State Highway carriageway, shall be 20m</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> <li>- <u>Visual impacts of building when viewed from State Highway 6, Frankton.</u></li> </ul>	RD
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### **Chapter 8 – Medium Density Residential Zone**

The following changes to Chapter 8 are as a consequence of the rezoning of the MDR land on the northern side of State Highway 6 at Frankton to BMU, and the subsequent addition of an objective, policies and rules to that Chapter relating to this area.

1. Delete Objective 8.2.8 and associated Policies 8.2.8.1 to 8.2.8.7 (inclusive).
2. Delete Objective 8.2.10 and associated Policies 8.2.10.1 and 8.2.10.2
3. Delete from Rule 8.4.11 Residential Unit, the matters of discretion relating to the land fronting State Highway 6 between Hansen Road and the Shotover River.
4. Delete Rule 8.5.2 Sound Insulation and mechanical Ventilation
5. Delete Rule 8.5.3 Development on land fronting State Highway 6 between Hansen Road and Ferry Hill Drive

**APPENDIX 6**

Email from Dr Read

Dated 13 February 2015

**From:** "Marion Read" <[marion@readlandscapes.co.nz](mailto:marion@readlandscapes.co.nz)>

**Date:** 13 February 2015 11:23:17 am NZDT

**To:** "Daniel Curley" <[curleydc@gmail.com](mailto:curleydc@gmail.com)>

**Subject: RE: Urgent Commissioning**

Hi Dan

I can probably shortcut all of this...I did the mapping of the ONL / ONF lines for Council. The one that affects your site has been put in the wrong place on the map Council have put out for consultation. It should head up the hill on SECS 25-26 BLK II SHOTOVER SD which I think is Horrells land and should run along the uphill boundary of the sites your employer owns – along Trench Hill Drive as you suggest. I'm not sure who's mistake this was. I can't alter my assessment, but I'm happy to make a statement to the effect that it's in the wrong place.

Let me know if there's anything further that you need. In the meantime I'll talk to Craig Barr and see if there's anything he should do from Council's end.

Regards

Marion

Marion Read  
Principal

T 03 486 1741  
C 021 1001708



**From:** Daniel Curley [<mailto:curleydc@gmail.com>]

**Sent:** Thursday, 12 February 2015 3:09 p.m.