

Before Queenstown Lakes District Council

In the matter of the Resource Management Act 1991

And

In the matter of the Queenstown Lakes District Proposed District Plan
Topic 12 Upper Clutha Mapping Hearing

Statement of Evidence of Christopher Bruce Ferguson

Dated 11 April 2017

Glendhu Bay Trustees Limited (#583)

Solicitors

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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 master planning evidence of Mr Darby;
 - (ii) the evidence of Mr McRae;
 - (iii) the urban design evidence of Mr Thomson;
 - (iv) the infrastructure evidence by Mr Gousmett;
 - (v) the transport evidence of Mr Carr;
 - (vi) the ecology evidence of Dr Roper-Lindsay; and
 - (vii) the landscape planning evidence of Ms Pfluger;
 - (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 Mr Barr (17 March 2017) and associated expert evidence prepared for the Council by Mr Davis, Dr Read, Mr Glasner and Ms Banks; and
 - (d) The further submissions made on the proposed Glendhu Station Zone, as summarised within **Appendix 1**.
- 1.4 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.

- 1.5 I confirm that I have visited the site on many occasions and am familiar with the area through over ten years of working within and around the area for Glendhu Bay Trustees Ltd as well as for surrounding land owners

2. SCOPE OF EVIDENCE

- 2.1 I have been asked to prepare evidence on Planning Map 7, of the Proposed District Plan ('PDP') by Glendhu Bay Trustees Ltd ('GBT'). I was involved in the initial assessment of the notified provisions and the preparation of submissions and further submissions, for this client.

3. EXECUTIVE SUMMARY

- 3.1 The creation of the Glendhu Station Zone ('GSZ') encapsulates within a district plan framework the development approved through the Environment Court for the Parkins Bay Preserve development and other appropriate land management, use and development located at Glendhu Station, including the land on the foreshore of Lake Wanaka at Parkins Bay (now referred to as Glendhu Bay). The approach has been to include the wider area of Glendhu Station on a holistic basis and as this area contains important elements in providing environmental benefits associated with development through the protection of open space, creation of public access trails and in part revegetation. In doing so, the zone sets out the future aspirations of the owners of Glendhu Station who are showing in a transparent way how the rural land resource can be managed to sustain future generations wanting to retain their connections to the area. The key benefits of integrating Glendhu Station and Parkins Bay developments into the one zone is to enable the overall land to be managed, used and developed in ways that are sustainable and enhance the quality of the environment, amenity values, biodiversity and conservation, ecological and recreational values.
- 3.2 Based on the input from a range of technical experts and issues raised through further submissions and the Council's s.42A report, the structure plan and provisions have been amended to positively respond to these concerns. In particular, to refine the rules to ensure future development outcomes better align with those approved through the land use consent, elevating the protection of landscape values through the addition of new policies and rules restricting building development to a higher degree than under the rural zone.

- 3.3 While the expert evidence supports the environment court's finding that the zone is located within an outstanding natural landscape, that finding was qualified to recognise that the ONL is very complex and includes areas around the Fern Burn flats that are highly modified and which are very different from most of the embedding landscape. Because of this the revised provisions have sought to clearly express what "appropriate" subdivision, use and development is within the context of the specific landscape characteristics for this area.
- 3.4 The revised provisions take on board Council's reports, other parties' evidence and submissions and include changes to remove and amend development enabled within the structure plan, the addition of landscape values into the objective, the addition of a new landscape policy and the elevation of controls over development affecting landscape values. In my opinion the revised proposal is the most appropriate way to achieve the objectives of the PDP. I also note that within the relevant landscape policies the PDP recognises and provides for a number of enablers for development that expressly anticipate and provide for the rezoning of land to provide for rural living and special zones within rural areas, together with recognition of tourism infrastructure as an important to economic and recreation values for the district.
- 3.5 Because of the background of development approved on the land, my evidence describes how the provisions reflect and differ from the outcomes approved through the land use consents. The additional 8 dwellings proposed within Activity Area R are consistent with findings from the Environment Court that this development does not exceed the threshold with respect to the sites ability to absorb further change¹ and falls with the framework of possible outcomes not otherwise foreclosed by the Court. Ultimately the land use consent helps to inform the current process and should not in my view define the range of possible and sustainable outcomes, particularly in relation to the Glendhu Station land as these were not explicitly sought at the time of that consent.
- 3.6 In preparing this evidence I have evaluated these proposals against the higher order objectives and policies of the RPS (Decisions Version) and the PDP (as modified through prior hearings on the District Plan review

¹ Paragraph 150, Page 57, *Upper Clutha Tracks Trust v Queenstown Lakes District Council* [2010] NZEnvC 432

process). The relative effectiveness and efficiency of any new or modifications to the Glendhu Station Zone have also been assessed against the requirements of s.32AA.

4. BACKGROUND

Description of the Site

- 4.1 The site is generally located at 1215 Wanaka – Mount Aspiring Road, Wanaka and comprises the land more generally known as Glendhu Station. The site extends around the western shores of Lake Wanaka from Glendhu Bay, south along either side of Motatapu Road to the Motatapu River, following its eastern bank to the confluence with the Matukituki River.
- 4.2 The combined area of the land subject to this submission is nearly 3,000 hectares. The land is zoned Rural General under the operative District Plan and Rural under the proposed District Plan. The whole of the land is within an Outstanding Natural Landscape.

Glendhu / Cattle Flat Resource Study

- 4.3 Following tenure review, Glendhu Station and the neighbouring Cattle Flat Station, in conjunction with Darby Partners, completed a resource study of an area of approximately 5,000ha called the Glendhu / Cattle Flat Resource Study². The purpose of this study was to comprehensively evaluate the landscape, ecological values and geographical constraints and opportunities within a corridor of land running across both Stations. This comprehensive overview aimed to provide an informed platform for consideration of future land use opportunities and to avoid piecemeal and uncoordinated planning decisions.
- 4.4 That study is landscape based. It identifies 9 different landscape units or components within the study area and assesses their ability to absorb change. In addition, the study considered geology, hydrology, ecology, planning and traffic elements.
- 4.5 In respect of Parkins Bay, the Resource Study identified that the foreshore of Parkins Bay had varied potential to absorb change with variable mitigation potential. The Glendhu Station flats similarly had varied

² Contained within Appendix 1 to the evidence of Ms Pfluger.

potential to absorb change with high mitigation potential in specific locations. This reflects the variable topography and relief in the landscape and the potential this offers to establish an activity in a location where effects on public views can be avoided or mitigated. Further site survey and analysis of an area of approximately 180ha of the Glendhu Station flats was undertaken to better understand the opportunities and constraints inherent in the land. Visibility mapping of the topography was utilised to identify sites capable of absorbing change and these formed the basis for the resulting development design.

The Parkins Bay Preserve

- 4.6 Following the outcomes of initial tenure review and then the Resource Study, the Parkins Bay Preserve emerged as a development proposal for some 180 ha of the Glendhu Station land, and promoting development of a golf course and club house, together with visitor accommodation and residences. Resource consent was lodged for the Parkins Bay development in November 2006 (RM070044 and [2012] NZEnvC 79).
- 4.7 After an initial Council hearing and then an Environment Court hearing, in May 2012 the Environment Court confirmed the grant of an application for resource consent to Parkins Bay Preserve Limited for the construction, provision and use of:
- (a) An 18-hole championship golf course located either side of the Wanaka - Mount Aspiring Road;
 - (b) A series of lakeside buildings, including:
 - a club house with restaurant and cafe;
 - a jetty to facilitate public access to the building from the water;
 - twelve visitor accommodation units, spread over three buildings;
 - (c) 42 residences/visitor accommodation units, to be located on the rolling terrace to the south of the golf course, each set on an area of land between 3,525 m² and 8,719 m²;
 - (d) Ecological enhancement of approximately 65 hectares in accordance with a revegetation strategy including planting of locally appropriate native plants in the golf course and around the proposed houses;

- (e) Covenanted areas from which stock are precluded to allow natural revegetation to occur;
 - (f) The retention of the majority of the station land as farm area, some of which is covenanted against development in perpetuity;
 - (g) Enhanced public access to and through the development area including provision of formed access from the Wanaka – Mount Aspiring Road to the Parkins Bay foreshore, formed access from Glendhu Bay to Parkins Bay and further along Parkins Bay, northwest of the Clubhouse to form a link to the second underpass under Mt Aspiring Road; and
 - (h) Further public access in the form of a track along the Fern Burn to the existing Motatapu Track, provision for mountain bike access to the Motatapu Track, a track to the high point on Glendhu hill, and a track from Rocky Mountain to the existing Matukituki River track, upon a set of terms and conditions set out in the decision and in accordance with the plans and maps attached to that decision.
- 4.8 A copy of the Final Decision (including conditions) and approved plans is attached as **Appendix 2** to this evidence.
- 4.9 Considerable progress has been made to implement this approved land use consent, including carrying out:
- (a) the initial subdivision of Glendhu Station into the main development titles necessary to facilitate the approved land use consent. This resource consent has also resulted in the creation of the open space covenants (through the registration of covenants and consent notices) and the creation of each of the public access easements, as required through the Environment Court's decision on the land use consent (RM120558)³. See **Appendix 3** for copies of relevant consents.
 - (b) The establishment of public access from Wanaka – Mount Aspiring Road to the foreshore at Parkins Bay.

³ There have also been some subsequent amendments to the conditions of this consent (RM130274 and RM130491).

- (c) Further preliminary consents to amend conditions of consent for RM070044 to adjust aspects of the staging of the land use consent (RM140959) and also the layout of the golf course (RM150567).
- (d) Development of a Revegetation Strategy, a Site/Earthworks Plan and a Traffic Management Plan, each of which were certified by the District Council in September / October 2016.
- (e) Consents issued by the Otago Regional Council in relation to water takes, wastewater discharges and disturbance of the bed of Lake Wanaka in association with a water intake. Together with necessary approvals from the Department of Conservation and the Crown Commissioner of Land.
- (f) The implementation of the earthworks plans in relation to the creation of the first 10 homesites and related vehicle access road as well as the earthworks to form parts of the golf course, temporary access tracks and initial site clearance.
- (g) The work undertaken to date relating to the Revegetation Strategy has resulted in extensive planting of shrubland and wetland species along the western gully, with approximately 22,150 plants planted. Associated with this work has been the establishment of irrigation and animal pest control⁴.

Proposed District Plan (2015)

4.10 Under the PDP the site is located within an area of Outstanding Natural Landscape and within the Rural Zone. Below is an extract of PDP Planning Map 7 (West Wanaka, Lake Wanaka, Upper Shotover) showing the area of the GBT land and surrounding zoning.

⁴ Paragraphs 32 – 33, Evidence of Dr Judith Roper – Lindsay (4 April 2017)



Figure 1: Extract from Planning Map 7 (West Wanaka, Lake Wanaka, Upper Shotover)

- 4.11 The nature of the land use consent obtained by Parkins Bay Preserve comprehensively enables a broad range of interrelated activities, as set out above. However, that consent is limited to a lapsing date 10 years from its commencement⁵ and the sequencing or staging of the consent has proven unrealistic from environmental, operational and economic perspectives. While the consent holder is in the early stages of implementation of this consent, it has had to seek a range of variations and new consents (as detailed within paragraph 4.9 above) related to aspects of the project that have occurred following refinement and the evolution of more detailed design. This has involved modifications to the conditions relating to staging, modification to the layout of the golf course, establishing new buildings related to utility infrastructure to provide the most sustainable and workable outcomes in line with the Court's decision.

⁵ Condition 4, *Upper Clutha Tracks Trust v Queenstown Lakes District Council* [2012] NZEnvC 79 (issued 2 May 2012)

4.12 It is inevitable a project of this scale will involve change and to date most of that change has involved either neutral or negligible effects relative to the initial development. Continued implementation of the consent and any related changes that become necessary through the provisions of the rural zone come with a reasonably high cost to gain resource consent in addition to delays. These administration and transaction costs resulting from the implementation of the proposal under this rural general regime and any replacement resulting from the PDP process is relevant to a consideration of alternative methods to achieve the objectives of the plan under s.32, including an assessment of their effectiveness and efficiency. Equally importantly, through further and more refined site investigations, including consideration of the relevant landscape characteristics, it has become apparent that the land resource of Glendhu Station can be managed, used and developed in a more practical and workable way than through adherence to the complex conditions under the Court's decision. The adoption of the proposed rules and their supporting policies within a zone under the PDP provides a level of support for the achievement of biodiversity enhancements which is greater than could be achieved under the rural general provisions.

Summary of Proposed Relief (as sought in submission)

- 4.13 The proposed relief sought in submission #583 is to:
- (a) rezone the land subject to this submission as a new Special Zone to be inserted into Part 6 of the PDP and called the Glendhu Station Zone. The proposed zone provisions as sought in the submission are set out within **Appendix 4**; and
 - (b) replace the rural zone shown on Planning Map 7 with that shown on the plan attached within **Appendix 4**;
 - (c) Amend Planning Map 7 to identify an area of Rural Landscape Classification within the Fern Burn Valley as determined by the Environment Court in decision C73/2002, and
 - (d) make a number of small changes to the objectives, policies and rules of Chapter 27 Subdivision. These changes are proposed in order for the subdivision provisions to integrate with the land use provisions and were addressed as part of previous evidence.

Updates to Plan Provisions

4.14 Since the time of the submission being lodged, further consideration has been given to the proposed plan provisions sought, given the technical advice received, and in particular to concerns raised in further submissions and the evidence lodged by Council and other parties. On this basis the proposed package of plan provisions have been amended as follows:

- (a) The Fern Burn Valley remains classified as ONL.

Structure Plan

- (b) The Lodge Activity Area has been removed.
- (c) The area of the Lake Shore Activity Area has been reduced to exclude the upper terrace section to the north-west, but extended further to the east.
- (d) The additional Residences Activity Area to north of Wanaka – Mount Aspiring Road has been removed.
- (e) The Residences Activity Area that was shown as four areas to the south of Wanaka – Mount Aspiring Road has been amalgamated to one Activity Area.
- (f) The Residences Activity Area has been amended to specify the location of the 50 homesites as an overlay on the Structure Plan (“Homesites Overlay”).
- (g) The Structure Plan has been altered to include an overlay to restrict the location of larger building development in the Golf Activity Area (“Golf Facilities Overlay”).
- (h) The Landscape Protection Areas have been removed and some of these areas are renamed as an overlay for land management purposes (“Farming and Vegetation Management Areas”). This change has been made after the lodging of Mr Thomson's evidence in chief as a result of further preparatory work in conjunction with Ms Pfluger.
- (i) Covenant Protection Areas have been added to the Structure Plan to reference the areas subject to protection through covenants created through the Parkins Bay land use consent (“Covenant

Protection Area Overlay”). This change has also been made after the lodging of Mr Thomson's evidence in chief as a result of further preparatory work in conjunction with Ms Pfluger.

Objectives and Policies

- 4.15 A number of changes have been made to the objective and related policies, as follows:
- (a) The addition of a new landscape policy setting out how the zone proposes to address the higher order objectives and policies relating to outstanding natural landscapes and what is appropriate subdivision, use or development means in the context of the GSZ.
 - (b) To acknowledge the role of the OS/F as being integrated with the development of the remainder of the zone through the protection of areas of open space, revegetation and the provision of walking and mountain bike trails.
 - (c) To establish the structure plan as the primary tool for the spatial layout of the zone and the main elements that underpin that.
 - (d) The policy relating to the use of a spatial layout plan within Activity Area R is expanded to include Activity Areas G and LS, to better reflect the location of where revegetation is planned.
 - (e) A new policy is also proposed to establish a spatial layout plan within Activity Area C for the purposes of providing for the design of camp ground activities within this area, integration with the existing camp ground, to investigate the potential creation of a new road access through this area, enhancing indigenous biodiversity and managing landscape and amenity values.
 - (f) Amendments to several of the policies to improve the clarify of outcomes expected within the various activity areas.
 - (g) Introducing a general framework for environmental benefits.

Rules

- 4.16 A number of the proposed rules have been altered and new rules added, as follows:
- (a) In relation to buildings (as a controlled activity) under Rule 44.5.2:

- (i) New matters of control have been added to include effects on indigenous biodiversity values and visibility from the Wanaka – Mount Aspiring Road and specifically in relation to Activity Area C to ensure adequate separation of buildings to reduce building dominance when viewed from the Wanaka – Mount Aspiring Road;
 - (ii) The addition of a new rule for building within the identified golf facilities overlay and the homesite overlay;
 - (iii) Provision for farm buildings less than 4m in height and less than 100m² in area as a permitted activity (reflecting the PDP rural areas rules); and farm buildings larger than that as a restricted discretionary activity.
- (b) Increasing the status of mining under Rule 44.5.3 from permitted to restricted discretionary with associated matters of discretion.
 - (c) Alterations to Rule 44.5.4 Residential and Visitor Accommodation within Activity Area R, to also include Activity Area G and LS, amendments to the wording to better link to indigenous vegetation, recognition of the new Farm and Vegetation Management Area. In relation to the spatial layout plan, matters of control relation to individual building elements are removed because of the duplication of the same assessment required through Rule 44.5.2 (controlled activity building).
 - (d) The addition of a new Rule 44.5.5 relating to camp ground activities within Activity Area C, requiring this area to be subject to a spatial layout plan (as noted in the policy above).
 - (e) For activities within the Farm Homestead Activity Area, Rule 44.5.6 has been amended to restrict activity to primarily existing buildings and the establishment of any new commercial or visitor accommodation activities being elevated in status to discretionary activities.
 - (f) Rule 44.5.8 relating to building within any landscape protection area has been amended of refer instead to the Protection Areas (a noted on the structure plan above). Within these areas, it is proposed to restrict any new building development as a non-complying activity,

with exceptions reflecting the covenants imposed through [2012] NZEnv 79.

- (g) Deletion of Rule 44.5.9 Mitigation Mounds, as the protection of these features would be provided for through the Spatial Layout Plan (Rule 44.5.4).
- (h) Amendments to Rule 44.5.9 'Structure Plan – Activities', to provide for greater internal consistency with the descriptions and rules, the likelihood that some activity areas will facilitate access and services to other areas and indigenous revegetation.
- (i) Amendments to Rule 44.6.1 standards for Public Access, to clarify wording and refer to the Walking Track Standard as defined in the Standard New Zealand Handbook for Tracks and Outdoor Visitor Structures (SNZ HB 8630; 2004), and to better reflect the conditions imposed on the land use consent through [2012] NZEnv 79.
- (j) Amendments to the Earthworks Rule 44.6.2 to provide an exemption for earthworks other than consented as part of a Spatial Layout Plan (Rule 44.5.4), or associated with a building (Rule 44.5.2).
- (k) Amendments to the building setbacks Rule 44.6.3 to specify a setback in relation to the margin of Lake Wanaka, consistent with the location of the consented buildings.
- (l) Amendments to Rule 44.6.6 'Structure Plan', to provide greater clarity of how development needs to be in accordance with the structure plan, particularly through the identification of primary access routes and the possible variance expected.
- (m) Amendments to Rule 44.6.7 relating to the 50 residences within Activity Area R, to more closely align built outcomes with the parameters of approved buildings and the creation of a framework for the assessment of building development outside of a homesite through resource consent as a restricted discretionary activity. Restriction on the scale of accommodation within the Lodge have been deleted following the removal of this Activity Area; and the limitation of the number of visitor accommodation units within Activity Area LS has also been deleted in favour of a restriction instead on gross floor area.

- 4.17 These changes are all set out in an amended version of the proposed zone chapter contained in **Appendix 5** of this evidence. Included within **Appendix 5** are also the proposed changes to Chapter 27 Subdivision, based on the latest version attached to the Council right of reply to the hearing on Stream 04. My evaluation of the reasons for making these changes is set out further below.

Integration with other chapters

- 4.18 Rule 44.4.1 of the GSZ draws attention to a range of district wide chapters included within stage 1 of the PDP and the ODP to enable full integration of the zone with the framework of the PDP through the follow chapters:

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

- 4.19 Of these chapters, the submission by Glendhu Bay Trustees Ltd sought to modify the provisions within Chapter 27 Subdivision and the Planning Maps (to identify the area of the new Glendhu Station Zone). It is likely however that further consequential changes to other chapters may be necessary to identify which controls should apply.

Earthworks

- 4.20 The GSZ includes within its own chapter a full suite of earthworks rules, formulated to follow the structure of Chapter 22 of the ODP, which strictly means earthworks can be deleted from the list within Rule 44.4.1 above.
- 4.21 However, the application of the earthworks rules within the PDP are unclear with a suggestion from the Council that the recent provisions

made operative through PC 44 under the ODP may be reviewed and included within stage 2 of the PDP. This may have implications for the GSZ and would need to be addressed at that time.

5. STATUTORY CONSIDERATIONS

National Policy Statement on Urban Development Capacity 2016

- 5.1 The National Policy Statement on Urban Development Capacity (the 'NPS') came into force in November 2016. The NPS is about recognising the national significance of urban environments, the need to enable such environments to develop and change; and providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.
- 5.2 Urban Environment are defined within the NPS to mean “an area of land containing, or intended to contain, a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries”.
- 5.3 It is unclear whether urban environments are required to be contained within a contiguous area of land. Regardless, the GSZ is located approximately 9km west of the edge of Wanaka township and the Council's identified Urban Growth Boundary (PDP) and unlikely in my view to be regarded as either an urban environment in its own right or as part of any existing urban environment. On this basis, I do not consider the provisions of the NPS as being relevant to this submission.

Otago Regional Policy Statement (Operative)

- 5.4 In changing the district plan, the Council is required to “give effect to” any regional policy statement⁶. The relevant policies of the Regional Policy Statement (RPS) are contained within **Appendix 6**.
- 5.5 The ORPS provides a very general policy framework for the management of the natural and physical resources within rural areas. The objectives of most relevance are 5.4.1 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 s.74(2), Resource Management Act 1991

- 5.6 In terms of land that is not located within urban areas or within an outstanding natural feature or landscape, the focus of the policies is on the productive capacity of high class soils, the adverse effects of activities on the qualities and values of soils. Policy 5.5.4 however promotes the diversification and use of the land resource to achieve sustainable land use and management systems and uses wording similar to proposed Objective 3.2.1.4.
- 5.7 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 the 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.
- 5.8 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.
- 5.9 In my view the objectives and policies of the RPS do not conflict with the intended outcomes of the GSZ as it will result in appropriate development protecting the outstanding natural landscapes of this area, no impact on any high class soils and an appropriate framework to manage the effects of any discharges to the environment. The outcomes resulting from the revegetation and the careful attention to the scale and nature of building development within the landscape setting of Glendhu and Parkins Bay will positively enrich people's quality of life and create a very high standard of amenity.

Otago Regional Policy Statement 2016 (Decision Version)

- 5.10 In reviewing the District Plan, the Council is required to "have regard to" any proposed regional policy statement⁷. The Otago Regional Council

⁷ s.74(2), Resource Management Act 1991

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 for GBT.

- 5.11 The provisions of the RPS(DV) of most relevance to the Glendhu Station Zone relate to the identification and management of landscape values and urban growth and development. The relevant provisions from the RPS(DV) are contained within **Appendix 6**.
- 5.12 In relation to landscapes, the relevant objective is for Otago's significant and highly-valued natural resources to be identified, and protected or enhanced⁸. The structure of the landscape policies is to identify outstanding landscapes, as well as 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 identify and manage areas of outstanding or highly valued landscapes.
- 5.13 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 significance of the landscape;
 - avoiding, remedying or mitigating other adverse effects;
 - recognising and providing for the 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 landscape⁹.
- 5.14 The policy for managing highly valued landscapes adopts a similar structure and content but differs in terms of its focus to protect or enhance

⁸ Objective 3.2, Otago Regional Policy Statement (Decision Version), 1 October 2016

⁹ Policy 3.2.4, *Ibid*

highly values landscapes by avoiding significant adverse effects on those values which contribute to the high value of that landscape¹⁰.

- 5.15 In relation to this policy hierarchy, the proposed Glendhu Station Zone seeks to provide greater protection for those parts of the land identified as having higher or outstanding landscape values. In other areas of the zone, adverse effects are to be appropriately managed through activity rules and performance standards. Thus the approach is consistent with giving effect to this objective and policies.
- 5.16 The provisions under the RPS(DV) 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 environments¹¹. 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 way¹². In addition, development is expected to give effect to the principles of good urban design.
- 5.17 The proposed Glendhu Station Zone provides for a clearly defined area that encompasses some small scale residential development. The development anticipated is appropriate in achieving the intent of this objective and policy.

Strategic Directions Policies, Proposed Queenstown Lakes District Plan

- 5.18 The provisions sought are to be assessed as to whether they give effect to relevant objectives of the plan¹³. The Strategic Directions 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.

¹⁰ Policy 3.2.6, *Ibid*

¹¹ Objective 4.5, *Ibid*

¹² Policy 4.5.1, *Ibid*

¹³ s.32(1), Resource Management Act 1991

5.19 I presented evidence at the hearing on Stream 01B (differently composed Panel) in relation to the strategic directions chapters¹⁴. As part of that evidence, I suggested a 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 7** the relevant objectives and policies from the strategic directions chapters, as amended through my earlier evidence.

Chapter 3 Strategic Direction

5.20 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.

5.21 Objectives 3.2.1.4 and 3.2.1.5 seek to enable tourism activities and innovative and sustainable enterprises, stating:

Objective 3.2.1.4 ~~Recognise and provide for~~ The significant socioeconomic benefits of tourism activities across the District are provided for and enabled.

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.

5.22 The proposed Glendhu Station Zone is directly relevant to these goals, providing a development that contributes to the tourism base of the Wanaka area and providing economic and employment benefits to the area.

5.23 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, as follows:

*Objective **3.2.2.1** Urban development; ~~occurs in a logical manner~~:*

- ~~to promote a~~ has a well designed and integrated urban form;
- ~~to manage~~ the cost of Council infrastructure; and

¹⁴ Statement of Evidence of Christopher Bruce Ferguson, 29 February 2016

- ~~to protect~~ *the District's rural landscapes from sporadic and sprawling urban sprawl development*

- 5.24 I do not consider that the 42 consented residences and 8 proposed residences spread over about 55 hectares to be urban development¹⁵. While the expansion of the camp ground does not contain residential development, it will potentially accommodate urban like visitor activity and related infrastructure. This area is contained by topography and through the amended provisions seeks to ensure that development is well designed and integrated especially with the existing camp ground and the transportation network. No part of the GSZ will give rise to urban sprawl.
- 5.25 As part of the Strategic Directions provisions there are 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 a mix of housing opportunities is realised¹⁶; a high quality network of open spaces and community facilities¹⁷; and safe and healthy communities through good quality subdivision and building design¹⁸. The provisions of the GSZ positively achieve these objectives.

Chapter 4 Urban Development

- 5.26 The urban development chapter establishes a framework for the management of urban growth, including through the establishment of Urban Growth Boundaries as a tool to manage growth of the major centres within the district;¹⁹ providing for compact and integrated urban form within urban areas²⁰; and to manage the scale and location of urban growth within the Wanaka UGB²¹. Beyond the UGBs, Policy 4.2.1.6 provides further direction to 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

¹⁵ The term "Urban Development" is defined within the PDP to mean "any development/activity within any zone other than the Rural Zones, including any development/activity which in terms of its characteristics (such as density) and its effects (apart from bulk and location) could be established as of right in any such zone; or any activity within an urban boundary as shown on the District Planning Maps."

¹⁶ Objective 3.2.6.2 (Revised Proposal), PDP

¹⁷ Objective 3.2.6.3, Ibid

¹⁸ Objective 3.2.6.4, Ibid

¹⁹ Objective 4.2.2, Ibid

²⁰ Objective 4.2.3, Ibid

²¹ Objective 4.2.8, Ibid

5.27 Through this framework the provisions seek to concentrate urban development within the land located within the major urban settlement and to a lesser extent the small rural townships. Given the definition of urban development, it is conceivable that many aspects of the Zone could be otherwise accommodated within an urban boundary, except for the main areas of OS/F, potentially the golf course and the areas identified for revegetation and provision of public access trails which are all particular to this rural location. In my opinion the outcomes promoted within the GSZ do not compromise the objectives and policies of Chapter 4 (Urban Development) because:

- (a) The residential development within Activity Area R will result in 50 houses across 55 ha, a density of 1.1 dwelling/ha (gross), requiring a rural location;
- (b) The scale of the golf course Activity Area, at approximately 75 ha, is unlikely to be accommodated on urban land located within the Wanaka urban boundary;
- (c) The development within Activity Area C is proposed because of its relationship to the established camp ground and which is not located within an urban boundary
- (d) The realisation of the environmental benefits, including indigenous revegetation, protection of open space and the provision of a network of public access trails, are dependent on the attributes of this location and could not be replicated on land within an urban boundary.

Chapter 6 Landscape

5.28 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.

5.29 The evidence of Ms Pfluger and Dr Read for the Council both support the earlier findings made by the Environment Court²² that the site is located within an Outstanding Natural Landscape. I note for completeness that the Court qualified this finding, as follows:

“However, we also find, and this will need to be borne in mind when those objectives and policies are considered, that the ONL around the site is a very complex landscape and that it includes two highly modified areas which are very different from most of the embedding landscape. These areas are the Fern Burn Flats and the Matukituki River delta. These areas, especially the latter, are pastoral in the English sense.”

5.30 And in addition at paragraph 128, the Court also stated:

“While we found earlier that the site is part of an outstanding natural landscape, we qualified that by pointing out that the extensive outstanding natural landscape contains a large area of relatively flat topography either side of the Fern Burn that is of significantly different character from the rest of the outstanding natural landscape. Not only is that land flat but its vegetation patterns are more artificial there are shelter belts of exotic conifers and top dressed paddocks of short green grass. Further, it contains more fence lines and buildings, especially houses. In other words, there is an area on either side of the lower Fern Burn which is too small in the context of the surrounding mountains to be a landscape itself, but which is less natural than the rest of its embedding landscape. Consequently, that is more able to accommodate some houses and other development without that development so changing the character of the area as to dominate views.”

5.31 The primary objective relating to the District's landscapes is that the District contains and values ONF/Ls and RLs that require protection from inappropriate subdivision and development²³. Understanding the specific characteristics of each ONL area is central to then determining the appropriateness of particular changes and effects and whether or not the ONL's characteristics are protected. Therefore, the Court's findings on the characteristics of this area, along with Ms Pfluger's assessment, all informed my determination of the policy and rule framework for this zone as it relates to managing effects on the ONL values.

5.32 Complementing the landscape policies within Chapter 6 are a number of important enablers, as follows:

²² Para 81 page 32, Upper Clutha Tracks Trust v Queenstown Lakes District Council [2010] NZEnvC 432 (Interim decision)

²³ Objective 6.3.1, PDP (as notified)

- (a) Provision for rural living and any special zones to locate within areas that can accommodate change relevant (Policy 6.3.1.6²⁴).
- (b) Provision for residential subdivision and development in locations where the character and value of the District's landscapes are maintained (Policy 6.3.2.2²⁵).
- (c) Recognition of the dependence of tourism on the District's landscape (Objective 6.4.8) and to acknowledge the contribution tourism infrastructure makes to the economic and recreational values of the District (Policy 6.3.8.1); and
- (d) Recognition that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values (Policy 6.3.8.2)

5.33 Through these provisions it is clear the PDP anticipates and provides for enablement of rural living, residential subdivision, commercial recreation and tourism infrastructure, subject to the landscape being able to accommodate change and maintenance of the character and values of those landscapes. The evidence of Ms Pfluger addresses the effects of the GSZ on landscape values and finds:

- (a) All the built development associated within the GSZ is located within the parts of the ONL that have a moderate or varied change absorption capability as identified in the Cattle Flat Resource study (Policy 6.3.4.3).
- (b) As shown in the map in Appendix 3, the Fern Burn valley floor and Glendhu Bay/ Parkins Bay lake shore where activity areas are proposed is already modified and displays a low to moderate level of naturalness.
- (c) In the context of the existing development and the consented resort and golf course in this area, the proposed zone with its amended activity areas and provision would not degrade the landscape quality, character and visual amenity of the ONL (Policy 6.3.3.2).

²⁴ As amended through my statement of evidence dated 29 February 2016.

²⁵ Ibid

- (d) The proposal has taken into account the potential positive effects that can be achieved through revegetation of previously farmed areas that have been cleared of native vegetation (Policy 6.3.4.4).
 - (e) The large areas of proposed open space that will continue to be farmed provides an important balance of land within more sensitive and natural parts of the station.
- 5.34 The GSZ contains a unique blend of tourism, recreation, rural living, small scale commercial and traditional rural activity. The provisions enabling these activities have been carefully formulated to manage their effects on landscape values and including important areas and tools for mitigation and enhancement. The process of refinement set out within the amended provisions has been informed by the strength of protection afforded to landscape and ecological values within the PDP and is the basis for many of the changes proposed. The revised package of changes to the GSZ contains sufficient safeguards to ensure subdivision, use or development is appropriate for the outstanding natural landscape within which this land is situated. On this basis, I believe the GSZ is consistent with the objectives and policies of Chapter 6.

Chapter 33 Indigenous Vegetation and Biodiversity

- 5.35 This chapter sets out the district-wide intentions towards the protection, maintenance and enhancement of indigenous biodiversity. The chapter takes an approach of identification of significant natural areas and their protection, together with management of effects on indigenous biodiversity more generally.
- 5.36 In particular objective 33.2.3²⁶ seeks to ensure that land use and development maintains indigenous biodiversity values. The proposed zone has been designed to ensure that indigenous biodiversity values are protected wherever possible and incorporates a comprehensive approach to the maintenance and enhancement of biodiversity values. The revegetation strategy goes well beyond just mitigation of effects to provide substantial enhancement within and beyond the development area of the site. Any further development more widely within the zone in the future would be measured against not only the Chapter 33 aims but also against similar policies within the proposed zone.

²⁶ Council's right of reply version, 3 June 2016.

- 5.37 The rules of this chapter apply to all zones and thus would be relevant within the proposed zone. This is particularly relevant to the future development that could occur under the proposed framework for the FH, C and OS/F areas. In all cases, where any development is anticipated by the zone it is required to be assessed in more detail through a consent process with specific consideration of the effects of a proposal on indigenous biodiversity values.
- 5.38 In this way the proposed zone complements and supports Chapter 33 and the protection, maintenance and enhancement of indigenous biodiversity.

6. REASONS FOR THE GSZ

- 6.1 The GBT submission seeks the introduction of a new Special Zone to be known as the “Glendhu Station Zone”. The purpose of introducing the Glendhu Station Zone stems from four primary aims:

(a) **Integration**

The primary purpose of this proposed zone is to integrate the activities and development already considered and approved by the Environment Court for Parkins Bay into the structure of the District Plan. It is appropriate at the time of the District Plan review to give recognition to such a substantial development within the framework of the plan. Given that the consent approval provides for this scale of development as part of the existing environment, the District Plan review is timely in providing comprehensive treatment of this development with corresponding objective, policies, rules and other methods.

(b) **Longevity**

The scale and complexity of the development and the long time frame for implementation and operation lends itself to integration into a District Plan framework, rather than reliance on a resource consent and variations to enable pragmatic and sustainable implementation. The development is of a large scale with multiple activity elements. As a substantial development that will be similar to other substantial developments provided for as special zones in the Queenstown Lakes District Plan, it is appropriate to similarly recognise it in this way.

Implementation has commenced and it is anticipated that this will continue over many years. Integrating the expectations for development into the District Plan clearly shows the acceptance of this development in a way that will enable it to occur over the long term. It will also enable change and further development, within the framework of the zone provisions, over the longer term and beyond what could be anticipated by a resource consent.

Integration at this time will also avoid the potential consideration of a plan change in the future.

(c) **Flexibility**

Experience has shown that the existing consent introduced a high level of complexity through the conditions of consent. This includes numerous sets of conditions relating to staging of development with different aspects of the implementation reliant on other actions being taken or outcomes achieved. Some of the staging is time bound, other elements are activity based.

In some cases, the layering of conditions is very onerous to achieve due to timing implications e.g. the requirement for revegetation trees to be 3m in height before stage 3 construction can commence, where it is now known that this could take around 10 years to occur. In other cases, it has been shown that such staging and detailed timing is not necessary e.g. in the evidence of Dr Roper-Lindsay who states that such a complicated approach to revegetation is not necessary for ecological outcomes to be achieved.

The proposed zone provides the opportunity to remove unnecessary complexity while still achieving the environmental outcomes intended by the Environment Court. This flexibility will ensure that unnecessary cost is not incurred by the developer and Council, especially in comparison to the likely necessity to undertake a series of applications to change conditions of the current consent to recognise design refinement over time. This in turn will reduce pressure on the Council to deal with such matters.

Where staging of development is still necessary to achieve the outcomes agreed to it has been integrated into the provisions. For example, it is still intended to link the revegetation to specific development phases e.g. once earthworks in each part of the site

are done, the revegetation can commence. This linkage is to be provided through the revegetation strategy being linked to development and documented clearly, and then tied to development through a controlled activity resource consent.

(d) **Clarity of expectations**

The development of the proposed zone has enabled clear articulation of the expectations for development in the wider Glendhu Station Zone in the future. The evidence of Mr McRae provides for details as to the background and aspirations of the owner of Glendhu Station. As set out elsewhere in this evidence, some such development may not occur for many years (due to covenants on titles) but by articulating expectations for development that is appropriate in this area into the future, the wider community can be aware of likely change that is proposed to occur with the Farm Homestead Activity Area, The Camp Ground Activity Area and the wider farm located within the Open Space Preserve Activity Area.

Similarly, the zone enables identification of areas that merit additional control on development e.g. adjacent to waterways, and areas in which additional provision will be made for stock control and pest management e.g. Farm and Vegetation Management Areas.

- 6.2 The use of a special zone allows all of these details to be set out clearly in a way that is not possible in a general Rural Zone. The Rural Zone in the District has to be very wide ranging due to the scale of the area it covers, the different values contained within that wide area, and the lack of specific knowledge about all parts of the zone. Where there is specific, detailed knowledge, such as applies to the Glendhu Station Zone, it is more appropriate to take a more detailed approach. Most importantly, I consider that the careful location of potential activities or built form and environmental benefits that the zone's specific rules and targeted policies provide for, gives both certainty of outcome and enhances ecological, amenity and conservation values. Because these outcomes are embedded within a robust policy framework I consider such outcomes to provide greater long term certainty than the rural zone.

- 6.3 As set out earlier in this evidence, the Glendhu / Cattle Flat Resource study was an intensive investigation of the whole station. While it is landscape based, the study considered geology, hydrology, ecology, planning and traffic elements. In respect of Parkins Bay, the Resource Study identified that the foreshore of Parkins Bay had varied potential to absorb change with variable mitigation potential. The Glendhu Station flats similarly had varied potential to absorb change with high mitigation potential in specific locations. This reflects the variable topography and relief in the landscape and the potential this offers to establish an activity in a location where effects on public views can be avoided or mitigated. Further site survey and analysis of an area of approximately 180ha of the Glendhu Station flats was undertaken to better understand the opportunities and constraints inherent in the land. Visibility mapping of the topography was utilised to identify sites capable of absorbing change and these formed the basis for the resulting development design. The study was extensive and provides an appropriate base for consideration of development within the area. It is specific to the zone proposed and remains relevant today. It appropriately provides a baseline for understanding landscape values within the proposed zone and for enabling this proposed zone to be developed in a way that recognises the landscape values of the zone and manages them appropriately.
- 6.4 I consider that the Glendhu Station Zone is an appropriate approach to the knowledge of the land provided by the Resource Study and subsequent resource consent process, the unique nature of the site given the existing environment established by the resource consent, and the appropriate timing of the review to enable better integration of these elements into the District Plan framework.

7. ANALYSIS OF THE GSZ

- 7.1 The majority of the proposed zone seeks to provide for the activities previously consented, and to integrate the development approved by the Environment Court within the framework of the District Plan. The proposed zone and rules incorporate some additional elements beyond those considered under the resource consent and which have been further advanced since the time of that hearing, and these are largely the subject of the further submissions in opposition.

- 7.2 In essence, the consented development establishes the existing environment and provides a clear baseline for comparison. In addition to the consented development, the Rural zone which was applied to the area under the notified plan provides a baseline for comparison. The differences between the proposed zone and the consent or current Rural zoning are discussed below²⁷.

Structure Plan

- 7.3 The structure plan sets out the various activity areas in a way that delineates intentions for development. This directly relates to the ability of different areas to absorb change in a way that is appropriate to the surrounding landscape. In this way the use of a structure plan will ensure that known development occurs in areas where it is appropriate and can be managed without adversely affecting the outstanding natural environment in which the site is located.

Activity Areas

- 7.4 The structure plan provides for six activity areas, as follows:

Activity Area	Size (Ha)
G - Golf	79.51
R – Residences	55.88
LS – Lake Shore	4.83
GS(OS/F) – Open Space Farm Preserve	2,639
GS(C) – Camp Ground	19.21
GS(FH) – Farm Homestead	19.23
Total	2,818

- 7.5 The design rationale for each of the proposed activity areas is explained further within the evidence of Mr Thomson.
- 7.6 The GS prefix has been adopted to identify the land owned by Glendhu Station.

²⁷ Comparison is based on the amended proposal as outlined in this evidence and not the proposal as submitted.

Overlays

- 7.7 As discussed above in relation to the changes proposed since the submission, within the structure plan are now several proposed overlays, linked to specific rules, as follows:
- (a) Covenant Protection Area Overlay – linking to Rule 44.5.9 listing further building development within the overlay as a non-complying activity. This control and the identified overlay is derived from the covenant restrictions imposed through conditions 41 a of land use consent [2012] NZEnvC 79. Exceptions are provided in relation to the few activities anticipated to occur in the covenants.
 - (b) Farm and Vegetation Management Area – incorporated into the requirements of the revegetation strategy within Rule 41.5.4 (a) and based on the areas identified within “Plan B” and the related conditions 41 w, x and y of the land use consent.
 - (c) Golf Facilities Overlay – an area designed to provide for the golf course maintenance compound, linked to Rule 44.5.2 (a) enabling building as a controlled activity and Rule 44.6.8 (a) limiting the scale of building within the overlay to 700 m² and outside of the overlay to 50 m².
 - (d) Homesite Overlay – this overlay identifies the areas within which each of the 50 proposed residences may be located and is based on the locations and curtilage areas identified on the approved plans contained within the land use consent.
- 7.8 The Landscape Protection Areas (LPAs) that were originally located on the Structure Plan as proposed in the submission are proposed to be removed or relabelled as “Farm and Vegetation Management Areas” as it has subsequently been identified that these are not actually based on landscape values. The areas identified as Conservation LPAs recognised areas subject to QEII covenants and so were mainly based around open space and ecological values, albeit not necessarily identifying the areas of highest ecological values.
- 7.9 The areas identified as Glendhu Hill Wetland and Southern Tributary and Moraine Slope LPAs were included on the basis of these areas being tied to conditions of consent in the Environment Court decision. For these areas, there are conditions which relate to controlling stock access,

fencing, pest management and revegetation. Again, the nature of these areas is about farm management and ecological values and not about landscape qualities.

- 7.10 It is proposed therefore that the LPAs relating to QEII covenant areas be removed from the Structure Plan as these areas are adequately protected by the covenants themselves together with the provisions of Chapter 33 of the Plan. In relation to the other areas, it is proposed that they be renamed more accurately as “Farm and Vegetation Management Areas” and tied to the rules relating to the revegetation management plan and fencing. This would also result in the removal of rule 44.5.8 as no longer being required.
- 7.11 This is an appropriate approach as there has been no comprehensive study of landscape character in the wider portion of the zone that would indicate areas that merit particular landscape recognition. In the OS/F activity area any development, beyond small scale farm structures, would require consideration under a resource consent which would specifically consider the merit of the proposal against the ONL characterisation of the areas. This will ensure that the landscape values are recognised and provided for. This is also further reinforced by the specific policies for the zone which require consideration of landscape values.
- 7.12 The inclusion of a structure plan and the addition of overlays has the environmental benefits of being able to take a more structured approach to the identification of activities, the integration of key access routes and related mapping of public access, open space and areas of revegetation. It logically follows also in this case where parts of the zone containing to the Parkins Bay resort development have been subject to a comprehensive master plan and can thus form the basis for a much more certain design outcome. The potential costs and risks with this approach is where mapping is based on inaccurate information.
- 7.13 A structure plan approach is a proven method of providing the appropriate balance between certainty and flexibility. The delineation of areas in which certain types and scale of development can occur ensures clear expectations for all parties in the nature and location of development to occur over a large portion of land such as this. However, this approach does not require such a level of detail that repeated applications will be required to recognise design changes over time. The approach is

established in the plan and is being implemented successfully in other areas such as Jacks Point.

- 7.14 Having regard to the alternative approach of including the land within either the rural zone or within an alternative homogenous zone, I consider the use of the proposed structure plan and its related overlays the most appropriate mechanism to give effect to the objectives of the PDP.

Objectives and Policies

- 7.15 The objectives and policies have been altered substantially from those in the submission, to refine them and to improve clarity and direction. Details of this are set out above in paragraph 4.15 above.
- 7.16 The proposed GSZ objectives and policies codify the intent of the Environment Court decision for this area, including clearly articulating the intent for appropriate development to be enabled where it is balanced with environmental benefits such as public access and substantial indigenous revegetation. This sets in place the environmental elements of the approved consent decision. This links the OS/F Activity Area with the development of the remainder of the zone through the protection of areas of open space, revegetation and the provision of walking and mountain bike trails.
- 7.17 The objectives and policies are also inherently based on an understanding of the outstanding natural landscape within which the land holding is located. Chapter 6 of the proposed District Plan sets out the provisions relating to landscape values. The whole of the proposed Glendhu Station Zone and wider area is located within an identified Outstanding Natural Landscape.
- 7.18 The use of specific policies to clearly set out the approach to protecting landscape values is intended to set this as a priority in all development occurring within the zone and to align with the approach taken in Chapter 6 of the Plan. In this way, consideration of Chapter 6 has informed the development and evolution of the whole Glendhu Station Zone package of provisions (including the structure plan, activity status, performance standards, etc).
- 7.19 Policy 1 for the GSZ sets out how the zone proposes to address the higher order objectives and policies relating to outstanding natural landscapes and what is appropriate subdivision, use or development in the context of

the GSZ. Policy 1 in particular has driven the delineation of development across the zone. That policy states:

To protect the character of the Glendhu Station, Glendhu Bay and Parkins Bay landscape from adverse effects of inappropriate subdivision, use and development by:

- (a) *Identifying areas with the capacity to absorb change based on the Glendhu / Cattle Flat Resource Study*
- (b) *Avoiding development that would adversely affect those values that contribute towards high levels of naturalness and/or where an area has low ability to absorb change.*
- (c) *Managing effects on land to ensure that activities maintain or enhance the character and values of the landscape and minimise visible effects from public places.*
- (d) *Enabling the use of land, subject to:*
 - (i) *maintaining views into the site when viewed from Lake Wanaka and maintaining views across the site when viewed from the Wanaka – Mount Aspiring Road; and*
 - (ii) *establishing appropriate controls over building development within the Zone in order to maintain amenity appropriate to the activities within each Activity Area.*

7.20 The policy sets out a hierarchical approach to protecting landscape values, particularly through an understanding of the areas with the capacity to absorb change. This is specifically aligned with the intent of Chapter 6 to protect areas of outstanding natural landscape.

7.21 Another primary purpose of the policies for the GSZ is to establish the use of structure plans and spatial layout plans to ensure that appropriate subdivision, use and development occurs in the areas of the site best able to absorb change. This also then enables linkages between development and provision of revegetation, access, etc at a consenting level.

7.22 The Activity Area based policies are intended to guide development, ensuring that all persons can clearly understand what is intended to occur in each area, over time.

- 7.23 The proposed GSZ policies also align with rural zone objectives and policies in respect of protecting significant values in rural areas. This is appropriate given that the majority of the zone (the OS/F activity area) is closely aligned with the rural zone and will display many of the characteristics of the wider rural area. However, it is the intent that in this specific zone there is explicit recognition of the ability of land to provide for more than traditional rural land uses and that there is recognition of the value for the wider environment in anticipating appropriate change to rural areas.
- 7.24 In addition, the policies provide direct application of the intent of the key district wide chapters (landscape and indigenous biodiversity) to the specific zone conditions and intentions. In this way the zone takes the generality of the wider district plan and appropriately applies it to this specific land area in a way that is more relevant and prescriptive.

Zone Wide Activities

- 7.25 Specified activities to be controlled within the zone include mining, forestry, factory farming and industrial activities. Mining in the rural zone is a permitted activity at a small scale or otherwise a discretionary activity. The proposed GSZ includes limited mining for materials to be used within the zone to be a restricted discretionary activity or otherwise a non-complying activity. On this basis, the GSZ provisions are generally more restrictive than the rural zone provisions.
- 7.26 Industrial activities in the rural zone are either a permitted activity (rural industrial activities in subzones), discretionary activity (associated with wineries and vineyards) or non-complying activity. The proposed GSZ would make these a non-complying or prohibited activity which is more restrictive than the rural zone provisions.

Zone Wide Rules

- 7.27 A number of the proposed rules have been altered from those proposed, relating to activity status and bulk and location of buildings, to provide greater control over development and ensure close alignment with the Environment Court consent decision. In terms of performance standards, the proposed GSZ rules in relation to bulk and location reflect the building scale either proposed in the application or controlled through conditions of consent. Similarly, the proposed GSZ rules in relation to bulk and location for activities outside the Environment Court decision align with

the rural zone rules. The proposed rules do not however include some of the staging elements included within the Environment Court conditions of consent.

7.28 Key zone-wide rules include:

- (a) Public access trails – these are to be provided in the same general location and to the same standard as required in the resource consent decision. The rules enable some flexibility in alignment of the trails on the ground as it has been found that the alignment imposed by the Environment Court is impossible to achieve in some places due to vertical topography and other site conditions. Unlike the consent decision, it is proposed to phase development of the trails to link to development of the site. Creation of all the trails at the beginning of the development is very onerous on the developer due to the cost of formation and it is intended that this instead be phased to spread the economic cost to better align with economic benefits.
- (b) Earthworks – these are to be controlled generally to be consistent with the district-wide controls on earthworks, with more specific application to the various activity areas. This takes the baseline earthwork controls and appropriately applies them to the specific development intentions and site conditions.
- (c) Minimum building setbacks – 20m from roads, 20m from waterways, and 3m from the boundary with the marginal strip along the foreshore. These align with the consented development provisions.

The Golf Activity Area (G)

7.29 The Golf Activity Area is designed to incorporate the golf course, maintenance, operational facilities, underpasses, driving range, commercial golf instruction, public access tracks and areas of indigenous revegetation, and any mining, utilities, infrastructure and vehicle access related to other activities anticipated in the zone. A Golf Facilities overlay within this Activity Area provides for a maintenance compound in a defined location.

7.30 The use of the Golf Facilities overlay enables the maintenance compound to be located in the area in which it was consented. This also allows tailored rules to provide for this building form (up to 8m in height and up

to 700m² coverage) in this location (setback at least 20m from the road and the Fern Burn). Beyond the overlay area, buildings are strictly restricted in scale (up to 4m in height and up to 50m² in area) to provide for small shelters and toilet facilities which were not specifically considered at the time of the resource consent but are normal within a large scale golf course.

- 7.31 All buildings, whether within the overlay area or elsewhere within the Activity Area, are subject to a controlled activity consent path to enable consideration of elements including external appearance and location of the buildings, visibility, servicing, access and parking, earthworks and landscaping, and effects on indigenous biodiversity values. This process will ensure that buildings are appropriately designed and located.
- 7.32 In addition, any development within the Golf Activity Area will require a controlled activity consent process to link the development to the establishment of both a spatial layout plan and a revegetation strategy. In this way the key outcomes for revegetation in the golf areas of the site will be permanently tied to development and coordinated with the actual design and layout of the golf holes and the wider topography and features of the site.
- 7.33 This was an activity area specifically consented by the Environment Court and the provisions within the GSZ align closely to the activity consented and align with conditions of consent relating to the nature of the activity, public access, layout, etc. The proposed rules do enable some flexibility to alter limited aspects such as the golf hole layout and maintenance compound design, within the ambit of the specific rules.
- 7.34 The application of the Golf Activity Area and the associated specific rules is appropriate in achieving the objective and policies for the zone, and the wider objectives and policies within the District Plan. The rules ensure that the key environmental values for the site and area are recognised, including controlling built form that would impact on the wider landscape and ensuring that development is appropriate in design and location to the context of the site as a whole.

The Lake Shore Activity Area (LS)

- 7.35 The Lake Shore Activity Area is designed to accommodate a series of buildings, including 12 visitor accommodation units, functions and events, links to a jetty to facilitate public access and water based transport, the

golf course club house with restaurant and café, associated sales and offices, and associated golf activities, public access tracks, vehicle access and parking, landscaping, and any utilities, infrastructure and vehicle access related to other activities anticipated in the zone.

- 7.36 The area of the Lake Shore Activity Area has been reduced, from that sought in the submission, to exclude the upper terrace section to the north-west. The removal of the upper terrace will ensure that all development within this area is confined to the lower flats adjacent to the lake shore. Instead the area has been extended to the east around the bay, which also remains in the flat area close to the lake edge.
- 7.37 The activity area as currently proposed is controlled by a set of rules that relate to maximum building height (8m), total gross floor area of buildings (3,500m²) and building setback from the lake shore (3m from the boundary with the marginal strip). These provisions align directly with the scale of building anticipated by the Environment Court by replicating the basics of the design that was consented. In addition, the proposed rules include flexibility to enable the redesign of the buildings within the Activity Area, to allow for them to be moved around within the area and to change their sizes and shape. The Environment Court decision was prescriptive and as designs evolve, the strict application of the resource consent decision would not provide for changing development needs (except by way of further applications).
- 7.38 An additional rule has been proposed that would provide for an additional 1,000m² GFA of building development, through a restricted discretionary resource consent. This recognises the lakeshore area as an appropriate location for a node of development, closely associated with the golf course main buildings and in an area already determined to be able to absorb development from a visual and landscape perspective. However, the restricted discretionary activity status is appropriate to enable consideration of key elements (location of buildings, their visual dominance, external appearance, etc) and ensure that any additional development does not have significant adverse effects.
- 7.39 To provide surety around the appropriate design of all buildings (regardless of scale), a controlled activity consent would be required to enable consideration of elements including external appearance and location of the buildings, visibility, servicing, access and parking, earthworks and landscaping, and effects on indigenous biodiversity

values. This will ensure that despite changes to the location or shape of buildings, they remain appropriate to the approved intent for the area.

- 7.40 Like the Golf Activity Area, any development within the Lake Shore Activity Area will require a controlled activity consent process to link the development to the establishment of both a spatial layout plan and a revegetation strategy. Again this method is proposed to link key outcomes for revegetation to development for the long term.
- 7.41 This was an activity area specifically consented by the Environment Court and the provisions within the GSZ align closely with the activity consented. Again, the proposed rules do enable some flexibility when compared to the resource consent, to alter limited aspects such as building location and design, but this remains within the ambit of the specific rules which will continue to require a level of resource consent.

The Residences Activity Area (R)

- 7.42 The Residences Activity Area provides for 50 residences and/or visitor accommodation units, public access tracks, outdoor recreation activity, and areas of indigenous revegetation. The specified Homesites Overlays provide a spatial layout for the 50 residences / visitor accommodation units.
- 7.43 The additional Residences Activity Area to north of Wanaka – Mount Aspiring Road that was in the proposed zone as submitted has been removed and the Residences Activity Area that was shown as four areas to the south of Wanaka – Mount Aspiring Road has been amalgamated to one Activity Area.
- 7.44 Development within the Residences Activity Area is controlled by a range of rules that relate to building height, building footprint, curtilage area, and location of buildings within the homesite overlays. Provision has been made within the rules for circumstances where a proposal is made for a residential / visitor accommodation unit to be located outside one of the identified homesite overlays as a restricted discretionary activity. This consent would be assessed in relation to landscape and visual amenity effects and effects on indigenous biodiversity values which are the crucial considerations for a relocated building within this Activity Area.
- 7.45 As with the G and LS Activity Areas, within the Residences Activity Area buildings are a controlled activity relating to their design and appearance,

access, infrastructure, etc and there is also a controlled activity consent process to link development to the spatial layout plan and revegetation strategy. As discussed above, these rules ensure continued linkage to the key elements of the resource consent decision.

- 7.46 Development in this Activity Area is limited to a maximum of 50 residential / visitor accommodation units. This was an activity area specifically consented by the Environment Court with that decision providing for 42 residential / visitor accommodation units. The provisions within the GSZ match the activity consented, albeit increasing the number of residential / visitor accommodation units to 50, and align with the conditions of consent relating to the nature of the activity, public access, layout, revegetation, mitigation, etc. The additional 8 residential / visitor accommodation units are integrated into the mounding and revegetation mitigation required by the consent conditions and are supported by the evidence of Ms Pfluger and Dr Roper-Lindsay.
- 7.47 The proposed rules do enable some flexibility to alter limited aspects such as building development timing, within the ambit of the specific rules. The resource consent decision set strict development staging primarily to link to the implementation of the revegetation strategy. A key component of the resource consent application granted for the Parkins Bay development is the use of native revegetation to mitigate visual effects and the use of native revegetation and regeneration to provide overall biodiversity benefits to the site and area. The proposed provisions in the zone package are designed to continue to provide the revegetation as approved in the resource consent and beyond this to seek to provide further biodiversity benefits where possible. However, it is no longer intended that the revegetation be undertaken in a strict staged approach as required by the consent.
- 7.48 Dr Roper-Lindsay has assessed the proposed zone package and confirms that the elements of vegetation management sought through the resource consent continue to be appropriately provided for in the zone provisions. Dr Roper-Lindsay has specifically confirmed that it is not necessary to take such a strict approach to staging of revegetation but simply to ensure that it is undertaken as proposed and set out in the revegetation strategy. Intent has already been demonstrated through the extensive planting already undertaken on site.

- 7.49 In this regard I consider that the benefits to the zone and wider area through ecological enhancement which are largely realised within the Residences Activity Area, are able to be achieved through the proposed package of provisions. In addition, I note, that enhanced biodiversity values more likely to be achieved in the proposed zone package, as it specifically directs consideration of biodiversity values within all Activity Areas beyond that anticipated by the rural zone provisions. The ability to realise enhancements is more likely in such an integrated zone development.
- 7.50 Overall, I consider that the Residences Activity Area appropriately codifies the Environment Court decision that residential development is appropriate within this area of the site. I consider that the evidence presented shows that the additional 8 units will not have adverse effects on landscape values and also can be absorbed into this development area. The extensive rules package will control development in a way that will be appropriate in achieving the objective and policies for this zone. The provisions will protect the outstanding natural landscape as sought by Chapter 6 and will provide substantial biodiversity enhancement in accordance with (and beyond) the expectations of Chapter 33 of the Plan.

The Campground Activity Area (C)

- 7.51 The Campground Activity Area provides for the expansion of the Glendhu Bay campground across the Wanaka - Mount Aspiring Road, together with provision for a new road access alignment, public access tracks and providing for farming, farm structures and limited mining and visitor accommodation activities (i.e. Camping Ground²⁸).
- 7.52 This Activity Area is also subject to the controlled activity rules for buildings (design and appearance, servicing, etc). In addition, a specific rule is proposed that would make any camping ground development a restricted discretionary activity that would include a spatial layout plan for the whole Activity Area. This consent would consider the layout and location of key elements of the activity, effects on landscape and amenity values, traffic and transportation effects, enhancement of indigenous biodiversity values, urban design and integration with the existing campground.

²⁸ Refer to Definitions, Page 2 – 6, Proposed District Plan (as notified).

- 7.53 Beyond the above controls, the provisions for this Activity Area restrict maximum building height to 5m. This will ensure that buildings do not become visually dominant.
- 7.54 This area and the proposed activity was not covered by the Environment Court decision but was discussed during the hearing as an opportunity that had been identified and was yet to be designed or refined. The concept of a camping ground extension onto this land was recognised to a limited extent in the conditions of consent. Condition 41 sets out a comprehensive set of covenants to be registered on the titles of the land. Condition 41 includes:
- a. *In respect of the areas identified on the attached plans referenced "Parkins Bay Glendhu Station Covenant Areas Plan" dated June 2011 and "Parkins Bay Detail B Proposed Covenant Areas" dated June 2011: ...*
 - iv. *The area marked C2 shall be covenanted, for a period that commences on the date of the grant of consent until the date that is 20 years from the implementation of Stage 3, against further development not associated with usual farming activities, but not prohibiting:*
 - aa. *activities for camping purposes; ...*
- 7.55 In this way use of the land in this area for camping purposes was anticipated as a potential opportunity. The provisions within the GSZ introduce this as a new activity area to provide explicitly for this use and to limit the use potential in this area such that it is possible at this time to consider the activity and provide evidence that its development can be appropriate. The details of the development as it is further designed can then be considered specifically through a consent process which will ensure that all elements are appropriate. The level of information available at this time is sufficient to provide for the Activity Area and associated rules within the proposed zone and is sufficient for this to be included in the District Plan.
- 7.56 In comparison, generic visitor accommodation activity would be a discretionary activity in the rural zone and the proposed GSZ provisions would make specific camping ground activity a restricted discretionary activity. This new set of activities is supported by technical assessment. Given the greater knowledge of the intentions for this area, the controls on the type of Visitor Accommodation (camping ground only), the further

constraints on development by resource consent, and the specific nature of the site and area (able to absorb change and adjacent to an established camping ground), I consider it is appropriate to provide for this within the proposed zone. I consider that this will recognise the nature of the area in providing for social, cultural and economic needs for recreation and camping grounds specifically. It will also enable provision for relief of the demands on the existing camping facilities and for growth of this highly popular activity. It is directly recognising a community need and providing for it in an appropriate manner that recognises the special values of the area. I consider that such provision is a direct expression of sustainable management through providing a method that gives effect to many objectives and policies within the District Plan, especially those relating to community demand and recreational use of the rural area of the District.

Farm Homestead Activity Area

- 7.57 The Farm Homestead Activity Area (FH) provides for a mixture of small scale commercial activities that are designed to complement and support the campground and visitor accommodation activities; including farm stays, conferences, events and functions (e.g. weddings), farm tours, staff accommodation, and a small scale abattoir, butcher, packing shed, craft brew and tannery in existing buildings, together with public access tracks and provision for a new road access alignment.
- 7.58 Any commercial or visitor accommodation activities within the FH Activity Area would trigger a requirement for resource consent as a restricted discretionary activity with the overall scale of retailing limited to 500 m² of GFA. In general terms, all buildings are a controlled activity. While this activity area is subject to a 20m building setback from any road boundaries, the scale of any new building is restricted to 500m² and 4m in height within 100m of the road boundary to address effects on landscape and amenity values. Beyond 100m from the road boundary the maximum height of any building is 8m.
- 7.59 The Farm Homestead is an area that was not covered by the Environment Court decision and is aimed to accommodate the future aspirations of the owners of Glendhu Station to accommodate some diversification to farming operations, particularly using existing buildings. The provisions within the GSZ introduce this as a new activity area where the range of activities are contained to a small scale. When compared to the

provisions of the rural zone (revised proposal), the provisions would be more enabling of the following:

- (a) The construction of building, not otherwise located within a building platform, proposed to be a controlled activity within FH and would be a non-complying activity within the rural zone;
- (b) Commercial activities that are non-complying under the rural zone, except in relation to the retail sales of farm and garden produce and wine grown, reared or produced on-site or handicrafts produced on the site that can be permitted.
- (c) Visitor accommodation, which is listed as a discretionary activity within the rural zone and is a restricted discretionary activity within the Farm Homestead.

7.60 Having regard to the revised provisions and the evidence of Dr Roper – Lindsay on the ecological impacts and of Ms Pfluger on the landscape effects, I consider the Farm Homestead provisions to be the most appropriate method to implement the relevant objectives of the PDP.

Open Space Farm Preserve Activity Area

7.61 The Open Space Farm Preserve Activity Area (OS/F) provides for farming activities, recreation activities, including public access tracks, farm access tracks, areas of ecological enhancement and indigenous revegetation, small scale eco-themed visitor accommodation, and any utilities, infrastructure and vehicle access related to other activities anticipated in the zone. Additional elements identified on the structure plan include; public access tracks and two golf underpasses, primary access connections to the golf course and residences, the Covenant Protection Area and Farm and Vegetation Management Area overlays.

7.62 Within the OS/F the revised rules provide for:

- (a) Farming and outdoor recreation as permitted activities
- (b) Farm buildings, limited to a maximum of 4m in height and a maximum of 100m² in area as a permitted activity
- (c) Visitor accommodation as a discretionary activity
- (d) Mining for rock and aggregate for use within the zone as a restricted discretionary activity

- (e) Buildings within the Covenant Overlay as a non complying activity
- 7.63 Residential activity is not specifically provided for within the structure plan rule and would trigger a requirement for resource consent as a discretionary activity.
- 7.64 This was an activity area integrated into the balance land as part of the Environment Court decision. The provisions within the GSZ match the activity consented and align with the conditions of consent relating to the nature of the activity, public access, revegetation and protection of open space. The activities also align with the provisions for rural / farming activities in the rural zone.
- 7.65 The provisions within the OS/F are broadly similar to the outcomes anticipated within the rural zone of the PDP, but are differentiated on its relationship to development occurring within other activity areas through the provision of the public access trails, protection of covenanted open space and revegetation that are critical to achieving a sustainable outcome for the zone as a whole.

8. FURTHER SUBMISSIONS

- 8.1 A summary of the further submissions made in respect to the proposed Glendhu Station Zone, and wider submission, is contained within **Appendix 1**. There were no other original submissions of relevance to this area.
- 8.2 I note that Further Submission #1125 (NZFS) relates to subdivision elements of the submission which were addressed in previous evidence. The issues raised in Further Submission #1053 (David Barton / Tui Advisors) in relation to the District Plan review process are addressed in legal submissions.

Further Submission #1053 Tui Advisers Ltd / David Barton and Further Submission #1149 - Noel Williams

- 8.3 The concern in these further submissions relates to the scale of activity and the level of control over development. As set out above, the activity and rule package has been carefully designed to restrict development and ensure appropriate levels of control remain to protect the surrounding areas. The package of controls is comparable to that applied to other special zones in other sensitive areas and is developed directly from the

provisions deemed appropriate by the Environment Court or from the current rural zoning. All additional activities sought have been supported by technical evidence as being appropriate.

Further Submission #1034 – Upper Clutha Environmental Society

- 8.4 This further submission appears to not properly reference or recognise the existing approved resource consent which provides for some levels of development of this land and which the Environment Court has determined is appropriate in this rural area and within the Outstanding Natural Landscape. The further submission shows a lack of awareness that the resource consents granted provide a receiving environment that is no longer fully rural in character and which will continue to be developed under that resource consent.
- 8.5 Under the revised package, the GSZ will not enable substantial additional development beyond that already consented or otherwise permitted under the Rural zone. Within the areas of Glendhu Station incorporated into the GSZ through the OS/F, C and FH Activity Areas, the effects of development are limited and have been assessed as not being significant on the rural environment or on the Outstanding Natural Landscape. The assessment provided by Ms Pfluger shows that the C and FH activity areas are located such that the activities can proposed can be absorbed into the surrounding environment. It is also noted that these aspects of the proposal appear to be generally supported by the further submission. The vast majority of the site will remain as open space for farming activity located within the Open Space Farm Preserve Activity Area. With the addition of the recreation dominant area retained through the Golf Activity Area, a significant area of the zone will remain free of built form. The revised provisions seek to impose a robust framework to provide strong protection over landscape values and the maintenance of the dominant rural character of these areas.
- 8.6 The reasoning for including the whole of Glendhu Station as the Glendhu Station Zone is to specifically ensure that the extensive public access tracks that will be provided throughout the whole station are integrated into the zone provisions. Large areas of the OS/F have been included with the Covenant Protection Area where the status of building as a non-complying activity affords a level of protection higher than what would be achieved through the rural zone provisions. For the remainder of the zone, the provisions do not enable any development to a different degree from

that which would be provided for in the Rural Zone and thus cannot be considered more enabling of development than would not otherwise be anticipated

Further Submission #1094 - John May

- 8.7 This further submission is focussed on the aspects of the proposed zone which are outside the activities approved by the Environment Court decision. This submission places a high level of emphasis on a need for mitigation and environmental compensation on the basis this was seen as necessary to obtain the current Environment Court approval. All aspects of mitigation and environmental benefits required as a result of that resource consent approval have been integrated into the revised proposal (as amended in this evidence). This ensures that all such aspects covered by the Environment Court decision are aligned with that decision and do not undermine any of the determination that reached approval in that case.
- 8.8 As discussed above, there are few aspects of the proposed zone which are beyond the Environment Court, including the Campground Activity Area, the Farm Homestead Activity Area and the additional 8 residential / visitor accommodation units. In respect of these activity areas, there has been no determination that the portions of this proposal which are beyond the ambit of the Environment Court decision similarly rely on mitigation and environmental benefits in association with measures to avoid, remedy or mitigation potential adverse effects. Indeed, it is shown by the analysis that there are no such adverse effects that would directly require mitigation through revegetation or enhancement.
- 8.9 The additional 8 units in the Residences Activity Area are able to be appropriately integrated into the extensive revegetation and mounding package that is already tied into the Environment Court decision, and which is therefore tied to development within this proposed zone. The technical assessment from Ms Pfluger states that the mitigation already provided for is sufficient to ensure that these 8 units are appropriate and will not have significant adverse visual effects. Eight units in a similar location to that currently proposed were declined by the Council decision but were not considered at the time of the Environment Court hearing. The Environment Court did not consider the locations or conditions now proposed and did not decide they are inappropriate. Indeed, the Environment Court decision recognised that a further 8 units could be

considered through a future process by including the following in condition 41. A. cc. which states:

ii. The area marked B Development Area shall be covenanted in perpetuity from the date of the grant of consent against further development but not prohibiting subdivision of the golf course and the 42 house-sites, and the subdivision and development of eight visitor accommodation/residential units.

Advice Note: For the avoidance of doubt this consent only authorises 42 visitor accommodation/residential units. Any future application for up to eight additional visitor accommodation/residential units within Area B will require a variation to this consent or a new consent and a rigorous assessment of the measures proposed to sufficiently mitigate any potential adverse visibility/domestication effects.

- 8.10 This specific recognition of the potential for a further 8 units has provided support for redefining the additional 8 units in this proposed zone, and for ensuring that the locations proposed are able to fully mitigate adverse effects. The evidence provided clearly sets out that these new sites are appropriate. This is consistent with the Environment Court's decision which found that the 42 approved residences did not exceed the landscape's threshold with respect to its ability to absorb change.
- 8.11 The campground and farm homestead areas are located in an area able to absorb change (as set out in the evidence of Ms Pfluger) and the changes proposed are appropriate in scale and location. There will not be any adverse effects than cannot be avoided, remedied or mitigated, either by compliance with the rules or through the controlled activity approval process for new buildings in the C area or restricted discretionary consent in the FH area. There is no necessity for other mitigation or environmental compensation to be linked to revegetation as set out by Dr Roper-Lindsay. However, it is proposed that opportunities in these two activity areas for indigenous biodiversity enhancement be progressed through the consideration of consents specifically addressing biodiversity values.

9. SECTION 42A REPORT

- 9.1 The s42A reports provided by Council is presented in two parts: The first addressing the Strategic Overview and Common Themes; and the second the specific issues arising from the rezoning request.

Issues specific to the GBT Submission

- 9.2 The s.42A recommends that the submission by GBT be rejected, this recommendation is informed by evidence prepared for the Council in relation to traffic effects, infrastructure effects, ecology effects and landscape effects.

- 9.3 Due to the nature of changes presented by GBT to the GSZ, many of which has been designed to address the concerns raised by the Council, it would not be useful to dwell on the reasons for recommending the submission be rejected in too much detail. Throughout this evidence I have highlighted the range of changes proposed to the zone from that submitted, with the clear intent that it align closely to the land use approval granted by the Environment Court and that it appropriately manage values and effects. I consider that the matters which have been raised as a concern are now resolved by the amended zone package through the following:

- (a) the amended objective, additional policies and changes to a range of rules place greater emphasis on the protection of significant values, specifically including landscape values. The zone package will ensure that the development provided for will not have adverse effects on significant values including the ONL by:
 - (i) Ensuring the residences are located within the identified homesite areas through the identification of an overlay and related rules, thereby preserving the design features along with the related areas of mitigation;
 - (ii) Enhancing protection over the landscape values through the identification of the Covenant Protection Areas as an overlay on the structure plan where the related rules list any new building as a non-complying activity;
 - (iii) Restricting the scale of development within the Golf and Lake shore areas through the imposition of rules relating to the scale of building; and

- (iv) Requiring the formulation of a spatial layout plan to facilitate a master planned outcome for the development of the camp ground.
- (b) Ecology evidence prepared by Dr Roper – Lindsay demonstrating that the effects of development within the GSZ can be appropriately mitigated while also enhancing biodiversity. The evidence of Dr Roper – Lindsay considers the provisions of the GSZ will provide an opportunity to protect and manage indigenous biodiversity by:
 - (i) Allowing for integrated vegetation management across a range of activities seeking biodiversity enhancement alongside farming, recreation, landscape and amenity outcomes;
 - (ii) Implementing the Revegetation Strategy which meets the conditions of the Environment Court decision in relation to Residential (R), Golf (G) Lakeshore (LS) and OS/F activity areas;
 - (iii) Providing for indigenous biodiversity enhancement through focusing on outcomes, rather than staging;
 - (iv) Extending the same regeneration and revegetation principles to new zones FH and C by protecting waterways; and thus extending the biodiversity enhancement opportunities;
 - (v) Extending the Zone to encompass the wider OS/F activity areas (that is, the grazed lands comprising the rest of Glendhu Station) while adopting Rural Zone provisions to enable opportunities for good biodiversity management to occur across a large area.
- (c) The provision of information to demonstrate how development can be appropriately serviced through the evidence of My Gousmett
- (d) An assessment of the predicted impacts of development on the district's transportation network through the evidence of Mr Carr who finds that the traffic likely to be generated by development that would be permitted within the proposed rezoned area can be accommodated on the roading network without adverse efficiency or safety effects arising. Any transportation effects arising from

activities that require resource consent as a Restricted Discretionary Activity can be reviewed as and when applications for consent are made. The evidence of Mr Carr also examines issues of road safety and considers the injury rate for the Wanaka – Mount Aspiring Road as being slightly better than the typical rate for a road of this nature. Based on an examination of the evidence of accident records Mr Carr disagrees with the Council's evidence that the road is not an accident hotspot.

Strategic Overview and Common Themes

- 9.4 In the s42A report entitled "Strategic Overview and Common Themes", there appears to be a presumption against rezoning land where a resource consent has been granted to enable development. There appears to be a view that the Council should not rezone on the basis of a consent because this would lead to a proliferation of spot zoning situations.
- 9.5 The Resource Management Act sets a process for preparing and changing a District Plan, including the requirement for an evaluation report under section 32 of the Act to be prepared. The s32 requirement is focussed on examining whether objectives are the most appropriate way of achieving the purpose of the Act. There is a focus, amongst other things, on the efficiency and effectiveness of the provisions in achieving the objectives, given reasonably practicable options.
- 9.6 In my opinion the strict application of this view does not sit comfortably with the requirements of the Act to consider proposals under s32. Irrespective of whether there has been a resource consent granted, the District Plan review is an opportunity to consider rezoning of land against the purpose of the Act, the objectives of the Plan and the outcomes sought for the District. The lack of analysis of appropriateness, efficiency and effectiveness diminishes the robustness of the consideration of the rezoning request.
- 9.7 The fact that an outcome can be secured through a resource consent does not in my view invalidate changes to the zoning of land. The most appropriate framework to structure this evaluation is through s.32 of the Act that requires the Panel to consider the most appropriate way for the changes to achieve the objectives, having regard to their effectiveness and efficiency, their costs, benefits and any alternatives. Alternatives need

to be carefully weighed and may include a resource consent under the status quo.

9.8 The s42A report includes²⁹ a set of assessment principles used by the Council to assist in the assessment of rezoning requests. The listed principles include many aspects of s.32, include whether the provisions are the most appropriate in achieving the objectives and economic costs and benefits. In addition, the Council has incorporated elements of s.79 relating to the provisions of the regional policy statement. However, in formulating the “Rezoning Assessment Principles” the Councils evidence contains several departures from the framework required under the Act, including (at least) in the following key areas:

- (a) The management of any proposal containing objective/s and the extent to which are the most appropriate way to achieve the purpose of the Act;
- (b) The consideration of options is narrowed to whether the zone sought is more appropriate than the notified zone
- (c) The benefit and costs wider than from economic effects, including the environments, social and cultural effects (s.32(2))
- (d) Opportunities for economic growth that are anticipated to be provided or reduced (s.32(2)(i))
- (e) The principles include a list of specific issues, including consistency with map overlays, availability of infrastructure and services, separation between incompatible uses. The inclusion of such matters should be examined in the context of whether the proposed new provisions are the most appropriate to achieve the objectives of the plan. The objectives of the PDP are broad and include “enablers” of economic and community wellbeing as well as setting direction of the protection or management of effects and particular natural and physical resources. A narrow selection of the matters identified by the Council has the potential to distort the overall balance require under s.32, raising them in importance above what is intended from a review of all relevance objectives.

²⁹ Paragraph 2.14, pages 7-8, Evidence of Craig Barr – Strategic Overview and Common Themes (17 March 2017).

9.9 Subject to the shortcomings of the Rezoning Assessment Principles expressed above, I provide brief comments on each below.

(a) whether the change is consistent with the objectives and policies of the proposed zone. This applies to both the type of zone in addition to the location of the zone boundary;

The proposed Glendhu Station zone is consistent with objectives and policies of the PDP to protect special values and identify development areas. The proposed objectives and policies for the Glendhu Station Zone will provide specific guidance on the appropriate development of this area to align with the overall approach of the District Plan.

(b) whether the zone proposed / sought is more appropriate than the notified zone;

The zone sought is more appropriate in achieving sustainable management of the area than the proposed Rural zone as notified. The zone package will enable more flexibility to manage effects appropriate to the development anticipated for the land and for other development shown to be appropriate to the area (as set out earlier in this evidence). The zone will appropriately link the development areas with the wider zone to ensure overall environmental benefits are achieved.

(c) whether the change is consistent with and does not compromise PDP Strategic chapters and in particular the Strategic Direction, Urban Development and Landscape Chapters;

The change is consistent with and does not compromise PDP Strategic chapters and in particular the Strategic Direction and Landscape Chapters. The zone sought is a strategic approach to the area and is consistent with the protection of outstanding natural landscapes (as set out elsewhere in this evidence).

(d) the overall impact of the rezoning gives effect to the ORPS;

The rezoning gives effect to the ORPS (as set out elsewhere in this evidence).

(e) economic costs and benefits are considered;

In my opinion, the Council has not properly evaluated the costs and benefits of the proposed rezoning, including the environmental, transactional and administration costs of on-going development of the

area through resource consents for key elements of the project that were not covered by the consent or changes due to more detailed design development over time. Economic costs and benefits in this regard should also consider the benefit of certainty to enable such development commitment.

(f) zone changes should take into account the issues debated in recent plan changes;

There have been no recent plan changes relevant to this site.

(g) changes to zone boundaries are consistent with the maps in the PDP that indicate additional overlays or constraints (e.g. Airport Obstacle Limitation Surfaces, SNAs, Building Restriction Areas, ONF/ONL);

The rezoning gives effect to the provisions relating to ONLs (as set out elsewhere in this evidence) and no other planning map overlays or constraints are relevant to the site.

(h) changes should take into account the location and environmental features of the site (e.g. the existing and consented environment, existing buildings, significant features and infrastructure);

The proposed zone has been designed to specifically take account of the location and environmental features of the site.

(i) zone changes recognise the availability or lack of major infrastructure (e.g. water, wastewater, roads);

(j) zone changes take into account effects on water, wastewater and roading network capacity, and are not just limited to the site specific effects of extending infrastructure;

Infrastructure capacity can be appropriately provided for all elements of the zone (as set out in evidence by Mr Gousmett) and transport issues have been assessed by Mr Carr as being appropriate.

(k) there is adequate separation between incompatible land uses;

There are no land uses in the vicinity that would be incompatible with the proposed zoning and any areas that need particular consideration are dealt with adequately through the specific provisions of the zone.

(l) rezoning in lieu of resource consent approvals, where a portion of a site has capacity to absorb development does not necessarily mean another zone is more appropriate; and

(m) zoning is not determined by existing resource consents and existing use rights, but these will be taken into account.

Rezoning considerations should adequately consider what the existing environment is under approved resource consents. Whether these are based on ability to absorb change or other factors only further reinforces the appropriateness of a development that has gained resource consent approval. In the case of this proposed zone, the development anticipated is covers an extensive area, provides for a range of activities, is supported by comprehensive development controls and provides significant benefits to the environment. The zone proposed also provides for more than what was consented, with analysis providing justification for activities beyond those considered at the time of the consent. In addition, the development of this area will be spread over a longer period than is usual for a simple consent process and it is appropriate that this long term commitment be recognised in the District Plan framework.

- 9.10 On this basis, and when compared to the principles set by the Council, I consider that the rezoning sought is consistent with the principles. In my analysis the rezoning clearly accords with the outcomes sought by the Council for acceptable rezoning situations. I also consider that it is an effective and efficient means of achieving sustainable management of this area as sought by the Resource Management Act.

10. SECTION 32AA EVALUATION

- 10.1 I have prepared a summary evaluation under section 32AA of the Act to supplement the proposed amendments to the GSZ provisions and planning maps discussed above. This assessment has been structured to follow the issues discussed within this evidence and where further changes are proposed.
- 10.2 S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed. In accordance with

s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.

The extent to which the objective of the proposal is the most appropriate way to achieve the purpose of the Act s.32(1)(a)

10.3 The objective for the proposed Glendhu Station zone is:

A high quality, tourism, residential and visitor accommodation development set within a framework of rural open space and outstanding natural landscapes, and providing biodiversity enhancement and recreation benefits.

10.4 This objective seeks to balance the development outcomes with recognition that the development sits in a sensitive environment. It is appropriate that the zone recognise the potential use of the land for a range of activities, particularly providing for tourism and residential and visitor accommodation. In large part, these activities have already been considered appropriate in this area. The balance against the sensitivity of the surrounding area in relation to landscape, open space, recreational and biodiversity values, is an essential check for any further development in and around the approved development.

10.5 The existing objectives of the Rural Zone are very general (as is appropriate for a zone covering vast areas and a multitude of activities). In contrast this objective is more appropriate to achieving the purpose of the Act in this specific location and in relation to this specific development proposal. It is a tailored objective that recognises the opportunities and values and sets out the balance needed to achieve sustainable management in this location.

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

10.6 The reasonably practicable options available to provide for the use and development of the land under the PDP include:

- (a) Retention of the status quo where all of the site is located within the Rural Zone;
- (b) Rezone through a mixed zone approach, where parts of the land are included in the Rural, Rural Residential and Business Zones; or
- (c) Rezone all of the land through the creation of a new Special Zone.

- 10.7 Retaining the Rural Zone would ensure those objectives of the PDP aimed at managing the effects of subdivision, use, and development within rural landscapes are achieved. However, unlike the proposed zone or a Rural Residential zone, it would not assist in directing additional rural lifestyle development to appropriate locations to maintain qualities of the wider rural landscape, or assist to ensure mix of housing opportunities are provided. Retention of the status quo also relies on managing the approved commercial activities through existing resource consent conditions and any further development or changes through further resource consent on an ad-hoc basis.
- 10.8 A mixed zone approach would direct new subdivision, use or development to areas of the landscape with potential to absorb change without detracting from landscape values, and would ensure development is located within those parts of the landscape with similar character and would ensure a mix of housing opportunities. The main limitations with this approach is that it would fail to provide for a comprehensive set of provisions to manage what are a diverse range of activities occurring within this area, nor would it recognise opportunities for future land use changes.
- 10.9 The creation of a new Glendhu Station Zone and use of a structure plan approach to secure the management of natural and physical resources would carry all of the benefits of the other options, but has the further advantage of consistent administration through a single zoning framework. A special zone can be specifically tailored to the outcomes sought for this development, in this area and recognises the specific characteristics of the site and surrounding area.

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

- 10.10 Effectiveness: As outlined in the evaluation of the PDP objectives above, rezoning the site to create a new Special Zone will be effective in that it will achieve the objectives of the PDP.
- 10.11 Efficiency:

Benefits	Costs
<p><i>Environmental</i></p> <p>The Glendhu Station Special Zone provides for the protection of open space, areas of ecological value, and landscape values. The proposed zone would allow additional residential development opportunities in an area where it has been assessed that visual change can be absorbed, thereby reducing pressure for development on other rural locations where there is a finite capacity for residential activity.</p> <p>The proposed zone incorporates extensive enhancement opportunities in relation to ecological values (revegetation, regeneration and landscaping), open space values (covenant protection areas), and recreational values (public access tracks). These enhancements will benefit the wider environment including both natural values and community needs.</p> <p><i>Economic</i></p> <p>The addition of development and recreation opportunities provided for by the zone will signal a significant investment in tourism tourist related infrastructure, which serves an important employment function and contributes to the economic wellbeing of the District.</p> <p>The zone itself will enable development opportunities to be realised including employment during construction and operation. The economic benefits to the community will range across the various activities enabled.</p> <p>The zoning will also provide ongoing development certainty giving support to continued investment in the development and wider enhancements.</p> <p><i>Social & Cultural</i></p> <p>Social and cultural benefits are derived particularly from the creation of an expanded array of outdoor recreation opportunities including public access tracks and a golf course.</p> <p>Enabling a small number of residences would also provide</p>	<p><i>Environmental</i></p> <p>The change to the nature of the site will be visible and this may be perceived by some to come at an environmental cost.</p> <p><i>Economic</i></p> <p>Overdevelopment of the area would lead to a loss of landscape amenity values and therefore a reduction of visitors to the area.</p> <p><i>Social & Cultural</i></p> <p>Insensitive development would negatively impact on landscape amenity and the character of the area.</p>

<p>additional low density housing opportunities.</p>	
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10.12 Compared with retaining the Rural zone, rezoning to create a new Glendhu Station Zone covering the Glendhu Station land will be efficient as the benefits will outweigh any costs. While rezoning would facilitate some diversified use of rural land, that economic cost is low and likely to be more sustainable than the status quo because of the relative small size of the land and the nature of the existing non-rural uses. It also is largely approved development and thus forms part of the existing environment. Furthermore, that loss will be compensated by reducing pressure for residential and recreational development in other rural locations and the better recognition of the use and development of tourism infrastructure on this land.

Summary of reasons for proposed provisions s.32(1)(b)(iii)

10.13 The proposed Glendhu Station Zone provides the most appropriate way of achieving the relevant objectives of the PDP because:

- (a) It provides for a range of tourism, recreation and visitor related facilities within an area valued for that purpose.
- (b) It provides additional low density rural living opportunities in an area where such development would be consistent with the dominant character, and where there is capacity to absorb visual change without degrading landscape character or visual amenity values.
- (c) In so doing, it will reduce pressure for such development in other areas of the rural environment where there is finite capacity for residential activity.
- (d) It will recognise and provide for the use, development and consolidation of commercial activities on the land that is an important part of the tourist infrastructure and will provide for the economic wellbeing of the District.

Risks of acting or not acting s.32(2)(c)

- 10.14 Given the history of the site and the detailed understanding of the site, area and consent proposal, there is a high level of knowledge of the site and its context. The Resource Study, resource consent process and current evidence provides a wealth of understanding of risks and opportunities relevant to this proposed zone. I do not consider that there is any significant risk of unknowns that would mean that the rezoning should not proceed. Where any future proposal is not yet known, the provisions have been designed so that it would be subject to a resource consent process and thus able to be considered in the future.
- 10.15 Having regard to this assessment and the evaluation above, I consider that the proposed Glendhu Station Zone is appropriate, having regard to alternatives and the relative effectiveness and efficiency of the proposed provisions. I consider that the proposed Zone will assist the District to achieve the sustainable management purpose of the Act and is a preferred outcome over the existing zoning or proposed zoning outlined in the evidence and s42A report by Council because this can embed within a robust framework the assessment of effects and securing further environmental benefits with greater certainty than the alternatives.

**Chris Ferguson**

11 April 2017

APPENDIX 1

Summary of Further Submissions

Upper Clutha Environmental Society - Further Submission 1034
<ul style="list-style-type: none"> - General opposition to separate Glendhu Station Zone. - Opposes subdivision and development affecting landscape values. - Concern over extent of development, potential for cumulative effects and precedent for development in ONL. - Support for additional carefully controlled development close to and behind the camping ground.
Tui Advisers Ltd / David Barton – Further Submission 1053
<ul style="list-style-type: none"> - General opposition to separate Glendhu Station Zone. - Subdivision should be discretionary to enable public notification. - Insufficient scrutiny and debate over unnecessary zone.
John Johannes May – Further Submission 1094
<ul style="list-style-type: none"> - General opposition to separate Glendhu Station Zone, excluding relief which is consistent with the Environment Court decision. - Zoning will facilitate development of a significant scale beyond that considered appropriate by the Court previously. - Insufficient mitigation and environmental compensation proposed. - Inadequate framework to control effects of development. - Reclassification of the Fern Burn Valley as Rural Landscape is not consistent with the Environment Court decision in [2010] NZEnvC 483.
NZ Fire Service – Further Submission 1125
<ul style="list-style-type: none"> - Provision should be made in subdivision provisions to ensure fire fighting water supply is provided.
Noel Williams – Further Submission 1149
<ul style="list-style-type: none"> - Opposes increase in residential activity in a sensitive area with less scrutiny and control.

APPENDIX 2

RM070044 / [2012] NZEnv 79

Environment Court final decision (including conditions) and approved plans

APPENDIX 3

Copies of relevant consents:

RM120558

RM130274

RM130491

RM140959

RM150467

APPENDIX 4

Glendhu Station Zone and changes sought to Planning Map
7 – as requested in the submission

APPENDIX 5

Revised Glendhu Station Zone, changes to Planning Map 7
and Change to Chapter 27 Subdivision – as amended by
evidence

Changes to Chapter 27 Subdivision

Council Right of Reply version (26 August 2016)

Under the revised Chapter 27, subdivision undertaken in accordance with a structure plan, spatial layout plan or concept plan is list as a controlled activity within Rule 27.7.1. I do not propose changing this rule further and note that it would be relevant to and is intended to apply to subdivision within the GSZ.

The proposed changes to Chapter 27 as detailed below.

1. Insert a new Objective 27.3.16 and related policies, as follows:

27.7.21 Objective – Glendhu Station Zone – Subdivision shall have regard to the identified location specific opportunities and constraints.

Policy 27.7.21.1 Ensure subdivision and development achieves the objectives and policies of the Glendhu Station Zone (Chapter 44).

2. Amend Rule 27.4.3.2, as follows:

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

- a. *Jacks Point*
- b. *Waterfall Park*
- c. *Millbrook*
- d. *Glendhu Station Zone*

3. Amend Rule 27.6.1 (Minimum Lot Area table), as follows:

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

Zone	Minimum Lot Area
<u><i>Glendhu Station Zone</i></u>	<u><i>No minimum</i></u>

4. Insert a new Rules 27.7.13 and 27.7.14, as follows:

Zone Specific Standards	Activity Status
<p><u>27.7.13</u></p> <p><u><i>Subdivision within the Glendhu Station Zone failing to provide for the primary access road in general accordance with the Structure Plan.</i></u></p> <p><u><i>For the purposes of interpreting this rule, the following shall apply:</i></u></p> <p><u><i>i. A variance of up to 100m from the location and alignment shown on the Structure Plan shall be acceptable.</i></u></p> <p><u><i>ii. Primary access routes may be otherwise located and follow different alignments provided</i></u></p>	<u><i>D</i></u>

	<u>that any such alignment enables a similar journey.</u>	
<u>27.7.1</u> <u>4</u>	<u>Subdivision of land located within Activity Area R in the absence of a resource consent granted under Rule 44.5.4 (Chapter 44)</u>	<u>D</u>

APPENDIX 6

Relevant Objectives and Policies from the Otago
Regional Policy Statement (Operative Version)

Relevant Objectives and Policies from the Otago
Regional Policy Statement (Decisions Version
October 2016)

Relevant provisions of the operative Otago 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.

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.

Relevant provisions of the Otago Regional Policy Statement, as amended by decisions on 1 October 2016

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 4.5 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 7

Relevant Objectives and Policies from Strategic
Directions Chapters of the PDP

Relevant Objectives from Strategic Directions Chapters of the PDP

(As amended by evidence of Chris Ferguson, dated 29 February 2016 or through the Councils Right of Reply 07/04/2016))

Chapter 3 Strategic Directions

~~Objective 3.2.1.4 Recognise and provide for~~ **The significant socioeconomic benefits of tourism activities across the District are provided for and enabled.** (Revised Proposal, Councils Right of Reply 07/04/2016)

~~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.** (Revised Proposal, Councils Right of Reply 07/04/2016)

Objective 3.2.1.6 The natural and physical resources of the rural areas are valued for their potential to:

- i) **enable tourism, employment, rural living, visitor accommodation and recreation based activities; and**
- ii) **accommodate a diverse range of rural based activities and industries that have a functional need to locate in rural areas** (Evidence of Chris Ferguson, dated 29 February 2016)

Objective 3.2.2.1 Urban development: -occurs in a logical manner:

- ~~to promote a~~ **has a well designed and integrated urban form;**
- ~~to manages~~ **the cost of Council infrastructure; and**
- ~~to protects~~ **the District's rural landscapes from sporadic and sprawling urban sprawl development**

~~Objective 3.2.5.1 Protection of the natural character of Outstanding Natural Features and Landscapes and Outstanding Natural Features from~~ **inappropriate subdivision, use and development.** (Revised Proposal, Councils Right of Reply 07/04/2016)

~~Objective 3.2.5.3 Direct New~~ **Encourage and enable subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.** (Evidence of Chris Ferguson, dated 29 February 2016)

~~Objective 3.2.6.2 Ensure~~ **A mix of housing opportunities is realised.** (Revised Proposal, Councils Right of Reply 07/04/2016)

3.2.6.3 Objective - Provide a A high quality network of open spaces and community facilities. (Revised Proposal, Councils Right of Reply 07/04/2016)

~~Objective 3.2.6.4 Ensure planning and development maximises opportunities to create~~ **Safe and healthy communities through good quality subdivision and building design.** (Revised Proposal, Councils Right of Reply 07/04/2016)

Chapter 4 Urban Development

~~Objective 4.2.1 Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment,~~

~~rural amenity and outstanding natural landscapes and features~~—(Evidence of Chris Ferguson, dated 29 February 2016)

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.

Objective 4.2.8 - Manage the scale and location of urban growth in the Wanaka Urban Growth Boundary (Revised Proposal, Councils Right of Reply 07/04/2016)

Policy 4.2.8.1 Limit the spatial growth of Wanaka so that:

- **The rural character of key entrances to the town is retained and protected, as provided by the natural boundaries of the Clutha River and Cardrona River**
- **A distinction between urban and rural areas is maintained to ~~protect~~ maintain the quality of the landscape, and character of the environment and visual amenity values**
- ~~Ad hoc development of rural land is avoided~~
- **Outstanding Natural Landscapes and Outstanding Natural Features are protected from encroachment by urban development** (Evidence of Chris Ferguson, dated 29 February 2016)

Chapter 6 Landscapes

Objective 6.3.1 - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.

Policy 6.3.1.6 Enable rural lifestyle living through applying Rural Lifestyle, ~~Zone and Rural Residential and Special Zones plan changes in areas where the landscape can accommodate change.~~ (Evidence of Chris Ferguson, dated 29 February 2016)

Objective 6.3.2 Avoid remedy or mitigate adverse cumulative effects on landscape character and visual amenity values caused by incremental inappropriate subdivision and development (Evidence of Chris Ferguson, dated 29 February 2016)

Policy 6.3.2.2 ~~Allow~~ Provide for residential subdivision and development only in locations where the character and value of the District's landscapes are maintained. character and visual amenity would not be degraded. (Evidence of Chris Ferguson, dated 29 February 2016)

6.3.3 Objective - Protect, maintain or enhance the district's Outstanding Natural Features (ONF)

6.3.4 Objective - Protect, maintain or enhance the District's Outstanding Natural Landscapes (ONL)

6.3.8 Objective - Recognise the dependence of tourism on the District's landscapes

Policy 6.3.8.1 Acknowledge the contribution tourism infrastructure makes to the economic and recreational values of the District.

Policy 6.3.8.2 Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.