

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL
INDEPENDENT HEARINGS PANEL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions to the Stage 1 Proposed
Queenstown Lakes District Council Plan
by **Waterfall Park Developments
Limited (Submitter 2388).**

**STATEMENT OF EVIDENCE OF JEFFREY ANDREW BROWN
ON BEHALF OF WATERFALL PARK DEVELOPMENTS LIMITED
TOPIC 14: WAKATIPU BASIN LAND USE VARIATION**

S2388 – WATERFALL – T14 – BROWN J - EVIDENCE

13 June 2018

Table of Contents

	Executive Summary	3
1	Introduction	6
2	The site and environs	7
3	The relevant options	8
4	Rezoning principles	10
5	Proposed District Plan – Stage 1: strategic chapters	12
6	Otago Regional Policy Statement	14
7	The objectives and policies of the proposed zone	15
8	Economic costs and benefits	17
9	Planning maps – overlays or constraint	18
10	Location and environmental features of the site	19
11	Consistency with long term planning for infrastructure	20
12	Effects on the environment of providing infrastructure	20
13	Separation between land uses	20
14	Relevant resource consents	20
15	Any existing use rights	20
16	Other local context factors	21
17	RM171280 – road application and relevant Chapter 29 provisions	22
18	Purpose and principles of the Act	23
19	Comment on the Council's s42A report	27
20	Summary and conclusion	25

Attachment A – J Brown CV

Attachment B – the Hogans Gully Zone - provisions

Attachment C – assessment against the PDP-DV higher order objectives and policies

Attachment D – assessment against the relevant RPS objectives and policies

Attachment E – assessment of the road against the Chapter 29 provisions

Attachment F – J Brown evidence to the Hearings Commissioners for RM171280 road

Attachment G – Consent RM171280 for road

Attachment H – Ayrburn Zone Structure Plan overlain on aerial

Executive summary

1. In this evidence I address the zoning of the land at Ayrburn, south of the Waterfall Park Zone and Millbrook and north of the rural residential area north of Speargrass Flat Road at Lake Hayes.
2. I evaluate the various zoning options before the Commission:
 - the Council's Wakatipu Basin Lifestyle Precinct (the rural residential option);
 - the Ayrburn Zone, as sought in the submission by Waterfall Park Developments Limited (the urban option); and
 - the Wakatipu Basin Rural Amenity Zone (as sought by some submitters) (the rural option).
3. My evaluation is based on the Commission's zoning principles and other factors that should be applied when considering the most appropriate provisions for the District Plan, and on the purpose and principles of the Act.
4. The Commission's zoning principles, and my summary on each, are as follows:

Principle (a) whether the change implements the purpose of the PDP Strategic chapters and in particular the Strategic Direction, Urban Development and Landscape Chapters;

I have evaluated the options under each of the objectives and policies in the Strategic Direction, Urban Development and Landscape chapters from the PDP Stage 1 Decisions Version. When evaluating the three zones side by side I conclude that the Ayrburn Zone better achieves the higher order objectives and policies in Chapters 3 and 6 than the WBLP or the WBRAZ, because it enables greater socio-economic and nature conservation benefits while not causing significant, or adverse, change to the landscape and visual amenity values of the site or the wider Basin, while better protecting amenity values of surrounding land. Further, the WBLP outweighs the WBRAZ in achieving the Chapter 3 and 6 provisions. The Ayrburn Zone also achieves the Chapter 4 objectives and policies for urban development.

Principle (b) the overall impact of the rezoning gives effect to the Otago Regional Policy Statement (ORPS);

I have evaluated the options under each of the objectives and policies in the operative and proposed Regional Policy Statements. The Ayrburn Zone and the WBLP both achieve the RPS provisions in relation to economic wellbeing and diversity, and nature conservation, whereas the WBRAZ does not; and the Ayrburn Zone better achieves those provisions than the WBLP. All three zones achieve the RPS provisions in relation to landscape recognition and protection.

I conclude that the Ayrburn Zone better achieves the relevant regional provisions than the WBLP, which in turn better achieves the provisions than the WBRAZ.

Principle (c) whether the objectives and policies of the proposed zone can be implemented on the land;

All three sets of provisions can be implemented on the land.

Principle (d) economic costs and benefits are considered;

I have compared the economic costs and benefits of each option. The economic benefits of the Ayrburn Zone outweigh the costs of the Ayrburn Zone, and also outweigh the benefits of the other two options. The benefits of the WBLP outweigh those of the WBRAZ.

Principle (e) 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, ONL/ONF);

There are no additional overlays or constraints. The provisions do not affect the values of the heritage items within the site.

Principle (f) 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 WBLP will achieve this for the reasons generally set out by the Council. The Ayrburn Structure Plan has been carefully devised to take into account the locational and environmental features of the site and I consider the principle has been properly contemplated and the Ayrburn Zone is consistent with it.

Principle (g) zone changes are not inconsistent with long term planning for the provision of infrastructure and its capacity;

Both the WBLP and the Ayrburn Zone are consistent with this principle.

Principle (h) zone changes take into account effects on the environment of providing infrastructure onsite;

To the extent relevant, both the WBLP and Ayrburn Zone would be consistent with this principle in that on-site infrastructure would be unlikely to adversely affect the receiving environment.

Principle (i) there is adequate separation between incompatible land uses;

For the WBLP and the Ayrburn Zone there are no incompatibilities arising from reverse sensitivities in relation to farming activities nearby because adequate separation is provided for.

Principle (j) 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;

There are no relevant resource consent approvals for urban use. The Road consent RM171280, for a new road link to the Waterfall Park Zone, is relevant to the extent that it provides access to the Ayrburn land.

Principle (k) zoning is not determined by existing use rights, but these will be taken into account.

There are no relevant existing use rights except in relation to farming activities including shelter rows.

Other factors: Context of a site or geographic area: Relevant local context factors include, most relevantly: (d) the ability of the environment to absorb development.

The site can absorb the development proposed by the WBLP or the Ayrburn Zone. For the Ayrburn Zone the careful siting of the development areas within the Structure Plan and the development standards enable this. In combination with other existing and proposed developments, the cumulative effects on landscape values and rural character of the WBLP or the Ayrburn Zone are in my view acceptable.

5. I conclude that the Ayrburn Zone is more consistent with and better achieves the rezoning principles than the WBLP or the WBRAZ.
6. The road as shown on the Structure Plan is consistent with and achieves the objectives and policies of Chapter 29 – Transport.
7. In relation to the Councils' s42A report, I consider that Mr Langman has only provided superficial assessment of the Ayrburn Zone and has, despite claims in the early part of the evidence:
 - not addressed the Commissioners' rezoning principles;
 - not addressed the higher order objectives and policies;
 - not properly considered the actual effects of the proposal with reference to the Ayrburn Structure Plan or provisions;
 - not properly considered the cumulative effects of the Ayrburn development or the effects of other existing and proposed developments; and
 - not considered the purpose and principles of the Act.
8. I have assessed the Ayrburn Zone, the WBLP and the WBRAZ under Part 2 of the Act, and I conclude that the Ayrburn Zone is the most appropriate way to achieve the purpose and principles of the Act.

1 Introduction

1.1 My name is Jeffrey Andrew Brown. I have the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by the Queenstown Lakes District Council (**QLDC**) from 1992 – 1996, the latter half of that time as the District Planner. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown & Company Planning Group Ltd, a consultancy with offices in Auckland and Queenstown. I have resided in Auckland since 2001.

1.2 **Attachment A** contains a more detailed description of my work and experience.

1.3 I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

1.4 This evidence is on behalf of Waterfall Park Developments Limited (**WPDL**) (submitter 2388). WPDL owns land west of Lake Hayes – Arrowtown Road, south of Millbrook and the Waterfall Park Zone, and north of the rural residential properties north of Speargrass Flat Road. The land is described in more detail in the evidence of Mr Skelton.

1.5 I have visited the WPDL land on many occasions, having been involved in consenting projects (including the access road application RM171280 and hotel application RM180584 within the Waterfall Park Zone), and I am familiar with the wider surroundings.

1.6 In this evidence I address the Proposed District Plan – Stage 2 (**PDP**) zoning of this 45.75ha area of land, the reliefs sought in the WPDL’s submission, and the alternative relief sought by other submitters.

1.7 I have reviewed the evidence of Mr Barr, Mr Langman, Ms Gilbert, Ms **Jarvis**, and **Mr Smith** for the Council, and of Mr Skelton, Mr Carr, Ms Goldsmith, Mr Baxter, and Ms Richards for WPDL. I comment on this material through my evidence.

1.8 My evidence is structured as follows:

Section 2 I discuss the relevant “options” before the Commissioners;

Section 3 I set out the statutory tests for evaluating the options;

Sections 5 – 16	I evaluate the options in accordance with the statutory tests;
Section 17	I address Part 2 of the Act;
Section 18	I comment on the s42A report for this hearing; and
Section 19	I summarise and conclude my evidence.

2 The site and environs – a brief description

- 2.1 The Ayrburn land is described in the evidence of Mr Skelton¹.
- 2.2 In summary, the land is generally terraced and flat, bounded by steep land to the north rising to the Millbrook Zone, and flat land to the south, west and east. To the south is the rural residential area of Lake Hayes North; several properties look out across the Ayrburn land. To the west the land is open and rural. To the northeast is the Waterfall Park Special Zone (**WPZ**), which enables mainly residential and visitor accommodation activities in a structure planned manner.
- 2.3 The property contains various buildings including historic features (the Ayrburn homestead, stables, and barn) and a protected treed avenue.
- 2.4 The main access to the Ayrburn land is from Arrowtown-Lake Hayes Road. There is also an unformed legal road accessing the land from Speargrass Flat Road. This is used as a public walkway, enabling pedestrian and cycle access from Speargrass Flat Road to Millbrook.
- 2.5 To the north and east of the site are several rural residential properties and the existing and planned urban development along McDonnell Road. There is also the consented retirement village southeast of the site. To the south of the site are rural-residential properties and the Soho winery. To the west and northwest are Millbrook, comprising golf courses, commercial and higher density urban residential living, and adjacent rural-residential properties along the Arrowtown-Lake Hayes Road.
- 2.6 Two relevant resource consent applications are currently “in play”:
- RM171280, to construct and use a road between the Arrowtown-Lake Hayes Road and the WPZ, to enable legal, practical and safe access into the WPZ, and

¹ Evidence of Steve Skelton dated 13 June 2018

consequentially also into the Ayrburn land. The notified consent was granted by independent Commissioners on 1 June 2018 (and is still open to possible appeal). Regional consents, for a bridge and other works in relation to Mill Creek, were granted in March 2018 and are operative.

- RM180584, to establish a hotel within the WPZ (and in part on adjoining Ayrburn land, zoned Rural General), including 380 guest units with associated visitor accommodation activities, wellness centre, conference facilities and related activities and facilities. This application is likely to be notified in early June 2018.

2.7 I address the RM171280 road in more detail in Part 17 below.

2.8 The paddocks adjacent to the Arrowtown-Lake Hayes Road are open and visible from that road, but the remainder of the flatter, valley floor land, in the narrow valley of Mill Creek and the terraces west of the creek and south of the rising land to the north, is not visible from that road, and is only very partially visible from Speargrass Flat Road west of the property.

3 The relevant options

3.1 There are three options before the Commission:

Option A The Council's PDP² option, being the Wakatipu Basin Lifestyle Precinct (**WBLP**) (i.e. enabling rural lifestyle development over the property);

Option B WPDL's "Ayrburn Zone" (i.e. a zone enabling urban development over part of the property, subject to various standards), possibly together with an Urban Growth Boundary (**UGB**) around the Waterfall Park Zone and the Ayrburn Zone;

Option C The Wakatipu Basin Rural Amenity Zone (**WBRAZ**), as sought by some submissions (i.e. retaining the rural zoning over the property).

3.2 I briefly discuss the options as follows.

Option A – the Council's WBLP

3.3 The notified Chapter 24 zones much of the land as WBLP, enabling subdivision (as a restricted discretionary activity) to a minimum lot size of 6000m² and an average lot size of 1ha, with restricted discretionary activity consent required for dwellings within building platforms

² The PDP "Appeals Version" (as at 19 January 2018)

established at the time of subdivision. Various standards apply, including, for example, a 75m setback of buildings from Arrowtown-Lake Hayes Road.

Option B – WPDL's Ayrburn Zone

3.4 The proposed Ayrburn Zone provisions are at **Attachment B**. The zone provides for, in summary, an urban residential development of up to 200 residential units, in accordance with a structure plan that sets out:

- Residential areas;
- Village area centred on the historic buildings;
- Open space / building restriction areas;
- Key roading.

3.5 The open space areas comprise:

- (a) The hill / escarpment areas south of the Millbrook Zone and east of the existing walkway;
- (b) The eastern paddocks adjoining Arrowtown-Lake Hayes Road;
- (c) The land adjacent to and north of the existing rural residential properties north of Speargrass Flat Road³. The open space in this area has the following widths:
 - 50m adjacent to the three properties south of the Zone and east of the legal road from Speargrass Flat Road;
 - 100m adjacent to one property east of Mill Creek;
 - 25m adjacent to the three properties between the above properties, with rules requiring the retention of the existing bush within the incised gully that separates these properties from the Ayrburn land;
 - 15m adjoining the Queenstown Trail which runs along the western boundary.

3.6 Further, any planting within 25m of the southern boundary of the Ayrburn Zone must be no higher at maturity than 2m, so that the views north from the adjacent properties are not blocked by tall vegetation.

³ The Structure Plan submitted with the original submission omitted the areas along the southern boundary of the Ayrburn land.

- 3.7 The Ayrburn Zone provisions contained in the original submission have been updated to reflect the above matters; the updates are shown underlined.
- 3.8 The proposal also includes a UGB around the Waterfall Park Zone and the Ayrburn Zone, an area of around 59ha. This compares with, for example, 23ha within the Arthurs Point UGB west of the Shotover River, and 65ha within the Arthurs Point UGB east of the Shotover River.

Option C – rural zone / the WBRAZ

- 3.9 Original submissions⁴ sought the WBRAZ for the Ayrburn land.
- 3.10 In broad summary the WBRAZ is effectively the PDP's Stage 1 Rural Zone but with some critical differences: where the Rural Zone provides for subdivision as a discretionary activity with no minimum lot size, and with strong assessment criteria in relation to effects on landscape and rural character and amenities, the WBRAZ imposes a minimum lot size of 80ha (breach triggers non-complying status). The WBRAZ also removes entitlements for dwellings within an approved residential building platform (by changing the status from controlled to restricted discretionary, with more stringent assessment criteria). Outdoor recreational activities and some commercial activities are better promoted in the WBRAZ. In most other respects the objectives, policies and methods are not dissimilar to those of the Stage 1 Rural Zone.
- 3.11 I now evaluate the three options under the relevant statutory tests.
- 3.12 WPDL's submission also sought other reliefs:
- The option of the existing Waterfall Park Zone being extended into the Ayrburn land. This option is broadly encompassed by the Ayrburn urban option (Option B) in my evaluation below; and
 - The option of the PDP Stage 1 Rural Residential Zone. This is broadly encompassed by the WBLP rural residential option (Option A) in my evaluation below.
- 3.13 I therefore do not further focus on those two reliefs.

4 Zoning principles

- 4.1 The principles that apply in considering the most appropriate provisions for the District Plan are

⁴ List the numbers of the original submissions seeking WBRAZ / rural zoning

those recommended by the Hearings Commissioners in Stage 1⁵, as follows

- (a) whether the change implements the purpose of the PDP Strategic chapters and in particular the Strategic Direction, Urban Development and Landscape Chapters;
- (b) the overall impact of the rezoning gives effect to the Otago Regional Policy Statement (ORPS);
- (c) whether the objectives and policies of the proposed zone can be implemented on the land;
- (d) economic costs and benefits are considered;
- (e) 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, ONL/ONF);
- (f) 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);
- (g) zone changes are not inconsistent with long term planning for the provision of infrastructure and its capacity;
- (h) zone changes take into account effects on the environment of providing infrastructure onsite;
- (i) there is adequate separation between incompatible land uses;
- (j) 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
- (k) zoning is not determined by existing use rights, but these will be taken into account.

Other factors: Context of a site or geographic area. Relevant local context factors include:

- (a) the layout of streets and location of public open space and community facilities;
- (b) land with physical challenges such as steep topography, poor ground conditions, instability or natural hazards;
- (c) accessibility to centres and the multiple benefits of providing for intensification in locations with easy access to centres; and
- (d) the ability of the environment to absorb development.

4.2 I examine each of the principles and other factors in Sections 5 – 11 below.

⁵ PDP Stage 1, Report and Recommendations of Hearings Commissioners – Report 17-1, paragraph 132

5 Principle (a): whether the change implements the purpose of the PDP Strategic chapters and in particular the Strategic Direction, Urban Development and Landscape Chapters

5.1 In **Attachment C** I set out the objectives and policies in Chapter 3 (Strategic Direction), Chapter 4 (Urban Growth) and Chapter 6 (Landscape) from the Proposed District Plan Stage 1 (Decisions Version) and evaluate the three zoning options in the context of each provision.

5.2 I summarise my evaluation as follows.

Chapter 3 – Strategic Direction

5.3 My key findings from the evaluation of the Strategic Direction objectives are:

- (a) In relation to the socioeconomic objectives, both the WBLP and the Ayrburn Zone will contribute to the development of a prosperous, resilient and equitable economy in the District, and of the two zones the Ayrburn Zone will better achieve this because it can provide for a greater number of residents. The WBRAZ provides for some rural activities and is unlikely to achieve or contribute meaningfully to the economic goals in Chapter 3.
- (b) In relation to the urban growth objectives, I consider that the Ayrburn Zone, in providing for urban development in an appropriate location where effects can be adequately managed and internalised, contributes to the strategic and integrated management of urban growth. It integrates with Waterfall Park, with shared roading and servicing, and by connecting with other zones nearby. It is located where, in my opinion, rural character is not adversely affected, because of the location of the development zones within the Structure Plan, and I do not consider these to be “sprawling” or “sporadic”, given the location and the integration with Waterfall Park. It creates a compact urban form between three different development zones where the landscape has the ability to absorb urban development. It can provide a mix of housing densities and contributes to enabling better affordability.
- (c) In relation to the protecting distinctive natural environments and ecosystems, the Ayrburn Zone (through marginal strips and bespoke rules for riparian planting and protection) and to a lesser extent the WBLP (through likely marginal strips) better serve the nature conservation values of Mill Creek than the WBRAZ. The WBRAZ does not provide mechanisms, or incentives, for such nature conservation protection.
- (d) In relation to public access, the Ayrburn Zone (through marginal strips and bespoke rules for riparian planting and protection) and to a lesser extent the WBLP (through likely marginal strips) better achieve the Chapter 3 provisions than the WBRAZ which does not provide mechanisms, or incentives, for such public access.

- (e) In relation to retaining the District's distinctive landscapes, all three zone options can serve the Chapter 3 objectives because the location can absorb development and visual effects can be contained.

5.4 In broad summary I therefore conclude that the Ayrburn Zone (to a greater extent) and the WBLP both achieve the Strategic Direction objectives, and the WBRAZ **does not** achieve the objectives.

Chapter 4 – Urban Development

5.5 This Chapter only applies to the Ayrburn Zone because the WBLP and the WBRAZ do not anticipate urban development. I summarise my evaluation as follows:

- (a) The UGB, the urban zoning, the measures to separate and distinguish the zone and development from land to the south and west, contains the development and provides a defensible urban edge to the urban development, in my view.
- (b) The Ayrburn Zone would be a smaller rural settlement, albeit adjacent to areas of significant change, including the rural residential area, Millbrook, and Waterfall Park;
- (c) The proposed UGB has a sufficient area, and can contribute (in a small way) to the anticipated demand for urban development within the Wakatipu Basin over the planning period and to the Council's effort in providing ongoing availability of a competitive land supply for urban purposes;
- (d) The UGB takes into account the constraints on development including by avoiding steeper topography, the Mill Creek area and margins, the natural hazard risk areas including floodplain; and it incorporates the heritage area;
- (e) It can link to existing and proposed infrastructure;
- (f) It can enable a compact and efficient urban form by providing a range of lot sizes and affordability; is comparatively close to employment areas (Arrowtown, Frankton); and can provide its own outdoor recreational spaces;
- (g) It is not a "sporadic urban development" or "sprawl" in that it is adjacent to other urban development zones, can integrate with existing and planned infrastructure, is within an area with capacity to absorb change, and can provide a range of residential product and related activities and facilities.

- 5.6 I therefore consider that the Ayrburn Zone is consistent with and achieves the Chapter 4 – Urban Development objectives and policies.

Chapter 6 – Landscape

- 5.7 The Ayrburn Zone and the WBLP are separate regulatory regimes that respond to the specific landform and the variation, across the property, where the landscape can absorb development, without adverse effects on landscape character. When viewed from the Arrowtown-Lake Hayes Road, the Ayrburn Zone would have less visual impact than the WBLP because the open paddocks adjacent to the road are maintained as open space. When viewed from Speargrass Flat Road, the two zones would present very similar visual outcomes.
- 5.8 The Ayrburn Zone has the advantage of directly enabling – indeed requiring – the protection and enhancement of the Mill Creek area and its margins. The WBLP would enable protection through marginal strip provision, when subdivided. The WBRAZ does not require or incentivise this sort of positive ecological protection and enhancement.

Summary

- 5.9 When evaluating the three zones side by side as I have done in [Attachment C](#), I conclude that, in the broad sense, the Ayrburn Zone better achieves the higher order objectives and policies in Chapters 3 and 6 than the WBLP or the WBRAZ, because it enables greater socio-economic and nature conservation benefits while not causing significant, or adverse, change to the landscape and visual amenity values of the site or the wider Basin, or on amenity values of surrounding land. Further, the WBLP outweighs the WBRAZ in achieving the Chapter 3 and 6 provisions.
- 5.10 The Ayrburn Zone also achieves the Chapter 4 objectives and policies for urban development.

6 Principle (b): the overall impact of the rezoning gives effect to the ORPS

- 6.1 In [Attachment C](#) I set out the relevant objectives and policies of the operative RPS and the proposed RPS and evaluate the three zoning options in the context of each provision.
- 6.2 My conclusions from that evaluation are as my conclusions above for the higher order provisions of the PDP, in relation to diversification of use of rural resources and promoting economic wellbeing. The provisions of both the operative RPS and the proposed RPS seek to protect and enhance nature conservation values of waterbodies. These provisions are directly

achieved by the Ayrburn Zone by removing the land from rural farming use and through direct rules. They will be achieved to a lesser degree by the WBLP, primarily by removing the land from farming use. They will not be achieved by the WBRAZ because the WBRAZ lacks specific rules or incentives for this outcome and because the WBRAZ will retain the rural farming use of the land and the consequential adverse effects on water quality.

6.3 Both RPS versions seek to recognise and protect landscape values, and, as for the higher order PDP provisions, I consider that the WBRAZ, the WBLP and the Ayrburn Zone provisions recognise and provide for the protection of the landscape values of the site and the wider area. For the Ayrburn Zone, this is achieved by the location of the development within the landscape, and the Structure Plan's attention to setbacks and avoiding land that is sensitive in relation to natural values, hazards, and amenity values.

6.4 Overall, I consider that:

- the Ayrburn Zone and the WBLP both achieve the RPS provisions in relation to economic wellbeing and diversity, and nature conservation, whereas the WBRAZ does not; and the Ayrburn Zone better achieves those provisions than the WBLP; and
- all three zones achieve the RPS provisions in relation to landscape recognition and protection.

6.5 I therefore conclude that the Ayrburn Zone better achieves the relevant regional provisions than the WBLP, which in turn better achieves the provisions than the WBRAZ.

7 Principle (c): whether the objectives and policies of the proposed zone can be implemented on the land

7.1 The objectives and policies of the WBRAZ can be implemented on the land. The objectives and policies of the WBLP can be implemented on the land, as per the Council's notified provisions and as confirmed in the s42A provisions.

7.2 The objectives and policies of the Ayrburn Zone (as updated in my [Attachment B](#)) are as follows:

- 47.1.1 Objective – Residential, recreation and visitor facilities and activities developed in an integrated manner with particular regard for the natural and scenic values of the setting.**

Policies

- 47.1.1.1 **Ensure that the external appearance of buildings and other structures are appropriate to the location with particular regard to the site's natural and scenic values.**
- 47.1.1.2 **Enable retirement living to be developed in association with a variety of residential densities in an integrated manner.**
- 47.1.1.3 **Facilitate the complementary development of activities in association with the adjoining Waterfall Park Zone.**
- 47.1.1.4 **Require all development to be located in accordance with the Structure Plan.**
- 47.1.1.5 **Protect and enhance the important natural features on the site.**
- 47.1.1.6 **Enable and encourage access for the public to and through the zone to enjoy the natural attributes within the zone and the adjoining Waterfall Park Zone.**
- 47.1.1.7 **Protect and enhance the important heritage features of the site.**
- 47.1.1.8 **Avoid or mitigate adverse effects on the amenities of properties adjoining the Zone using building setbacks, landscaping controls and retention of mature vegetation.**

47.1.2 Objective – Protection and enhancement of the ecological values of Mill Creek.

Policies

- 47.1.2.1 **Ensure that wastewater and water supply services and stormwater treatment are provided and managed so as not to adversely impact on water quality within on or downstream of the site.**
- 47.1.2.2 **Prevent stock from accessing Mill Creek and ensure riparian planting along the banks of Mill Creek.**

7.3 These can be implemented on the land, through the methods proposed, which I have updated to include additional provisions to ensure certain outcomes in relation to:

- Ecological protection and enhancement; and
- Public walkway / cycleway connections; and
- Neighbouring amenity values.

7.4 The resources and values (location, topography, access, landscape, visibility, surrounding uses, infrastructure) do not preclude the implementation of the Ayrburn Zone methods, and hence the objectives and policies, on the land – indeed the land resources lend themselves to the type of development enabled by the Zone.

7.5 In conclusion on this principle, all three sets of objectives and policies can be implemented on the land.

8 Principle (d): economic costs and benefits are considered

8.1 The economic costs and benefits are summarised in the table below.

	Option A: WBLP	Option B: Ayrburn Zone	Option C: WBRAZ
Costs	<p>(a) Costs from not efficiently using land that is capable of being urbanised without adverse effects on the landscape values of the Basin – such areas are a finite resource.</p> <p>(b) Costs to the community from not obtaining the same level of development contributions and rates income as would otherwise be the case for the Ayrburn Zone option.</p> <p>(c) Costs from not providing significant setbacks of development from neighbouring properties.</p> <p>(d) Costs to the community from not contributing, to the extent possible, to the economic growth of the District, through employment (construction employment, employment within the potential commercial activities).</p> <p>(e) Costs from the likelihood of foreclosing the opportunity for the land to be urbanised in the future, because land will be difficult to “up-zone” to an urban density if in smaller parcels and owned by multiple parties.</p>	<p>(a) Costs to the developer for the development, including the infrastructure, amenity and ecological and public access works.</p> <p>(b) Costs of losing developable area from providing greater setbacks from boundaries to avoid or mitigate potential adverse effects on neighbouring amenities.</p>	<p>(a) Costs from not efficiently using land that is capable of being developed for rural residential or urban densities without adverse effects on the landscape values of the Basin – such areas are a finite resource.</p> <p>(b) Costs of not enabling employment in construction phase of subdivision and development.</p> <p>(c) Costs to the community from not obtaining development contributions and rates income.</p> <p>(d) Costs to the community from not contributing to the economic growth of the District, through employment (construction employment, employment within the potential commercial activities).</p>

	Option A: WBLP	Option B: Ayrburn Zone	Option C: WBRAZ
Benefits	<p>(a) Benefits of using land that can easily absorb development to a rural residential density without significant environmental cost, and the greater efficiencies than retaining the rural zoning.</p> <p>(b) Benefits of enabling public access to and along Mill Creek and linking to the existing wider trail network.</p>	<p>(a) Benefits of using land that can easily absorb development to an urban density without significant environmental cost, and the resulting greater efficiencies than either rural use or rural residential use.</p> <p>(b) Benefits that all economic costs would lie with the developer, with no additional costs to the community.</p> <p>(c) Benefits of requiring public access to and along Mill Creek, and linking to the existing wider trail network, and benefits from ecological restoration of Mill Creek and margins.</p> <p>(d) Benefits to the community from contributing to the economic growth of the District, through employment (construction employment, employment within the potential commercial activities provided for in the Zone).</p>	<p>(a) Benefits, albeit minor, from the limited agricultural production output the land resource.</p> <p>(b) Benefits to neighbours from retaining large area of open space as farmland (but subject to permitted activity rights to plant shelter belts)</p>

8.2 I therefore conclude that the benefits of the Ayrburn Zone outweigh the costs of the Ayrburn Zone, and also outweigh the benefits of the other two options. The benefits of the WBLP outweigh those of the WBRAZ.

9 Principle (e): 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, ONL/ONF)

9.1 There are no additional overlays or constraints. The provisions do not affect the heritage values of the scheduled buildings on the site.

9.2 I address the site specific topographical features of the site in Sections 10 and 16 below.

10 Principle (f): 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)

10.1 The WBLP will achieve this principle for the reasons generally expressed in the Council's evidence.

10.2 The Ayrburn Zone Structure Plan has been devised to take into account the locational and environmental features and values of the site, including:

- (a) The proximity to the Waterfall Park Zone and the opportunities to integrate with this Zone
- (b) The flat terraces which have high capacity to absorb change without adverse effects on landscape values;
- (c) The heritage features and the opportunity to adapt these for commercial / visitor use to serve both the Waterfall Park Zone and the Ayrburn Zone;
- (d) Mill Creek and its margins and floodplain;
- (e) The proximity of the rural residential development to the south and the desirability of protecting the wider views and amenity values from those properties;
- (f) The safe and efficient access into the site and to the Waterfall Park Zone from an arterial road, to better accommodate traffic;
- (g) The proximity of the Queenstown Trail and the opportunities to link this to Mill Creek and Waterfall Park to enhance the public walkway / cycleway network;
- (h) The proximity to the existing trunk infrastructure along Arrowtown-Lake Hayes Road;
- (i) The proximity to existing public transport

10.3 For these reasons I consider that Principle (f) has been properly contemplated and the Ayrburn Zone is consistent with it.

11 Principle (g): zone changes are not inconsistent with long term planning for the provision of infrastructure and its capacity

11.1 The WBLP development and the Ayrburn Zone are able to connect to the existing reticulated networks where necessary and will also enable legal and practical vehicle access into the currently “landlocked” Waterfall Park Zone. I understand that WBLP development would utilise on-site methods for wastewater.

11.2 Both the WBLP and the Ayrburn Zone are consistent with Principle (g).

12 Principle (h): zone changes take into account effects on the environment of providing infrastructure onsite

12.1 This is not relevant to the Ayrburn Zone in relation to water supply or wastewater disposal because the Zone will connect with the reticulated services. Stormwater is able to be disposed of on site.

12.2 Onsite wastewater disposal from the WBLP is unlikely to result in adverse effects.

13 Principle (i): there is adequate separation between incompatible land uses

13.1 For the WBLP and the Ayrburn Zone, there are no incompatibilities arising from reverse sensitivities in relation to nearby farming activities, to the west, because the separation is provided for by a legal road plus a building setback. There are no other adjacent or nearby incompatible activities.

14 Principle (j): 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

14.1 There are no relevant resource consent approvals for urban use of the Ayrburn land. The resource consent for the new road linking the Waterfall Park Zone with the Arrowtown-Lake Hayes Road, via the Ayrburn land, is relevant to the extent that the new road provides access to both the Ayrburn land and Waterfall Park (assuming the consent decision is not appealed).

15 Principle (k): zoning is not determined by existing use rights, but these will be taken into account

15.1 There are no relevant existing use rights, except that permitted activity status of shelterbelts in the WBRAZ is relevant to consideration of neighbouring residential amenities.

16 Other factors: Context of a site or geographic area

16.1 The relevant local context factors are addressed as follows:

(a) the layout of streets and location of public open space and community facilities;

16.2 A suitable street layout and location of public open space and walkway / cycleway links would be determined at the subdivision stage, within the constraints of the Ayrburn Zone or the WBLP.

(b) land with physical challenges such as steep topography, poor ground conditions, instability or natural hazards;

16.3 The development areas proposed in the Ayrburn Zone exclude:

- The steep topography south of Millbrook;
- The areas required for detention and management of stormwater;
- The margins of Mill Creek, to protect and enhance the ecological values of the waterway and its margins and to facilitate public access to and along the margin).

(c) accessibility to centres and the multiple benefits of providing for intensification in locations with easy access to centres; and

16.4 The site has no easy (in the sense of a short stroll or bicycle ride) accessibility to a centre, but it is closer to the centre of Arrowtown than, for example, Lake Hayes Estate, Bridesdale, Shotover Country Estate or Arthurs Point are to a centre and it is located on an existing public transport route. Hence, the location of the Ayrburn Land in relation to a centre is not out of character with other urban areas within the Basin.

(d) the ability of the environment to absorb development.

16.5 The site is able to absorb development, as identified in the Wakatipu Basin Land Use Study, the Landscape Character Unit 8 description in Chapter 24 and the “High” rating of capacity to absorb development, and as discussed by Mr Skelton⁶.

16.6 The urban development proposed under the Ayrburn Zone would present, to the outside viewer, a visual outcome not dissimilar to the WBLP outcome except that the openness of the paddocks

⁶ Evidence of Steve Skelton dated 13 June 2018

adjacent to Arrowtown-Lake Hayes Road would be retained by the Ayrburn Zone but would, outside the 75m setback area, be developed under the WBLP provisions.

- 16.7 The cumulative effects of development, in combination with the effects of other development, is relevant under this Principle. The site of the Ayrburn Zone can absorb development, as discussed above, and has no greater visual impact, in a cumulative sense, than the WBLP. Traffic and infrastructure impacts are manageable and do not contribute to any adverse cumulative effects, in reliance in Mr Carr⁷ and Ms Richards⁸. There is no public place, except perhaps from a very elevated, very distant viewpoint, from where the WBLP or Ayrburn Zone development would be visible in the same view as, say some or all of Arrowtown, Millbrook, the northern and eastern Lake Hayes development areas, Bendemeer, the Hills area, or the Hogans Gully area.
- 16.8 I therefore do not consider that any adverse cumulative effects arise from the Ayrburn Zone or the WBLP, in combination with other existing or proposed development.

17 Other matters: the objectives and policies of PDP Chapter 29 – Transport

- 17.1 Resource consent RM171280, which seeks the construction and use of a new road connecting the Ayrburn land and the Waterfall Park land to the Arrowtown-Lake Hayes Road, was granted by the Council's Commissioners on 1 June 2018. As at the date of this evidence the appeal period in relation to this decision is still open.
- 17.2 The road proposed as part of the Ayrburn Zone Structure Plan is on the same alignment as the RM171280 road. In the circumstances, I consider that the Structure Plan road should be assessed under the relevant objectives of Chapter 29 of the PDP. I do this in [Attachment E](#).
- 17.3 The objectives and policies focus on several key themes:
- Providing for safe and efficient transportation networks;
 - Ensuring transport networks do not adversely affect surrounding amenities and landscape and visual amenities;
 - Integrating land use and transportation in providing for growth;
 - Enhancing public transport options, and opportunities for pedestrians, cyclists and people with disabilities.

⁷ Evidence of Andy Carr dated 13 June 2018

⁸ Evidence of Jane Richards dated June 2018

17.4 My general conclusions from that assessment are that:

- (a) The purpose of the road as located on the Structure Plan is to provide legal, practical and safe access for pedestrian and vehicle movement from Arrowtown-Lake Hayes Road through to the Waterfall Park Zone and Ayrburn. It provides for all road transport modes as necessary for the purpose of the existing and proposed zones, and for future growth needs, and creates opportunities for public and active transport;
- (b) The road location is compatible with the arterial status of the Arrowtown-Lake Hayes Road;
- (c) Any potential adverse effects of the road location and operational and other effects, such as on nearby amenities, have been recognised such that the effects can be adequately avoided or mitigated at the time of subdivision;
- (d) The proposed location and route provides for safe and efficient transport – vehicular, pedestrian, cycling and for people with disabilities;
- (e) The location is compatible with existing character and amenity values; and
- (f) It can provide for pedestrian and cycle access to and along Mill Creek.

17.5 In my view the proposed road as shown on the Structure Plan achieves the relevant transportation objectives and policies of Chapter 29 of the PDP.

17.6 For completeness, I attach:

- (a) **Attachment F** – my evidence presented to the Hearings Commissioners for RM171280; and
- (b) **Attachment G** – a copy of Consent RM171280

18 Part 2 of the Act

Section 6

18.1 The following s6 matters of national importance are relevant:

- (a) **the preservation of the natural character of the ... lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;**

- (d) **the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;**

18.2 I consider that of the three options the Ayrburn Zone is the only one that directly achieves s6(a) because it contains rules that require the protection (and enhancement) of the natural character of Mill Creek and its margins. The WBLP would provide for protection through marginal strips, but the WBRAZ would not provide such protection. Similarly, the Ayrburn and WBLP options would provide for public access to and along the margins of Mill Creek, but the WBRAZ would not because it is not in any way incentivised by the WBRAZ provisions.

Section 7

18.3 The following matters must be given particular regard under section 7 of the Act:

- (b) **the efficient use and development of natural and physical resources;**
- (c) **the maintenance and enhancement of amenity values;**
- (d) **intrinsic values of ecosystems;**
- (f) **maintenance and enhancement of the quality of the environment;**
- (g) **any finite characteristics of natural and physical resources;**
- (h) **the protection of the habitat of trout and salmon.**

18.4 I consider that the WBRAZ is an inefficient use of the Ayrburn land. To a lesser extent, the WBLP is also an inefficient use of the land. The two most dominant resource management challenges facing this District have been and will continue to be the protection of landscape and nature conservation values, on the basis that maintaining these values is critical to underpinning the District's economy; and where and how to accommodate the District's long term growth.

18.5 The Ayrburn land is one of the few greenfields areas in the Wakatipu Basin whose natural and physical attributes allow it to absorb an amount of urban development without detracting from landscape and nature conservation values. The Ayrburn land is therefore an important strategic resource and it should be utilised for urban activities to contribute to the long-term accommodation of projected growth, for the foreseeable future and beyond the current PDP planning period.

18.6 I therefore consider that under s7(b), the Ayrburn Zone provides for the most efficient use and development of the natural and physical resources of the land given the physical attributes of the land, the ability to service the development, and taking into account the landscape values of the site and the wider area and the cost / benefit analysis set out in Part 8 of my evidence. The Ayrburn Zone is a significantly more efficient use of the natural and physical resources of the land than the WBLP or the WBRAZ.

- 18.7 On ss7(c) and (f): the amenity values of the wider area will in my view be better maintained by the Ayrburn Zone than the WBLP, by the provision in the Structure Plan of substantial open space areas separating built development from neighbouring land. The Ayrburn Zone will better enhance the quality of the environment by the protection and rehabilitation of the nature conservation values of Mill Creek. The WBRAZ achieves maintenance of amenity values, by not causing change, but does not contribute to maintaining or enhancing the quality of the environment in respect of the site's nature conservation values and does not manage the effects which can arise from permitted activities such as rural shelterbelts.
- 18.8 On s7(g), I consider that large land holdings which can absorb development, and within which comprehensively designed developments that will bring substantial socio-economic benefits to the District in a way that positive environmental outcomes arise while avoiding and mitigating potential adverse landscape effects, are a finite resource. They are better addressed in a bespoke regulatory regime.
- 18.9 On s7(h), the habitat of trout is better protected under the Ayrburn Zone.

Section 5

- 18.10 I consider that the Ayrburn Zone achieves the sustainable management purpose of the Act by enabling appropriate activities and development, and accordingly social and economic well-being, in a manner that sustains the potential of the natural and physical resources of the Ayrburn land and the wider Wakatipu Basin, for future generations. The Ayrburn Zone directly safeguards the life-supporting capacity of air, water, soil, and ecosystems within the site. It avoids or adequately mitigates potential adverse effects including effects on landscape and visual amenity values, by the carefully crafted Structure Plan and the various controls.
- 18.11 The Ayrburn Zone better achieves the purpose of the Act than the WBLP, because it more efficiently absorbs development and better addresses peripheral amenity and nature conservation values.
- 18.12 The WBRAZ, while effectively providing for no change to the values of the site, does not provide for socioeconomic wellbeing and does not protect the nature conservation values of the site or neighbouring amenity values. Unlike the Ayrburn Zone or the WBLP, it does not incentivise any protection or enhancement.
- 18.13 Taking into account the attributes of the Ayrburn land, I consider that the most appropriate way to achieve the purpose of the Act is to adopt the Ayrburn Zone.

19 The Council's s42A report

19.1 The WPDL submission is addressed in Part 31 of Mr Langman's evidence. I comment on his evidence as follows:

- (a) On his paragraphs 31.1 and 31.2, the concerns in relation to traffic and infrastructure are addressed in the evidence of Mr Carr and Ms Richards, respectively. The Ayrburn Zone can be serviced with adequate roading and infrastructure.
- (b) On his paragraph 31.3, the ecological matters in relation to Mill Creek are addressed by Ms Goldsmith.
- (c) On his paragraph 31.4, the landscape issues are addressed by Mr Skelton. Further, on the issue of "urban form proposed hard up to existing rural residential development" and the amenity impacts arising, I note the open space buffer areas required by the Structure Plan (50m, 25m and 100m, depending on location vis-à-vis existing topography and vegetation), which are significantly greater than the building setbacks required by the WBLP (10m) plus the vegetation retention controls, the combination of which better protects the amenities of neighbours than the WBLP. The open space buffer areas and the vegetation retention controls are illustrated by the plan in [Attachment H](#) which is an aerial photograph overlaid by the Ayrburn Zone Structure Plan.
- (d) On his paragraph 31.6 and 61.2, he addresses the anomaly of the wedge in the zoning between the two parcels of Waterfall Park Zone. Although he accepts Ms Gilbert's landscape assessment that the wedge should be included in the WPZ, he considers there is insufficient information regarding infrastructure and ecology. A site visit would have demonstrated to him that there are no different or overwhelming ecological issues to deal with, as has been confirmed by Ms Goldsmith⁹. Infrastructure is adequately dealt with by Ms Richards¹⁰.
- (e) On his paragraph 31.8, he considers that the Ayrburn Zone does not provide a defensible urban boundary. I disagree. The topography and natural features of the land, and the Millbrook Zone, prevent extension to the north. The zone boundary with the rural residential properties, and the substantial buffers proposed, prevent extension to the south. The only possible extension would be over the flat land to the west. The legal road and public walkway, plus the UGB, is as defensible a tool as is available, and will be significantly stronger than the shallow gully recommended by the Council as the

⁹ Evidence of Ruth Goldsmith dated 12 June 2018, paragraph 5.1

¹⁰ Evidence of Jane Richards dated June 2018, paragraph 4.6

western boundary of the WBLP. In addition, I understand there are further legal limitations to developing that land to the west.

- (f) On his paragraphs 31.10 and 31.11, I address the urban development issues in my assessment of the Strategic Direction and Urban Growth chapters, in Attachment C and in Part 5 above. I consider that, along with the WPZ, a UGB is appropriate for this location, for the reasons I have already expressed.
- (g) On his paragraph 31.12, the submission is seeking a different zoning regime to the Wakatipu Basin provisions, and therefore the Chapter 24 objectives and policies are not relevant. The higher order provisions, in Chapters 3, 4 and 6, are relevant, in line with the Commission's adopted principles for rezoning and I have addressed them at length (in Attachment C and Part 5 above). Mr Langman has not, despite the claim in his paragraph 2.7 that he has considered the submissions carefully against the Chapter 3 and 4 provisions. My conclusions from my evaluation are that the Ayrburn Zone better achieves the higher order provisions than the WBLP or the WBRAZ.
- (h) On his paragraph 31.13, Mr Langman has not assessed the proposed changes against the provisions of s32, and his conclusions are not founded by any meaningful planning evaluation. Further, his claim in his Paragraph 5.7 that he has adopted the Commissioners' rezoning principles in reaching his conclusions is not founded on any meaningful analysis contained in the s42A report.

20 Summary and conclusions

20.1 For the Ayrburn land I consider that the Ayrburn Zone objectives are the most appropriate for achieving the higher order objectives of the PDP and the purpose of the Act. They are more appropriate than the WBLP objectives and significantly more appropriate than the WBRAZ objectives, for this land. The methods (policies and rules) of the Ayrburn Zone are the most effective and efficient for achieving the higher order objectives, in my view.

20.2 In conclusion, I consider that the Ayrburn Zone is the better, superior option.

J A Brown
13 June 2018

Attachment A**Curriculum vitae – Jeffrey Brown****Professional Qualifications**

1986: Bachelor of Science with Honours (Geography), University of Otago

1988: Master of Regional and Resource Planning, University of Otago

1996: Full Member of the New Zealand Planning Institute

Employment Profile

May 05 – present: Director, Brown & Company Planning Group Ltd – resource management planning consultancy based in Queenstown and Auckland. Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan preparation, changes, variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.

1998 – May 2005: Director, Baxter Brown Limited – planning and design consultancy (Auckland and Queenstown, New Zealand). Consultants in resource management statutory planning, landscape architecture, urban design, strategic planning, land development, environmental impact assessment, public liaison and consultation.

1996-1998: Director, JBA, Queenstown – resource management consultant.

1989 – 1996: Resource management planner in several local government roles, including Planner (1992 – 1994) and District Planner (1994 – 96), Queenstown-Lakes District Council. Held responsibility for all policy formulation and consent administration.

Other

- New Zealand Planning Institute – presenter at *The Art of Presenting Good Planning Evidence* workshops for young planners (2016 –)
- Judge, New Zealand Planning Institute Best Practice Awards (2017 –)

Attachment B

Proposed provisions:

Chapter 47: Ayrburn Zone

Chapter 27: Subdivision Chapter amendments

Chapter 47: Ayrburn Zone provisions

47 Ayrburn Zone

47.1 Purpose

The purpose of the Ayrburn Zone is to provide for the development of residential, retirement and visitor activities and facilities, sympathetic to the natural setting. The site is bordered by a high quality scenic environment which includes the Millbrook Zone and the Waterfall Park Zone.

The focus of the zone is Mill Creek which flows through the centre of the zone, and the heritage features of the Ayrburn Homestead and Stone Farm Buildings. Development limits are imposed in the zone given its scenic and environmental qualities. Development is to complement and enhance the natural and scenic values contained within the zone.

47.1 Objectives and Policies

47.1.1 Objective – Residential, recreation and visitor facilities and activities developed in an integrated manner with particular regard for the natural and scenic values of the setting.

Policies

- 47.1.1.1 Ensure that the external appearance of buildings and other structures are appropriate to the location with particular regard to the site's natural and scenic values.
- 47.1.1.2 Enable retirement living to be developed in association with a variety of residential densities in an integrated manner.
- 47.1.1.3 Facilitate the complementary development of activities in association with the adjoining Waterfall Park Zone.
- 47.1.1.4 Require all development to be located in accordance with the Structure Plan.
- 47.1.1.5 Protect and enhance the important natural features on the site.
- 47.1.1.6 Enable and encourage access for the public to and through the zone to enjoy the natural attributes within the zone and the adjoining Waterfall Park Zone.
- 47.1.1.7 Protect and enhance the important heritage features of the site.
- 47.1.1.8 Avoid or mitigate adverse effects on the amenities of properties adjoining the Zone using building setbacks, landscaping controls and retention of mature vegetation.

47.1.2 Objective – Protection and enhancement of the ecological values of Mill Creek.

Policies

- 47.1.1.1 Ensure that wastewater and water supply services and stormwater treatment are provided and managed so as not to adversely impact on water quality within or downstream of the site.

- 47.1.1.2 Prevent stock from accessing Mill Creek and ensure riparian planting along the banks of Mill Creek.

47.2 Other Provisions and Rules

47.2.1 District Wide

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

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

47.2.2 Clarification

- 47.2.2.1 A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules.

- 47.2.2.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

- 47.2.2.3 The following abbreviations are used within this Chapter.

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

47.3 Rules - Activities

	Activities located in the Ayrburn Zone	Activity status
47.3.1	Activities which are not listed in this table	NC
47.3.2	In the Residences Area (R) of the Structure Plan: Residential, Retirement Village, Community Activities	C
47.3.3	In the Village Area (V) of the Structure Plan: Visitor Accommodation (including ancillary facilities: licensed premises, conference, cultural and resort facilities, and office and administration)	C

	Activities located in the Ayrburn Zone	Activity status
47.3.4	Residential, Retirement Village, Community Activities, Visitor Accommodation (including ancillary facilities: licensed premises, conference, cultural and resort facilities, and office and administration) not otherwise identified	NC
47.3.5	In all Structure Plan Activity Areas: Recreation Facilities (noting that in areas shown as O/BR on the Structure Plan recreation facilities shall not include buildings or structures) Administration activities for administering and servicing of other facilities within the zone, including storage, maintenance and depot facilities	C
47.3.6	For the Controlled Activities in Rules 47.3.2, 47.3.3 and 47.3.5, control is reserved to all of the following: <ul style="list-style-type: none"> • Location and external appearance of buildings • Setback from roads • Setback from internal boundaries • Vehicle access and street layout • Outdoor living space • Street scene including landscaping • Enhancement of ecological and natural values • Provision for internal walkways, cycle ways and pedestrian linkages • Noise • Vegetation within any O/BR area shown on the Structure Plan, including species location, and whether vegetation should be limited to pasture grass to ensure appropriate visual amenity outcomes. • Vegetation within the 15m wide O/BR area along the western boundary of the zone to create a vegetative buffer which partially screens built development as viewed from the Queenstown Trail while maintaining appropriate views from the Queenstown Trail. • Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated. 	C
47.3.7	Licensed Premises not otherwise identified	N/C
47.3.8	Manufacturing and/or product assembling activities	PR
47.3.9	Fish or meat processing	PR
47.3.10	Fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or wrecking, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956.	PR
47.3.11	Factory Farming	PR
47.3.12	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

47.4 Rules - Standards

	Standards for activities located in the Ayrburn Resort Zone	Non-compliance Status
47.4.1	<p>Setbacks</p> <p>No building or structure shall be located within the areas marked O/BR on the Structure Plan, and no building shall be located closer than 7m from Mill Creek, provided this standard does not apply to bridges crossing Mill Creek.</p>	D
47.4.2	<p>Residential Capacity</p> <p>The maximum number of residential units within the Zone shall be limited to 200.</p>	D
47.4.3	<p>Building Height</p> <p>The maximum height of buildings shall be:</p> <ul style="list-style-type: none"> • Visitor Accommodation, (including facilities integrated with and ancillary to Visitor Accommodation) – 8 m • Residential buildings - 8m • All other buildings and structures - 4m 	NC
47.4.4	<p>Glare shall comply with all of the following:</p> <ul style="list-style-type: none"> • All fixed lighting shall be directed away from adjacent roads and properties, and so as to limit effects on the night sky. • Any building or fence constructed or clad in metal, or material with reflective surfaces shall be painted or otherwise coated with a non-reflective finish. • No activity shall result in a greater than 3.0 lux spill, horizontal and vertical, of light onto any property located outside of the Zone, measured at any point inside the boundary of the adjoining property. 	NC
47.4.5	<p>Maximum Total Site Coverage</p> <p>The maximum site coverage shall not exceed 5% of the total area of the Zone. For the purposes of this Rule, site coverage excludes bridges and roads and parking areas.</p>	NC
47.4.6	<p>Fire Fighting</p> <p>A fire fighting reserve of water shall be maintained of a capacity sufficient to service the Zone. The storage shall meet the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008.</p>	NC

	Standards for activities located in the Ayrburn Resort Zone	Non-compliance Status
47.4.7	<p>Atmospheric Emissions</p> <p>There shall be no indoor solid fuel fires, except for feature open fireplaces in communal buildings including bars and restaurants.</p> <p>Note – Council bylaws and Regional Plan rules may also apply to indoor and outdoor fires.</p>	NC
47.4.8	<p>Retail sales</p> <p>No goods shall be displayed, sold or offered for sale from a site except:</p> <ul style="list-style-type: none"> • goods grown, reared or produced on the site; • goods retailed within a retirement village for the benefit of residents; • within those areas of the Structure Plan identified as Village. 	NC
47.4.9	<p>Protection of Mill Creek</p> <p>No building shall be constructed within any area marked R or V on the Structure Plan until the following works have been completed:</p> <ol style="list-style-type: none"> a) The margins and banks along both sides of the full length of Mill Creek shall be planted in appropriate riparian species. The planting shall have a minimum width of 2m and an average width of 3m, including the upper and lower bank zones; b) Stock shall be prevented from accessing Mill Creek; c) A grass strip of minimum width 1m shall be provided between the riparian planting and any stock fencing; d) All planting carried out in fulfilment of this Rule shall be subject to a consent condition requiring that the planting is maintained in perpetuity. If any plant dies or becomes diseased it shall be replaced as soon as practicable. Maintenance shall include weed and pest control. 	NC
47.4.10	<p>Public access</p> <ol style="list-style-type: none"> (a) A public walkway and cycleway trail shall be provided adjacent to and along the full length of Mill Creek, except where impractical due to any bridge; (b) A public walkway and cycleway trail shall connect the trail in (a) above with the Queenstown Trail which runs adjacent to the western boundary of the Zone. 	NC
47.4.11	<p>Vegetation</p> <ol style="list-style-type: none"> (a) No vegetation which grows to greater than 2m in height at maturity shall be planted within 25m of the southern boundary of the Zone; (b) No vegetation other than pasture grass shall be planted within 25m of the eastern boundary of the Zone, provided that this standard does not apply to avenue trees along a vehicle access. (c) No vegetation other than pasture grass shall be planted within 130m of the northern boundary of the Zone. (d) Trees located within the Tree Protection Areas shown on the Structure Plan cannot be removed or trimmed, provided this standard does not apply to branches which extend outside the Tree Protection Areas. 	D

47.5 Rules - Non-Notification of Applications

47.5.1 All applications for Controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.

47.6 Ayrburn Zone Structure Plan



Millbrook Zone

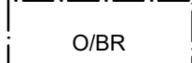
Waterfall Park Zone

Key:

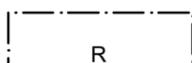
 Access Road

 Mill Creek

(Ayrburn Zone)

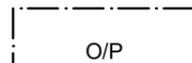
 O/BR Open Space / Building Restriction

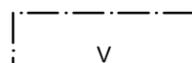
 V Village

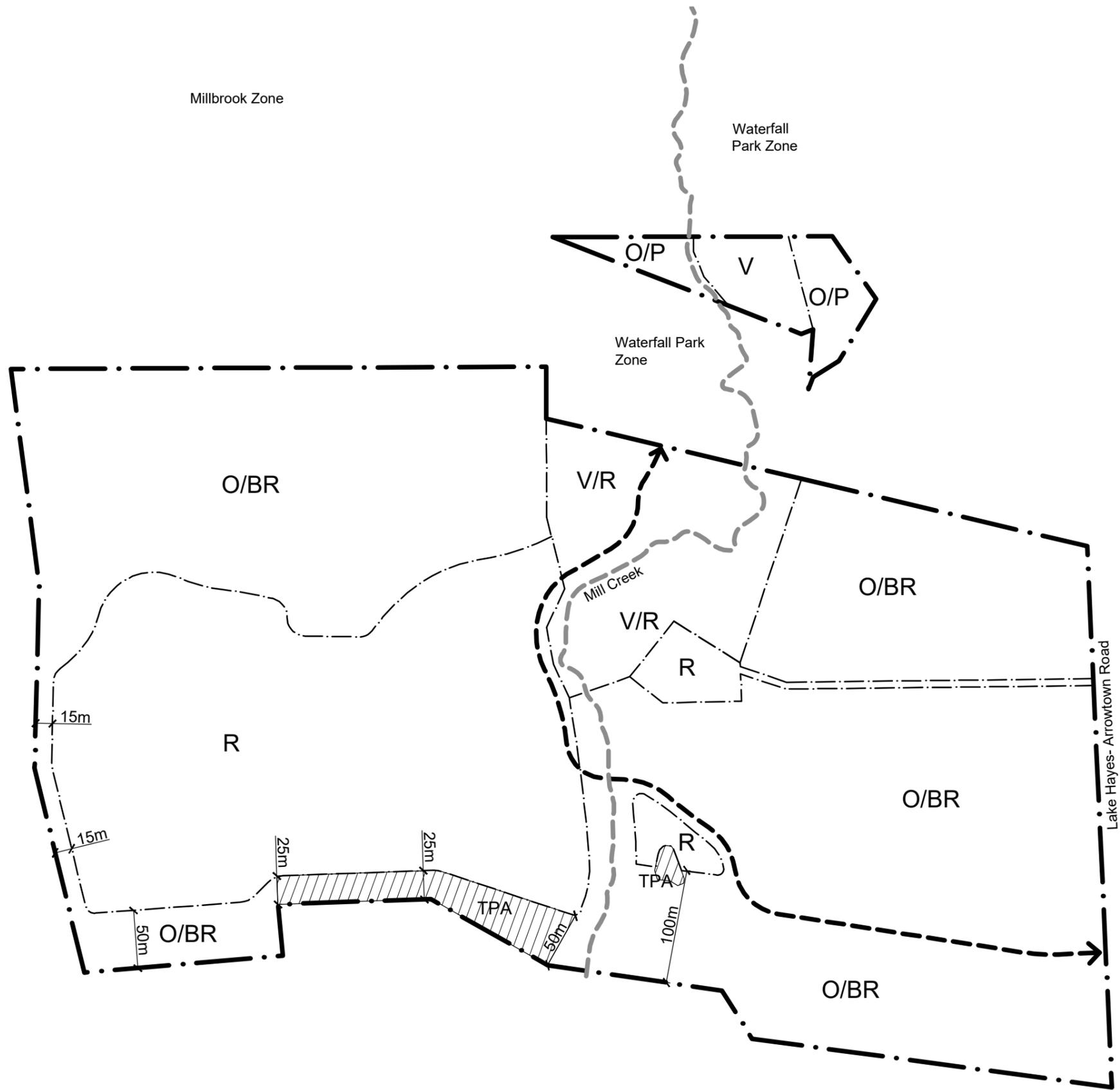
 R Residential

 TPA Tree Protection Area

(Waterfall Park Zone)

 O/P Open Space

 V Village



AYRBURN ZONE STRUCTURE PLAN

Scale 1:4000 @ A3

4.3 Consequential amendment to Chapter 27 – Subdivision

- (a) Modify Chapter 27 to provide for subdivision as a Controlled Activity in the Ayrburn Zone:

27.4.4 The following shall be controlled activities:

- (a) Subdivision in Ayrburn Zone. Control is limited to the following:
- (i) Lot size and dimensions, including the variety of lot sizes and whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use;
 - (ii) Property access and roading;
 - (iii) Natural hazards;
 - (iv) Fire fighting water supply;
 - (v) Water supply;
 - (vi) Stormwater disposal;
 - (vii) Sewage treatment and disposal;
 - (viii) Energy supply and telecommunications;
 - (ix) Easements;
 - (x) The provision of open space areas, walkway and cycleway linkages, and their connectivity within the Zone and to the boundaries of the Zone;
 - (xi) Vegetation within any O/BR area shown on the Structure Plan, including species, location and whether vegetation should be limited to pasture grass to ensure appreciate visual amenity outcomes.
 - (xii) Vegetation within the 15m wide O/BR area along the western boundary of the Zone to create a vegetative buffer which partially screens built development as viewed from the Queenstown Trail while maintaining appropriate views from the Queenstown Trail.

- (b) Modify Table 27.5.1 as follows:

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

Zone	Minimum Lot Area
...	...
Millbrook	No minimum
Waterfall Park	No minimum
<u>Ayrburn</u>	<u>No minimum</u>

27.7 Zone – Location Specific Rules

Add a new section in the Table as follows:

	Zone and Location Specific Rules	Activity Status
...
27.7.10	<u>Ayrburn Zone</u> <u>27.7.10.1</u> Any subdivision that is inconsistent with the Ayrburn Zone Structure Plan contained in Section 27.13	<u>NC</u>

	<p><u>27.7.10.2</u> <u>Subdivision failing to comply with any of the following:</u></p> <p>(a) <u>Any subdivision of land containing any part of an O/BR area shown on the Structure Plan that does not require, by condition of consent, the following requirements to be registered in a consent notice on the relevant titles (to the extent that the following requirements apply to that land):</u></p> <p>(b) <u>No vegetation which grows to greater than 2m in height at maturity shall be planted within 25m of the southern boundary of the Zone;</u></p> <p>(c) <u>No vegetation other than pasture grass shall be planted within 25m of the eastern boundary of the Zone, provided that this standard does not apply to avenue trees along a vehicle access;</u></p> <p>(d) <u>No vegetation other than pasture grass shall be planted within 130m of the northern boundary of the Zone;</u></p> <p>(e) <u>Trees located within the Tree Protection Areas shown on the Structure Plan cannot be removed or trimmed, provided this standard does not apply to branches which extend outside the Tree Protection Areas;</u></p> <p>(f) <u>All planting carried out as required by Rule 47.4.9 (in relation to planting to protect the values of Mill Creek) shall be maintained in perpetuity. If any plant dies or becomes diseased it shall be replaced as soon as practicable. Maintenance shall include weed and pest control.</u></p>	<p><u>NC</u></p>
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27.13 Structure Plans

Add a new section as follows:

27.13.7 Structure Plan: Ayrburn Zone



Millbrook Zone

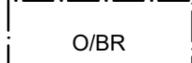
Waterfall Park Zone

Key:

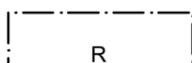
 Access Road

 Mill Creek

(Ayrburn Zone)

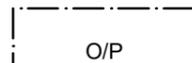
 O/BR Open Space / Building Restriction

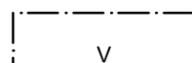
 V Village

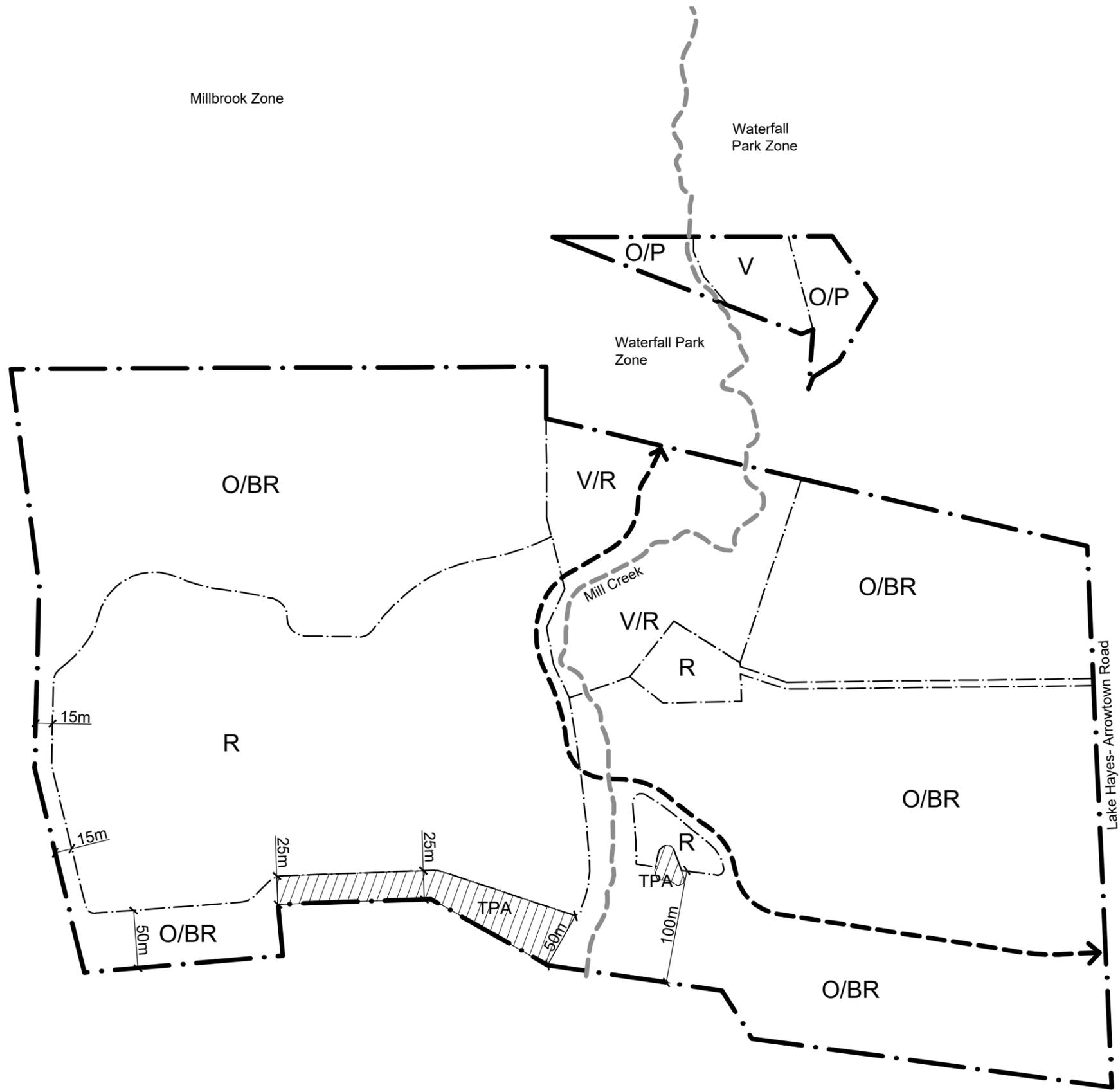
 R Residential

 TPA Tree Protection Area

(Waterfall Park Zone)

 O/P Open Space

 V Village



AYRBURN ZONE STRUCTURE PLAN

Scale 1:4000 @ A3

Attachment C

Assessment of PDP Stage 1 – Decisions Version: higher order objectives and policies

Chapter 3 – Strategic Direction

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?		
		Option A: Wakatipu Basin Lifestyle Precinct (40 – 61 rural lifestyle lots)	Option B: Ayrburn Zone (up to 200 residential units, possibly including a retirement village)	Option C: Wakatipu Basin Rural Amenity Zone (minimal extent of (non-economic) farming)
3.2 – Strategic Objectives				
3.2.1	The development of a prosperous, resilient and equitable economy in the District.	Yes. Provision of additional housing plus construction activities	Yes. As with Option A but to greater extent	No
3.2.1.1	<i>The significant socioeconomic benefits of well designed and appropriately located visitor industry facilities and services are realised across the District.</i>	Not relevant	Not relevant	Not relevant
3.2.1.2	<i>The Queenstown and Wanaka town centres are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.</i>	Not relevant	Not relevant	Not relevant
3.2.1.3	<i>The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.</i>	Not relevant	Not relevant	Not relevant.
3.2.1.4	<i>The key function of the commercial core of Three Parks is focused</i>	Not relevant	Not relevant	Not relevant

	<i>on large format retail development.</i>			
3.2.1.5	<i>Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres 2, Frankton and Three Parks, are sustained.</i>	Not relevant	Not relevant	Not relevant
3.2.1.6	<i>Diversification of the District's economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.</i>	No	No	No
3.2.1.7	<i>Agricultural land uses consistent with the maintenance of the character of rural landscapes and significant nature conservation values are enabled.</i>	No	No	Yes. The WBRAZ would maintain some agricultural uses and rural landscape
3.2.1.8	<i>Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained.</i>	No	No	No
3.2.1.9	<i>Infrastructure in the District that is operated,</i>	Yes. Connection to existing Council services can be provided efficiently,	Yes. Connection to existing Council services can be provided efficiently, for	No

	<i>maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment.</i>	for water supply and roading (wastewater and stormwater would be addressed by on-site measures).	water supply, wastewater and roading (stormwater would be addressed by on-site measures).	
3.2.2	Urban growth is managed in a strategic and integrated manner.	Not relevant as the WBLP does not enable urban growth	Yes. The Ayrburn Zone provides for urban development in an appropriate location and contributes to the strategic and integrated management of urban growth. The zone integrates with the Waterfall Park Zone, with shared roading and servicing, open space connections, and connections with other adjacent zones.	Not relevant as the WBRAZ does not enable urban growth
3.2.2.1	<p><i>Urban development occurs in a logical manner so as to:</i></p> <ul style="list-style-type: none"> <i>a. promote a compact, well designed and integrated urban form;</i> <i>b. build on historical urban settlement patterns;</i> <i>c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;</i> <i>d. minimise the natural hazard risk, taking into account the predicted effects of climate change;</i> <i>e. protect the District's rural</i> 	Not relevant	<p>Yes. Urban development will be logical, as follows, in relation to (a) – (h):</p> <ul style="list-style-type: none"> a. Yes. The Ayrburn Zone provides a compact, well designed urban form and integrates with the adjoining Waterfall Park Zone; b. Yes, to the extent that it builds on the Waterfall Park Zone which has existed (albeit undeveloped) for many decades. c. Yes. It can achieve a built environment that provides desirable, healthy and safe places to live, work and play; d. Yes. It can be developed in a way that minimises natural hazard risk; e. Yes. It is located where the rural character is not adversely affected, and hence it protects the rural landscapes from sporadic and sprawling development. It is not "sporadic" because it integrates with the existing 	Not relevant

	<p>landscapes from sporadic and sprawling development;</p> <p>f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;</p> <p>g. contain a high quality network of open spaces and community facilities; and.</p> <p>h. be integrated with existing, and planned future, infrastructure.</p>		<p>Waterfall Park Zone, is adjacent to other Zones (Millbrook, the Rural Residential Zone), and integrates with services, roading, open space and trail linkages) It is not “sprawling” because it is a compact urban form between three different development zones and where the landscape has ability to absorb urban development.</p> <p>f. Yes. It can provide for a mix of housing opportunities including access to housing that is more affordable for residents to live in because it will enable smaller residential lots;</p> <p>g. Yes. It can provide for a high quality network of open spaces;</p> <p>h. Yes. It will be integrated with existing and planned infrastructure</p>	
3.2.3	A quality built environment taking into account the character of individual communities.	Yes. The WBLP is likely to provide for a quality built environment that takes into account the character of the wider area, including the Waterfall Park Zone, the existing rural residential area north of Lake Hayes, and Millbrook.	Yes. The Zone provides for a quality built environment that takes into account the character of the wider area, including the Waterfall Park Zone, the existing rural residential area north of Lake Hayes, and Millbrook	Not relevant
3.2.31	<i>The District's important historic heritage values are protected by ensuring development is sympathetic to those values.</i>	Not relevant except to the extent that the Zone is sympathetic to the heritage values of the protected features within the site	Not relevant except to the extent that the Zone is sympathetic to the heritage values of the protected features within the site	Not relevant
3.2.4	The distinctive natural environments and ecosystems of the District are protected.	Yes. The WBLP will not threaten the natural environment or ecosystems.	Yes. The Zone will not threaten the natural environment and ecosystems. The Zone includes mechanisms to protect, maintain and enhance the values of Mill Creek and its margins	No.
3.2.4.1	<i>Development and land uses that</i>	Yes. The WBLP will continue to sustain the life-	Yes. The Zone will continue to sustain the life-	No. The WBRAZ will not protect or enhance the life-

	<i>sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.</i>	supporting capacity of these in that they will not be adversely affected and Mill Creek will be enhanced	supporting capacity of these in that they will not be adversely affected and Mill Creek will be enhanced	supporting capacity of Mill Creek and its margins
3.2.4.2	<i>The spread of wilding exotic vegetation is avoided.</i>	Yes. The PDP wilding tree rules (Chapter 34) will prevent planting, and development will enable removal of existing	Yes. The PDP wilding tree rules (Chapter 34) will prevent planting, and development will enable removal of existing	No. The WBRAZ would not enable removal of existing wildings
3.2.4.3	<i>The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved or enhanced.</i>	Yes. The WBLP will likely preserve and enhance the natural character of the bed and margins of Mill Creek, through esplanade reserves	Yes. The Ayrburn Zone will preserve and enhance the natural character of the bed and margins of Mill Creek, through esplanade reserves and specific rules	No. The WBRAZ would not protect the bed and margins from stock interference
3.2.4.4	<i>The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.</i>	Yes. The WBLP will not adversely affect the water quality and function of Mill Creek, or Lake Hayes downstream. Water quality will be enhanced by removing land from primary production	Yes. The Ayrburn Zone will not adversely affect the water quality and function of Mill Creek, or Lake Hayes downstream. Water quality will be enhanced by removing land from primary production	No. The WBRAZ would not protect Mill Creek from the effects of stock interference and nutrient inputs arising from farming activities
3.2.4.5	<i>Public access to the natural environment is maintained or enhanced.</i>	Yes. Public access to and along the margins of Mill Creek would be enabled by the WBLP through esplanade reserves, as well as connections to the existing public walkways	Yes. Public access to and along the margins of Mill Creek would be enabled by the Ayrburn Zone, through esplanade reserves, as well as connections to the existing public walkways	No. The WBRAZ does not enable public access
3.2.5	The retention of the District's distinctive landscapes.	Yes. This location can absorb development because visual effects can be contained when viewed from surrounding roads, and the distinctive landscapes are not adversely affected	Yes. This location can absorb development because visual effects can be contained when viewed from surrounding roads, and the distinctive landscapes are not adversely affected	Yes. This location can absorb farming activities because visual effects can be contained when viewed from surrounding roads, and the distinctive landscapes are not adversely affected
3.2.5.1	<i>The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected</i>	Not relevant – the land is not within an ONL or ONF	Not relevant – the land is not within an ONL or ONF	Not relevant – the land is not within an ONL or ONF

	<i>from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.</i>			
3.2.5.2	<i>The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.</i>	Not relevant. The WBLP is identified in this location because of the ability of the land to absorb change without materially detracting from rural character and visual amenity values.	Not relevant. The Ayrburn Zone (including the Structure Plan) directs development to occur in an area that has the potential to absorb change without materially detracting from rural character and visual amenity values.	Not relevant – the WBRAZ are not identified as a Rural Character Landscape
3.2.6	The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.	Yes. The WBLP will contribute to peoples' and communities wellbeing by providing housing and related amenities in an area where development can be absorbed	Yes. The Ayrburn Zone will contribute to peoples' and communities' wellbeing by providing housing and related amenities in an area where development can be absorbed	Yes, to a minor degree arising from uneconomic farming activity
3.2.7	The partnership between Council and Ngāi Tahu is nurtured.	Not relevant	Not relevant	Not relevant
3.2.7.1	<i>Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wahi tupuna, are protected.</i>	Not relevant	Not relevant	Not relevant
3.2.7.2	<i>The expression of kaitiakitanga is enabled by providing for meaningful collaboration with Ngāi Tahu in resource</i>	Not relevant	Not relevant.	Not relevant

	<i>management decision making and implementation.</i>			
3.3 – Strategic policies				
Visitor Industry				
3.3.1	<i>Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone.</i>	Not relevant	Yes. The Ayrburn Zone's visitor / commercial precinct in and around the heritage buildings would contribute to the overall visitor industry	Not relevant
Town Centres and other Commercial and Industrial Areas				
3.3.2	<i>Provide a planning framework for the Queenstown and Wanaka town centres that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths.</i>	Not relevant	Not relevant.	Not relevant.
3.3.3	<i>Avoid commercial zoning that could undermine the role of the Queenstown and Wanaka town centres as the primary focus for the District's economic activity.</i>	Not relevant	Yes. The activities enabled within the visitor / commercial area of the Ayrburn Zone are very small in scale and would not undermine the role of the town centres.	Not relevant
3.3.4	<i>Provide a planning</i>	Not relevant	Not relevant	Not relevant

	<i>framework for the Frankton urban area that facilitates the integration of the various development nodes.</i>			
3.3.5	<i>Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District.</i>	Not relevant	Not relevant.	Not relevant.
3.3.6	<i>Avoid additional commercial zoning that will undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will undermine increasing integration between those areas and the industrial and residential areas of Frankton.</i>	Not relevant	Yes. The activities enabled within the Ayrburn Zone are very small in scale and would not undermine the role of the Frankton commercial areas or their integration with the residential and industrial areas.	Not relevant
3.3.7	<i>Provide a planning framework for the commercial core of Three Parks that enables large format retail development.</i>	Not relevant	Not relevant	Not relevant
3.3.8	<i>Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities.</i>	Not relevant	Not relevant.	Not relevant.
3.3.9	<i>Support the role township commercial precincts and</i>	Not relevant	Not relevant. The small Ayrburn village activity area is unlikely to enable much more than recreation	Not relevant

	<i>local shopping centres fulfil in serving local needs by enabling commercial development that is appropriately sized for that purpose.</i>		activity and café/restaurant uses of the existing heritage buildings	
3.3.10	<i>Avoid commercial rezoning that would undermine the key local service and employment function role that the centres outside of the Queenstown and Wanaka town centres, Frankton and Three Parks fulfil.</i>	Not relevant	Yes. The activities enabled within the Ayrburn Zone are very small in scale and would not undermine the role of the Frankton commercial areas or their integration with the residential and industrial areas.	Not relevant.
3.3.11	<i>Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.</i>	Not relevant	Not relevant	Not relevant
Climate Change				
3.3.12	<i>Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change.</i>	Not relevant	Not relevant	Not relevant
Urban Development				
3.3.13	<i>Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack's Point), Wanaka and Lake Hawea Township.</i>	Not relevant	Yes. The UGB would be applied around the Waterfall Park Zone and the Ayrburn Zone	Not relevant

3.3.14	<i>Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.</i>	Not relevant	Yes. The Ayrburn Zone and Waterfall Park Zone provisions enable urban development within the new proposed UGB and the District Plan provisions would prevent urban development outside the UGB	Not relevant
3.3.15	<i>Locate urban development of the settlements where no UGB is provided within the land zoned for that purpose.</i>	Not relevant	Not relevant	Not relevant
Heritage				
3.3.16	<i>Identify heritage items and ensure they are protected from inappropriate development.</i>	The heritage features within Ayrburn are protected by their listing in the heritage schedule	The heritage features within Ayrburn are protected by their listing in the heritage schedule. The Ayrburn Zone further provides for their restoration and ongoing use by enabling visitor and commercial activities within the activity area that encompasses the heritage features	The heritage features within Ayrburn are protected by their listing in the heritage schedule
Natural Environment				
3.3.17	<i>Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, as Significant Natural Areas on the District Plan maps (SNAs).</i>	Not relevant – there are no SNAs within the subject area.	Not relevant – there are no SNAs within the subject area.	Not relevant – there are no SNAs within the subject area.
3.3.18	<i>Protect SNAs from significant adverse effects and ensure enhanced indigenous biodiversity outcomes to the extent that other adverse effects on SNAs cannot be avoided or remedied.</i>	Not relevant	Not relevant	Not relevant
3.3.19	<i>Manage subdivision and /</i>	Yes. Mill Creek's bed and margins would be protected	Yes. Mill Creek's bed and margins would be would be	Not relevant

	<i>or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced.</i>	(through esplanade reserves)	protected by esplanade reserves and through the Ayrburn Zone provisions providing for riparian fencing and planting	
Rural Activities				
3.3.20	<i>Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes.</i>	Not relevant	Not relevant	Yes. The WBRAZ enables continuation of farming but would not protect the values of Mill Creek
3.3.21	<i>Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.</i>	Not relevant	Not relevant	Not relevant

3.3.22	<i>Provide for rural living opportunities in areas identified on the District Plan maps as appropriate for rural living developments.</i>	Yes. The WBLP achieves this policy	No.	Not relevant
3.3.23	<i>Identify areas on the District Plan maps that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change, and avoid residential development in those areas.</i>	Not relevant – the land is not identified as being unable to absorb further change	Not relevant – the land is not identified as being unable to absorb further change	Not relevant – the land is not identified as being unable to absorb further change
3.3.24	<i>Ensure that cumulative effects of new subdivision and development for the purposes of rural living does not result in the alteration of the character of the rural environment to the point where the area is no longer rural in character.</i>	Yes. The character of the wider area will be largely unaffected due to the locational characteristics of the WBLP	Not relevant as the Ayrburn zone does not provide for rural living.	Not relevant
3.3.25	<i>Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and</i>	Not relevant	Not relevant	Not relevant

	<i>enhancement of the rural environment.</i>			
3.3.26	<i>That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District.</i>	Not relevant except to the extent that subdivision is likely to adhere to “best practice” principles	Not relevant except to the extent that subdivision is likely to adhere to “best practice” principles	Despite the limited subdivision rights that would apply under the WBRAZ, any subdivision under the WBRAZ would likely be “best practice”
3.3.27	<i>Prohibit the planting of identified exotic vegetation with the potential to spread and naturalise unless spread can be acceptably managed for the life of the planting.</i>	Not relevant	Not relevant	Not relevant
3.3.28	<i>Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development.</i>	Yes. Opportunities would be taken at time of subdivision, for example by esplanade reserves	Yes. Opportunities would be taken through Ayrburn Zone rules which will ensure this outcome	No.
Landscapes				
3.3.29	<i>Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps.</i>	Not relevant	Not relevant	Not relevant
3.3.30	<i>Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding</i>	Not relevant – the WBLP development would not have adverse effects on any ONL or ONF.	Not relevant – the Ayrburn Zone development would not have adverse effects on any ONL or ONF.	Not relevant – the WBRAZ in this location would not have adverse effects on any ONL or ONF.

	<i>Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration.</i>			
3.3.31	<i>Identify the District's Rural Character Landscapes on the District Plan maps.</i>	Not relevant – the land is not identified as Rural Character Landscape	Not relevant – the land is not identified as Rural Character Landscape	Not relevant – the land is not identified as Rural Character Landscape
3.3.32	<i>Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded.</i>	Not relevant – land is not identified as Rural Character Landscape. The WBLP is applied because the land has the potential to absorb change	Not relevant – land is not identified as Rural Character Landscape. The WBLP is applied because the land has the potential to absorb change	Not relevant – land is not identified as Rural Character Landscape. The WBLP is applied because the land has the potential to absorb change
Cultural Environment				
3.3.33	<i>Avoid significant adverse effects on wāhi tūpuna within the District.</i>	Yes. The WBLP will have no significant adverse effects on the cultural values of the site or the wider environment.	Yes. The Ayrburn Zone will have no significant adverse effects on the cultural values of the site or the wider environment.	Yes. The WBRAZ will have no significant adverse effects on the cultural values of the site or the wider environment
3.3.34	<i>Avoid remedy or mitigate other adverse effects on wāhi tūpuna within the District.</i>			
3.3.35	<i>Manage wāhi tūpuna within the District, including taonga species and habitats, in a culturally appropriate manner through early consultation and involvement of relevant iwi or hapū.</i>			

Chapter 4 – Urban Development

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?		
		Option A: Wakatipu Basin Lifestyle Precinct (40 – 61 rural lifestyle lots)	Option B: Ayrburn Zone (up to 200 residential units, possibly including a retirement village)	Option C: Wakatipu Basin Rural Amenity Zone (minimal extent of (non-economic) farming)
Chapter 4 – Urban Development – Objectives and Policies				
Objective 4.2.1	Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges.	Not relevant	Yes. The proposal includes an urban growth boundary around the Waterfall Park Zone and the proposed Ayrburn Zone to provide a distinct and defensible edge to the urban development.	Not relevant
Policies 4.2.1.1	<i>Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.</i>	Not relevant	Yes. The proposal includes an urban growth boundary around the Waterfall Park Zone and the proposed Ayrburn Zone to provide a defensible edge to the urban development.	Not relevant
4.2.1.2	<i>Focus urban development on land within and at selected locations adjacent to the existing larger urban settlements and to a lesser extent, accommodate urban development within smaller rural settlements.</i>	Not relevant	Yes. The Ayrburn Zone would be a smaller rural settlement, albeit adjacent to areas of significant change, including the rural residential area, Millbrook, and Waterfall Park	Not relevant
4.2.1.3	<i>Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside</i>	Not relevant	Yes. The proposed UGB will contain the urban development enabled by the Ayrburn and Waterfall Park Zones	Not relevant

	<i>of those boundaries.</i>			
4.2.1.4	<p><i>Ensure Urban Growth Boundaries encompass a sufficient area consistent with:</i></p> <p><i>a. the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;</i></p> <p><i>b. ensuring the ongoing availability of a competitive land supply for urban purposes;</i></p> <p><i>c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;</i></p> <p><i>d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial</i></p>	Not relevant.	<p>Yes. The proposed UGB has a sufficient area, in relation to (a) – (g) of the policy, as follows:</p> <p>a. Yes. The land contributes (in a small way) to the anticipated demand for urban development within the Wakatipu Basin over the planning period;</p> <p>b. Yes. The proposed UGB contributes to the Council's effort in providing ongoing availability of a competitive land supply for urban purposes;</p> <p>c. Yes. The proposed UGB takes into account the constraints on development including by avoiding steeper topography south of Millbrook and the Mill Creek area and margins, the natural hazard risk areas including floodplain; and it incorporates the heritage area;</p> <p>d. Yes. The UGB area can link to existing infrastructure; and it can provide a small visitor / commercial area based within and around the heritage area;</p> <p>e. Yes. The UGB area can enable a compact and efficient urban form by providing a range of lot sizes and affordability; can provide and is comparatively close to employment areas (Arrowtown, Frankton); and can provide its own outdoor recreational spaces;</p>	Not relevant.

	<p><i>uses, and a range of community activities and facilities;</i></p> <p><i>e. a compact and efficient urban form;</i></p> <p><i>f. avoiding sporadic urban development in rural areas;</i></p> <p><i>g. minimising the loss of the productive potential and soil resource of rural land.</i></p>		<p>f. Yes. It is not a “sporadic urban development” in that it:</p> <ul style="list-style-type: none"> • Is adjacent to the Waterfall Park Zone, Millbrook and the rural residential zone; • It can integrate with existing and planned infrastructure; • It is within an area with capacity to absorb change; • It can provide a range of residential product and related activities and facilities <p>g. No. It does not minimise the loss of the productive potential and soil resource of rural land</p>	
4.2.1.5	<p><i>When locating Urban Growth Boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise degradation of the values derived from open rural landscapes</i></p>	Not relevant	Yes. The proposed UGB will not impinge on an ONL or ONF and is not within an open rural landscape	Not relevant
4.2.1.6	<p><i>Review and amend Urban Growth Boundaries over time, as required to address changing community needs.</i></p>	Not relevant	Not relevant	Not relevant
4.2.1.7	<p><i>Contain urban development of existing rural settlements that</i></p>	Not relevant	Not relevant	Not relevant

	<i>have no defined Urban Growth Boundary within land zoned for that purpose.</i>			
Objective 4.2.2A	<i>A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.</i>	Not relevant	Yes. Within the Ayrburn / Waterfall Park UGB the urban form will be compact and integrated, with a range of residential densities, central visitor / commercial area within the heritage precinct, and will be co-ordinated with the existing infrastructure	Not relevant.
Objective 4.2.2B	<i>Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna.</i>	Not relevant	Yes. The substantial open space areas and building restrictions, which contain urban development to within the areas best able to absorb development without significant visibility effects when viewed from public roads, and which maintains surrounding rural amenity. There are no ONLs or ONFs, or significant indigenous flora and fauna, affected by the UGB.	Not relevant.
Policies 4.2.2.1	<i>Integrate urban development with the capacity of existing or planned infrastructure so that the capacity of that infrastructure is not exceeded and reverse sensitivity effects on regionally significant infrastructure are minimised.</i>	Not relevant	Yes. The UGB area will integrate with the capacity of existing and planned infrastructure which has sufficient capacity There are no reverse sensitivity effects on infrastructure.	Not relevant
4.2.2.2	<i>Allocate land within Urban Growth Boundaries into</i>	Not relevant	Yes. Within the UGB the Structure Plan allocates land in the manner sought in the policy, including:	Not relevant.

	<p><i>zones which are reflective of the appropriate land use having regard to:</i></p> <ul style="list-style-type: none"> <i>a. its topography;</i> <i>b. its ecological, heritage, cultural or landscape significance if any;</i> <i>c. any risk of natural hazards, taking into account the effects of climate change;</i> <i>d. connectivity and integration with existing urban development;</i> <i>e. convenient linkages with public transport;</i> <i>f. the need to provide a mix of housing densities and forms within a compact and integrated urban environment;</i> <i>g. the need to make provision for the location and efficient operation of regionally significant infrastructure;</i> <i>h. the need to provide open spaces and community facilities that are located and designed to be safe,</i> 		<ul style="list-style-type: none"> a. the topography – enables development within the areas most suitable for development and disables development outside these areas; b. the ecological, heritage, values are taken into account; c. the natural hazard risks are taken into account; d. there is connectivity and integration with the urban development enabled in Waterfall Park; e. it is able to be conveniently linked to the public transport services linking Arrowtown with other destinations in the Basin; f. it can provide for a mix of housing densities and forms, to create a compact and integrated urban environment; g. it does not require additional regionally significant infrastructure; h. it can (through implementation of the structure plan and subdivision provisions) provide open spaces and community facilities (including, for example, cycle and walkways) that are located and designed to be safe, desirable and accessible; i. it does not affect function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and 	
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	<p><i>desirable and accessible;</i></p> <p><i>i. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and</i></p> <p><i>j. the need to locate emergency services at strategic locations.</i></p>		<p>j. it does cause the need for location of emergency services</p>	
4.2.2.3	<p><i>Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.</i></p>	Not relevant	Not relevant as this policy relates to intensification of existing, developed urban areas, but in any case the zone can link with public transport and can enable higher density development in close proximity to open spaces within the zone (such as around a neighbourhood park)	Not relevant.
4.2.2.4	<p><i>Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.</i></p>	Not relevant	<p>Yes. The Ayrburn and Waterfall Park areas connect with the waterfall and Mill Creek, can connect with Millbrook and Lake Hayes via the existing walkway linkages, in addition to providing their own recreation spaces and linkages.</p> <p>The area can connect with, and support, existing public transport services.</p>	Not relevant.

4.2.2.5	<i>Require larger scale development to be comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.</i>	Not relevant	Yes. This is achieved through specific zone rules	Not relevant.
4.2.2.6	<i>Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.</i>	Not relevant	Yes, to the extent that the subdivision provisions enable this.	Not relevant
4.2.2.7	<i>Explore and encourage innovative approaches to design to assist provision of quality affordable housing.</i>	Not relevant	Yes, to the extent that the subdivision provisions enable this, including in relation to the size of land parcels	Not relevant
4.2.2.8	<i>In applying plan provisions, have regard to the extent to which the minimum site size, density, height, building coverage and other quality controls have a disproportionate adverse effect on housing affordability.</i>	Not relevant	Yes. This can be attained by size of land parcel and unit design	Not relevant
4.2.2.9	<i>Ensure Council-led and private design and development of public spaces and built development maximises public safety by adopting "Crime Prevention Through Environmental Design".</i>	Not relevant	Yes. The District Plan subdivision provisions require this	Not relevant.

4.2.2.10	<i>Ensure lighting standards for urban development avoid unnecessary adverse effects on views of the night sky.</i>	Not relevant	Yes. The provisions achieve this policy, through the rule in relation to the effects of glare	Not relevant.
4.2.2.11	<i>Ensure that the location of building platforms in areas of low density development within Urban Growth Boundaries and the capacity of infrastructure servicing such development does not unnecessarily compromise opportunities for future urban development</i>	Not relevant	Not relevant	Not relevant
4.4.2.12	<i>Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.</i>	Not relevant	Yes. The transition to the adjoining land to the west is managed by a building setback within the UGB	Not relevant
<i>Wakatipu Specific Policies</i>				
4.4.2.13	<i>Define the Urban Growth Boundary for Arrowtown, as shown on the District Plan Maps that preserves the existing urban character of Arrowtown and avoids urban sprawl into the adjacent rural areas.</i>	Not relevant	Not relevant except to the extent that the new UGB is separated from and does not constitute urban sprawl into the rural area adjacent to Arrowtown.	Not relevant
4.4.2.14	<i>Define the Urban Growth Boundaries for the balance of the Wakatipu Basin, as shown on the</i>	Not relevant	The UGB would be defined on the planning maps: (a) it is based on, and expands, the existing Waterfall Park Zone;	Not relevant

	<p><i>District Plan Maps that:</i></p> <p>a. <i>are based on existing urbanised areas;</i></p> <p>b. <i>identify sufficient areas of urban development and the potential intensification of existing urban areas to provide for predicted visitor and resident population increases over the planning period;</i></p> <p>c. <i>enable the logical and sequenced provision of infrastructure to and community facilities in new areas of urban development;</i></p> <p>d. <i>avoid Outstanding Natural Features and Outstanding Natural Landscapes;</i></p> <p>e. <i>avoid sprawling and sporadic urban development across the rural areas of the Wakatipu Basin.</i></p>		<p>(b) it contributes to the sufficiency of land area for urban development to provide for predicted visitor and resident population increases over the planning period;</p> <p>(c) it can connect with existing infrastructure and provide community facilities relevant to this new area of urban development (such as internal parks and other public open spaces);</p> <p>(d) it avoids Outstanding Natural Features and Outstanding Natural Landscapes;</p> <p>(e) it does not constitute sprawling or sporadic development, given:</p> <ul style="list-style-type: none"> • it would likely otherwise be zoned for rural lifestyle purposes, and • it is adjacent to existing areas of development and significant modification • it occupies land that is generally hidden from view from most vantage points • it can connect with existing infrastructure 	
4.4.2.15	<p><i>Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown</i></p>	Not relevant	Not relevant	Not relevant

	<i>Airport to continue and to expand over time.</i>			
4.4.2.16	<i>Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.</i>	Not relevant	Not relevant	Not relevant
4.4.2.17	<i>Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.</i>	Not relevant	Not relevant	Not relevant
4.4.2.18	<i>Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary or Outer Control Boundary are designed and built to achieve appropriate Indoor Design Sound Levels.</i>	Not relevant	Not relevant	Not relevant.
4.4.2.19	<i>Manage the adverse effects of noise from Queenstown Airport by conditions in Designation 2 including a requirement for a Noise Management Plan and a</i>	Not relevant	Not relevant	Not relevant.

	<i>Queenstown Airport Liaison Committee.</i>			
4.4.2.20	<p><i>Ensure that development within the Arrowtown Urban Growth Boundary provides: ...</i></p> <p><i>a. an urban form that is sympathetic to the character of Arrowtown, including its scale, density, layout and legibility, guided by the Arrowtown Design Guidelines 2016;</i></p> <p><i>b. opportunity for sensitively designed medium density infill development in a contained area closer to the town centre, so as to provide more housing diversity and choice and to help reduce future pressure for urban development adjacent or close to Arrowtown's Urban Growth Boundary;</i></p> <p><i>c. a designed urban edge with landscaped gateways that promote or enhance the containment of the town within the</i></p>	Not relevant	Not relevant – the new urban area is not within the Arrowtown UGB	Not relevant.

	<p><i>landscape, where the development abuts the urban boundary for Arrowtown;</i></p> <p><i>d. for Feehley's Hill and land along the margins of Bush Creek and the Arrow River to be retained as reserve areas as part of Arrowtown's recreation and amenity resource;</i></p> <p><i>e. recognition of the importance of the open space pattern that is created by the inter-connections between the golf courses and other Rural Zone land.</i></p>			
4.4.2.21	<p><i>Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that more land is needed to meet demand for urban development in the Wakatipu Basin and a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.</i></p>	Not relevant	Yes. This policy is not relevant because the UGB is being established now so that it applies to the planning period	Not relevant.

Chapter 6 – Landscapes and Rural Character

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?		
		Option A: Wakatipu Basin Lifestyle Precinct (40 – 61 rural lifestyle lots)	Option B: Ayrburn Zone (up to 200 residential units, possibly including a retirement village)	Option C: Wakatipu Basin Rural Amenity Zone (minimal extent of (non-economic) farming)
6.3 – Policies				
Rural Landscape Categorisation				
6.3.1	<i>Classify the Rural Zoned landscapes in the District as:</i> <i>a. Outstanding Natural Feature (ONF);</i> <i>b. Outstanding Natural Landscape (ONL);</i> <i>c. Rural Character Landscape (RCL)</i>	Not relevant	Not relevant	Not relevant
6.3.2	<i>Exclude identified Ski Area Sub-Zones and the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps from the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories applied to the balance of the Rural Zone and from the policies of this chapter related to those categories.</i>	Not relevant	Not relevant	Not relevant

6.3.3	<i>Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply unless otherwise stated.</i>	Yes. The WBLP would be a separate regulatory regime from the rural zoning	Yes. The Ayrburn Zone and the Waterfall Park zone provide separate regulatory regimes – in the same vein as other special zones and the rural living zones.	Not relevant
Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone				
6.3.4	<i>Avoid urban development and subdivision to urban densities in the rural zones.</i>	Not relevant. The WBLP does not enable urban development	Not relevant because the zoning of particular areas of land is being established now, as part of this review process, so that it applies to the planning period	Not relevant. The WBRAZ does not enable urban development
6.3.5	<i>Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character.</i>	Yes. The WBLP will not cause excessive glare and degradation of views of the night sky and landscape character. There is no “remoteness” given the proximity to urban areas	Yes. Glare is taken into account in the proposed zone provisions, and will not cause excessive glare and degradation of views of the night sky and landscape character	Yes. The WBRAZ will not cause excessive glare and degradation of views of the night sky and landscape character. There is no “remoteness” given the proximity to urban areas.
6.3.6	<i>Ensure the District’s distinctive</i>	Not relevant	Not relevant	Not relevant

	<i>landscapes are not degraded by production forestry planting and harvesting activities.</i>			
6.3.7	<i>Enable continuation of the contribution low-intensity pastoral farming on large landholdings makes to the District's landscape character.</i>	Not relevant	Not relevant	Not relevant because this is not a large landholding
6.3.8	<i>Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District's distinctive landscapes.</i>	Not relevant – there is no significant indigenous vegetation within the subject area.	Not relevant – there is no significant indigenous vegetation within the subject area.	Not relevant – there is no significant indigenous vegetation within the subject area.
6.3.9	<i>Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land.</i>	Yes. The provisions will protect the values of Mill Creek and its margins	Yes. The provisions will protect and enhance the values of Mill Creek and its margins	No. The limited subdivision rights under the WBRAZ are unlikely to yield development that realises this policy
6.3.10	<i>Ensure that subdivision and development in</i>	Not relevant	Not relevant	Not relevant

	<i>the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s).</i>			
6.3.11	<i>Encourage any landscaping to be ecologically viable and consistent with the established character of the area.</i>	This is likely to be achieved under the WBLP.	Yes. This is will be achieved under the proposed provisions	No. This is not achieved under the WBRAZ.
Managing Activities in Outstanding Natural Landscapes and on Outstanding Natural Features [note: none of the policies under this topic are relevant because the land is not within an ONL or ONF]				
...				
Managing Activities in Rural Character Landscapes [note: none of the policies under this topic are relevant because the land is not within a Rural Character Landscape]				
...				

Attachment D

Relevant RPS objectives and policies

A. ORC Operative Regional Policy Statement

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?		
		Option A: Wakatipu Basin Lifestyle Precinct (41 – 60 rural lifestyle lots)	Option B: Ayrburn Zone (up to 200 residential units, possibly including a retirement village)	Option C: Wakatipu Basin Rural Amenity Zone (minimal extent of (non-economic) farming)
Chapter 5 - Land				
Objective 5.4.1	<i>To promote the sustainable management of Otago's land resources in order:</i> (a) <i>To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and</i> (b) <i>To meet the present and reasonably foreseeable needs of Otago's people and communities.</i>	Clause (a): No. The WBLP will not maintain the productive capacity of the land resources. Clause (b): Yes. The WBLP will assist in meeting present and reasonably foreseeable needs of the community, for rural lifestyle development.	Clause (a): No. The Ayrburn Zone will not maintain the productive capacity of the land resources. Clause (b): Yes. The Ayrburn Zone will assist in meeting present and reasonably foreseeable needs of the community, for urban development.	Clause (a): Yes, although the land is not economically productive. Clause (b): No. The farming of the land does not contribute to any present or foreseeable needs.
5.4.2	<i>To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.</i>	Yes. The WBLP will not degrade natural and physical resources	Yes. The Ayrburn Zone will not degrade natural and physical resources	No. The WBRAZ will not protect Mill Creek and margins from the adverse effects of farming activities
5.4.4	<i>To ensure that public access opportunities exist in respect of activities utilising Otago's natural and physical land features.</i>	Yes. Public access to and along Mill Creek and to link with existing public walking and cycleways will be enabled	Yes. Public access to and along Mill Creek and to link with existing public walking and cycleways will be enabled	No.
Policies				

5.5.3	<p><i>To maintain and enhance Otago's land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to, among other adverse effects:</i></p> <p>(a) <i>Reduce the soil's life-supporting capacity</i></p> <p>(b) <i>Reduce healthy vegetative cover</i></p> <p>(c) <i>Cause soil loss</i></p> <p>(d) <i>Contaminate soils</i></p> <p>(e) <i>Reduce soil productivity</i></p> <p>(f) <i>Compact soils</i></p> <p>(g) <i>Reduce soil moisture holding capacity.</i></p>	No. This policy is generally directed at soil and its use for farming practices. The WBLP activities do not achieve the items in (a) – (g) because the soil is not to be maintained in farming use	No. This policy is generally directed at soil and its use for farming practices. The Ayrburn activities do not achieve the items in (a) – (g) because the soil is not to be maintained in farming use	Yes and no. The WBRAZ would achieve most of the items in (a) – (g) but would not protect Mill Creek and its margins
5.5.4	<p><i>To promote the diversification and use of Otago's land resource to achieve sustainable landuse and management systems for future generations.</i></p>	Yes, to the extent that the WBLP activities are a diversification of the use of the land resources away from farming, to contribute to the economic well-being of the community	Yes, to the extent that the Ayrburn activities are a diversification of the use of the land resources away from farming, to contribute to the economic well-being of the community	No. The WBRAZ does not diversify the uses of an otherwise uneconomic block of rural land
5.5.7	<p><i>To promote the provision of public access opportunities to natural and physical land features throughout the Otago region except where restriction is necessary:</i></p> <p>(i) <i>To protect areas of significant indigenous vegetation and/or significant habitats of</i></p>	Yes. Public access to and along Mill Creek and to link with existing public walking and cycleways will be enabled	Yes. Public access to and along Mill Creek and to link with existing public walking and cycleways will be enabled	No.

	<p><i>indigenous fauna; or</i></p> <p>(ii) <i>To protect Maori cultural values; or</i></p> <p>(iii) <i>To protect public health or safety; or</i></p> <p>(iv) <i>To ensure a level of security consistent with the purpose of a resource consent or in circumstances where safety and security concerns require exclusive occupation; or</i></p> <p>(v) <i>In other exceptional circumstances sufficient to justify the restriction notwithstanding the importance of maintaining that access.</i></p>			
Chapter 9 – Built Environment				
Objective 9.4.1	<p><i>To promote the sustainable management of Otago's built environment in order to:</i></p> <p>(a) <i>Meet the present and reasonably foreseeable needs of Otago's people and communities; and</i></p> <p>(b) <i>Provide for amenity values, and</i></p> <p>(c) <i>Conserve and enhance environmental and</i></p>	<p>Yes and no:</p> <p>(a) The WBLP will assist in meeting the needs for rural lifestyle development.</p> <p>(b) It would provide for amenity values internally but would not necessarily protect amenity values for surrounding residents.</p> <p>(c) It would conserve and enhance environmental quality by protecting Mill Creek and margins, and landscape quality by locating development in an area where</p>	<p>Yes:</p> <p>(a) The Ayrburn Zone will contribute to meeting the needs for urban development.</p> <p>(b) It would provide for amenity values internally and better protects the amenity values of surrounding residents by substantial building setbacks and landscaping treatment.</p> <p>(c) It would conserve and enhance environmental quality by protecting Mill Creek and margins, and</p>	Not relevant

	<p><i>landscape quality; and</i></p> <p>(d) <i>Recognise and protect heritage values.</i></p>	<p>development can be absorbed;</p> <p>(d) The heritage features within the site are recognised and protected by the existing scheduling</p>	<p>landscape quality by locating development in an area where development can be absorbed;</p> <p>(d) The heritage features within the site are recognised and protected by the existing scheduling, and their adaptive re-use is positively enabled</p>	
9.4.3	<p><i>To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.</i></p>	<p>Yes and no. The location can absorb development without adverse effects on landscape values and Mill Creek and margins would not be adversely affected and would be protected, but the amenity values of surrounding residents are potentially adversely affected.</p>	<p>Yes. The location can absorb development without adverse effects on landscape values, and Mill Creek and margins would not be adversely affected and would be protected. The amenity values of surrounding residents are better protected because of the wide building setbacks and landscaping treatment required by the proposed provisions</p>	<p>Yes and no. Adverse effects on rural character are avoided by the WBRAZ, but adverse effects on Mill Creek and margins would not be avoided, remedied or mitigated</p>
<p>Policies</p> <p>9.5.4</p>	<p><i>To minimise the adverse effects of urban development and settlement, including structures, on Otago's environment through avoiding, remedying or mitigating:</i></p> <p>(a) <i>Discharges of contaminants to Otago's air, water or land; and</i></p> <p>(b) <i>The creation of noise, vibration and dust; and</i></p> <p>(c) <i>Visual intrusion and a reduction in landscape qualities; and</i></p> <p>(d) <i>Significant irreversible effects on:</i></p>	<p>Yes. The WBLP can generally minimise adverse effects on the environment, as follows, in relation to (a) – (d) of the policy:</p> <p>(a) Discharges of contaminants would be managed, through subdivision conditions;</p> <p>(b) Noise, vibration and dust would be managed, through construction management and ongoing rules that apply in the Zone;</p> <p>(c) The Zone is located where development can be absorbed;</p> <p>(d) There are no significant irreversible effects on the matters listed in this clause</p>	<p>Yes. The Ayrburn Zone can generally minimise adverse effects on the environment, as follows, in relation to (a) – (d) of the policy:</p> <p>(a) Discharges of contaminants would be managed, through subdivision conditions;</p> <p>(b) Noise, vibration and dust would be managed, through construction management and ongoing rules that apply in the Zone;</p> <p>(c) The Zone is located where development can be absorbed;</p> <p>(d) There are no significant irreversible effects on the matters listed in this clause</p>	<p>Not relevant</p>

	<ul style="list-style-type: none"> (i) <i>Otago community values; or</i> (ii) <i>Kai Tahu cultural and spiritual values; or</i> (iii) <i>The natural character of water bodies and the coastal environment ; or</i> (iv) <i>Habitats of indigenous fauna; or</i> (v) <i>Heritage values; or</i> (vi) <i>Amenity values; or</i> (vii) <i>Intrinsic values of ecosystems; or</i> (viii) <i>Salmon or trout habitat.</i> 			
9.5.5	<p><i>To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:</i></p> <ul style="list-style-type: none"> (a) <i>Promoting the identification and provision of a level of amenity which is acceptable to the community; and</i> (b) <i>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</i> 	<p>Yes and no.</p> <p>The WBLP would generally maintain the quality of life for people and communities within the internal built environment. On the individual clauses of the policy:</p> <ul style="list-style-type: none"> (a) No. The WBLP would promote a lesser level of amenity for surrounding landowners because of the potential proximity of development to external boundaries of the Zone; (b) Yes. The WBLP would avoid, remedy or mitigate any potential adverse effects on community health and safety, through the relevant subdivision and land use rules; 	<p>Yes.</p> <p>The Ayrburn Zone would generally maintain the quality of life for people and communities within the internal built environment. On the individual clauses of the policy:</p> <ul style="list-style-type: none"> (a) Yes. The Zone promotes substantial building setbacks of development from external boundaries, and landscaping rules within the setbacks, to maintain amenity for surrounding landowners; (b) Yes. The Zone would avoid, remedy or mitigate any potential adverse effects on community health and safety, through the relevant 	Not relevant

	(c) <i>Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.</i>	(c) Yes. The land is capable of absorbing development without adverse effects on landscape values.	subdivision and land use rules; (c) Yes. The land is capable of absorbing development without adverse effects on landscape values.	
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B. ORC Proposed Regional Policy Statement – Decisions Version

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?		
		Option A: Wakatipu Basin Lifestyle Precinct (41 – 60 rural lifestyle lots)	Option B: Ayrburn Zone (up to 200 residential units, possibly including a retirement village)	Option C: Wakatipu Basin Rural Amenity Zone (minimal extent of (non-economic) farming)
Part B Chapter 1				
Objective 1.1	<i>Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago</i>	<p>Yes and no:</p> <ul style="list-style-type: none"> The WBLP would integrate directly with the Waterfall Park Zone (by shared roading and water infrastructure) It would not necessarily integrate with the existing heritage features; It would likely integrate appropriately with Mill Creek and margins; It would integrate with Millbrook and adjacent Zones (by appropriate setbacks, walking and cycleway links). It would potentially integrate, but to a lesser extent than the Ayrburn Zone, with the adjacent rural residential properties to the south It enables development in an area surrounded by development, and where further development is able 	<p>Yes:</p> <ul style="list-style-type: none"> The Ayrburn Zone integrates within itself, by providing appropriate areas for development and no development, internal parks and open space linkages, including in relation to Mill Creek, and integrates with the existing heritage features; It integrates directly with the Waterfall Park Zone by shared roading, water and wastewater infrastructure; It integrates appropriately with other adjacent Zones (by appropriate setbacks, walking and cycleway links); It enables development in an area surrounded by development, and where further development is able to be absorbed in the landscape, thereby integrating with the 	<p>No.</p> <ul style="list-style-type: none"> It does not integrate with the natural values of Mill Creek and margins and does not enable public access to and along the margins; It does not integrate with the Waterfall Park Zone; It does not integrate with other farming land

		to be absorbed in the landscape	wider developed character	
<i>Policy 1.1.1</i>	<p>Integrated resource management</p> <p><i>Achieve integrated management of Otago's natural and physical resources, by all of the following:</i></p> <p>a) <i>Coordinating the management of interconnected natural and physical resources;</i></p> <p>b) <i>Taking into account the impacts of management of one resource on the values of another, or on the environment</i></p> <p>c) <i>Recognising that resource may extend beyond the immediate, or directly adjacent, area of interest;</i></p> <p>d) <i>Ensuring that resource management approaches across administrative boundaries are consistent and complementary;</i></p> <p>e) <i>Ensuring that effects of activities on the whole of a resource are considered</i></p>	<p>Yes and no.</p> <p>In relation to the individual clauses in the policy:</p> <p>(a) Yes and no – the WBLP would co-ordinate with Mill Creek protection and with roading and water infrastructure to Waterfall Park Zone, but would not necessarily co-ordinate with the adjacent rural residential zone vis-à-vis protection of amenity values;</p> <p>(b) Yes and no as above. The WBLP would take into account some effects on other values (eg Mill Creek), but not others (eg neighbouring amenities);</p> <p>(c) Yes and no as above, in that the WBLP would have effects beyond the Zone that are not adequately managed</p> <p>(d) [not relevant]</p> <p>(e) Yes and no – the effects of the WBLP on the entire resource (including the surrounding land uses) are managed adequately but some potential adverse effects would still arise.</p>	<p>Yes.</p> <p>In relation to the individual clauses in the policy:</p> <p>(a) Yes – the Ayrburn Zone would co-ordinate with Mill Creek protection and with roading, water and wastewater infrastructure to Waterfall Park Zone, and would co-ordinate with the adjacent rural residential zone vis-à-vis protection of amenity values by wide development setbacks and landscaping requirements. It co-ordinates with the rural zone to the west by a defensible urban boundary;</p> <p>(b) Yes, as above. The Zone would take into account effects on other values (eg Mill Creek and neighbouring amenities);</p> <p>(c) Yes, as above, in that the Zone would have effects beyond the Zone that are better managed, by rules, than the WBLP</p> <p>(d) [not relevant]</p> <p>(e) Yes – the effects of the Zone on the entire resource (including the surrounding land</p>	<p>Yes and no.</p> <p>In relation to the individual clauses in the policy:</p> <p>(a) No – the WBRAZ would not co-ordinate with Mill Creek protection, and would not co-ordinate with the adjacent rural residential zone vis-à-vis protection of amenity values because outcomes are not certain;</p> <p>(b) No as above. The WBRAZ would not take into account effects on Mill Creek and outcomes in relation to neighbouring amenities are not certain;</p> <p>(c) No as above, in that the WBRAZ would have effects beyond the Zone that are not adequately managed</p> <p>(d) [not relevant]</p> <p>(e) Yes and no – the effects of the WBRAZ on the entire resource (including the surrounding land uses) are able to be managed but some potential adverse effects would still arise, as above.</p>

	<i>when that resource is managed as subunits.</i>		uses) are managed adequately	
Policy 1.1.2	<p>Economic wellbeing</p> <p><i>Provide for the economic wellbeing of Otago's people and communities by enabling the use and development of natural and physical resources only if the adverse effects of those activities on the environment can be managed to give effect to the objectives and policies of the Regional Policy Statement.</i></p>	Yes and no. The WBLP provides for economic wellbeing by enabling use of the land resources, in a way that most potential adverse effects can be adequately managed (refer above policies in relation to specific effects)	Yes. The Ayrburn Zone provides for economic wellbeing by enabling use of the land resources, in a way that potential adverse effects can be adequately managed	No. Retaining the land for rural purposes under the WBRAZ does not provide economic wellbeing and does not adequately manage potential adverse effects.
Policy 1.1.3	<p>Social and cultural wellbeing and health and safety</p> <p><i>Provide for the social and cultural wellbeing and health and safety of Otago's people and communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:</i></p> <p>a) <i>Recognising and providing for Kāi Tahu values;</i></p> <p>b) <i>Taking into account the values of other cultures;</i></p> <p>c) <i>Taking into account the diverse needs of Otago's people and communities;</i></p> <p>d) <i>Promoting good quality and accessible infrastructure and public services;</i></p>	Yes. The WBLP achieves these policy items, via the subdivision and land use provisions, but to a lesser degree than the Ayrburn Zone.	Yes. The Ayrburn Zone achieves these policy items, via the subdivision and land use provisions. I consider it achieves these policy items to a greater degree than the WBLP because it contributes to greater diversity of housing in the District	No. The uneconomic farming property, retained in the rural use under the WBRAZ, will not: <ul style="list-style-type: none"> • provide for Kai Tahu values (in relation to Mill Creek), or contribute to the diverse needs of the community; • promote good quality and accessible infrastructure and public services

	e) <i>Avoiding significant adverse effects of activities on human health.</i>			
<i>Part B Chapter 3 - Otago has high quality natural resources and ecosystems</i>				
Policy 3.1.10	<p><i>Recognising the values of natural features, landscapes, and seascapes.</i></p> <p><i>Recognise the values of natural features, landscapes, seascapes and the coastal environment are derived from the following attributes, as detailed in Schedule 4:</i></p> <p>(a) <i>Biophysical attributes, including:</i></p> <p>(i) <i>Natural science factors;</i></p> <p>(ii) <i>The presence of water;</i></p> <p>(iii) <i>Vegetation (indigenous and introduced);</i></p> <p>(iv) <i>The natural darkness of the night sky;</i></p> <p>(b) <i>Sensory attributes, including:</i></p> <p>(i) <i>Legibility or expressiveness;</i></p> <p>(ii) <i>Aesthetic values;</i></p> <p>(iii) <i>Transient values, including nature's sounds;</i></p> <p>(iv) <i>Wild or scenic values;</i></p> <p>(c) <i>Associative attributes, including;</i></p>	Yes. The landscape values of the area have been recognised and the land has been identified as being capable of absorbing further development	Yes. The landscape values of the area have been recognised and the land has been identified as being capable of absorbing further development	No. The WBRAZ does not recognise the value of Mill Creek and its margins

	<p>(i) <i>Whether the values are shared and recognised;</i></p> <p>(ii) <i>Cultural and spiritual values for Kāi Tahu;</i></p> <p>(iii) <i>Historical and heritage associations.</i></p>			
Chapter 5				
Objective 5.3	<i>Sufficient land is managed and protected for economic production</i>	Yes. The land is not necessary for management and protection for economic production.	Yes. The land is not necessary for management and protection for economic production.	No. The land is not necessary for management and protection for economic production.
Policy 5.3.1	<p><i>Manage activities in rural areas, to support the region's economy and communities, by all of the following:</i></p> <p>a) <i>Enabling primary production and other rural activities that support the rural economy;</i></p> <p>b) <i>Minimising the loss of significant soils;</i></p> <p>c) <i>Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects;</i></p> <p>d) <i>Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities;</i></p> <p>e) <i>Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational</i></p>	<p>Yes. WBLP is appropriate in this area as it can contribute to supporting the region's economy and the community. On clauses (a) – (e) of the policy:</p> <p>a) The WBLP does not have any effect on the rural economy;</p> <p>b) The soils are not so significant that they need to be protected for primary production only;</p> <p>c) The WBLP will not lead to reverse sensitivity effects;</p> <p>d) The land is not productive in an economic sense and subdivision into smaller lots is appropriate, in this location where development can be absorbed by the landscape;</p> <p>e) Not relevant.</p>	<p>Yes. The Ayrburn Zone is appropriate in this area as it can contribute to supporting the region's economy and the community. On clauses (a) – (e) of the policy:</p> <p>a) The Zone does not have any effect on the rural economy;</p> <p>b) The soils are not so significant that they need to be protected for primary production only;</p> <p>c) The Zone will not lead to reverse sensitivity effects;</p> <p>d) The land is not productive in an economic sense and subdivision into smaller lots is appropriate, in this location where development can be absorbed by the landscape;</p> <p>e) Not relevant.</p>	Yes, to a minor degree, because of the limited area involved

	<i>activities that are of a nature and scale compatible with rural activities.</i>			
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PDP Chapter 29 – Transport

Assessment of the Ayrburn Zone under the Chapter 29 objectives and policies

Chapter 29.2	Assessment of Ayrburn Zone Is the objective / policy achieved. If so, how? If not, why not?
<p>29.2.1 Objective - An integrated, safe, and efficient transport network that:</p> <ul style="list-style-type: none"> • provides for all transport modes and the transportation of freight; • provides for future growth needs and facilitates continued economic development; • reduces dependency on private motor vehicles and promotes the use of public and active transport; • contributes towards addressing the effects on climate change; and • reduces the dominance and congestion of vehicles in the Town Centre zones. 	<p>Yes.</p> <p>The Structure Plan road would provide for all road transport modes and the goods movement as necessary for the WPZ and Ayrburn; provides for future growth needs and facilitates continued economic development, as anticipated in the WPZ and by the Ayrburn Zone; and creates opportunities for public and active transport.</p>
Policies	
<p>29.2.1.1 <i>Require that roading and the public transport and active transport networks are well-connected and specifically designed to:</i></p> <ol style="list-style-type: none"> a. <i>enable an efficient public transport system;</i> b. <i>reduce travel distances and improve safety and convenience through discouraging single connection streets; and</i> c. <i>provide safe, attractive, and practical walking and cycling routes between and within residential areas, public facilities and amenities, and employment centres, and to existing and planned public transport</i> 	<p>Yes.</p> <p>The road will enable public transport to the WPZ and the Ayrburn Zone; it will improve safety; and it will provide a safe and attractive walking and cycling environment.</p>
<p>29.2.1.3 <i>Require high traffic generating activities and large scale commercial activities, educational facilities, and community activities to contribute to the development of well-connected public and active transport networks and/ or infrastructure.</i></p>	<p>Yes.</p> <p>The WPZ provides for a reasonably large scale commercial / residential activity, and the Ayrburn Zone adds to that potential. The road provides for better transport accessibility, in line with the policy.</p>
<p>29.2.1.5 <i>Acknowledge the potential need to establish new public transport corridors off existing roads in the future, particularly between Frankton and the Queenstown Town Centre.</i></p>	<p>Yes.</p> <p>The new road can contribute to fulfilling this policy, if necessary.</p>
<p>29.2.2 Objective - Parking, loading, access, and onsite maneuvering that are consistent with the</p>	<p>Yes.</p>

<p>character, scale, intensity, and location of the zone and contributes toward:</p> <ul style="list-style-type: none"> • providing a safe and efficient transport network; • compact urban growth; • economic development; • facilitating an increase in walking and cycling; and • achieving the level of residential amenity and quality of urban design anticipated in the zone. 	<p>The new road would provide safe and efficient access to the WPZ and Ayrburn and may facilitate an increase in walking and cycling, in a manner that respects existing and future amenities. The specific treatment of the road, including pedestrian links, would be addressed at the time of subdivision.</p>
Policies	
<p>29.2.2.1</p> <p><i>Manage the number, location, type, and design of parking spaces, queuing space, access, and loading space in a manner that:</i></p> <ol style="list-style-type: none"> a. <i>is safe and efficient for all transport modes and users, including those with restricted mobility, and particularly in relation to facilities such as hospitals, educational facilities, and day care facilities;</i> b. <i>is compatible with the classification of the road by:</i> <ol style="list-style-type: none"> (i) <i>ensuring that accesses and new intersections are appropriately located and designed and do not discourage walking and cycling;</i> (ii) <i>avoiding heavy vehicles reversing off or onto any roads; and</i> (iii) <i>ensuring that sufficient manoeuvring space, or an alternative solution such as a turntable or car stacker, is provided to avoid reversing on or off roads in situations where it will compromise the effective, efficient, and safe operation of roads.</i> c. <i>contributes to an increased uptake in public transport, cycling, and walking in locations where such alternative travel modes either exist; are identified on any Council active transport network plan or public transport network plan; or are proposed as part of the subdivision, use, or development; ...</i> e. <i>is compatible with the character and amenity of the surrounding environment, noting that exceptions to the design standards may be acceptable in special character areas and historic management areas; and</i> f. <i>avoids or mitigates adverse effects on the amenity of the streetscape and adjoining sites. ...</i> 	<p>Yes.</p> <p>The road link would:</p> <ul style="list-style-type: none"> • provide for safe and efficient transport – vehicular, pedestrian, cycling and for people with disabilities; • be compatible with the arterial status of the Arrowtown-Lake Hayes Road; • likely contribute to better public transport, walking and cycling; • be compatible with existing and planned character and amenity values; • be respectful of the amenities of nearby property owners, due to the setbacks and opportunity for any additional mitigation in relation to noise and visual amenity, which would be addressed at the time of subdivision.
<p>29.2.2.12</p> <p><i>Mitigate the effects on safety and efficiency arising from the location, number, width, and design of vehicle crossings and accesses, particularly in close proximity to intersections and adjoining the State Highway, while not unreasonably preventing development and intensification</i></p>	<p>Yes.</p> <p>The road provides a more safe and efficient access to the WPZ and Ayrburn than the existing or alternative locations.</p>

<p>29.2.3 Objective - Roads that facilitate continued growth, are safe and efficient for all users and modes transport, and are compatible with the level of amenity anticipated in the adjoining zones.</p>	<p>Yes. The road would facilitate continued growth – in the WPZ and Ayrburn, for all users, and it is compatible with the level of amenity anticipated for the WPZ, the WBLP, and the Ayrburn Zone.</p>
<p>Policies</p>	
<p>29.2.3.1 <i>Require, as a minimum, that roads be designed in accordance with Section 3 and Appendices E and F of the QLDC Land Development and Subdivision Code of Practice (2015)</i></p>	<p>Yes. The road would be designed in accordance with the relevant standards.</p>
<p>29.2.3.2 <i>Enable transport infrastructure to be constructed, maintained, and repaired within roads in a safe and timely manner while:</i></p> <ul style="list-style-type: none"> a. <i>mitigating adverse effects on the streetscape and amenity of adjoining properties resulting from earthworks, vibration, construction noise, utilities, and any substantial building within the road;</i> b. <i>enabling transport infrastructure to be designed in a manner that reflects the identity of special character areas and historic management areas and avoids, remedies, or mitigates any adverse effects on listed heritage items or protected trees; and</i> c. <i>requiring transport infrastructure to be undertaken in a manner that avoids or mitigates effects on landscape values.</i> 	<p>Yes. The road can be constructed, maintained and repaired safely. Potential adverse effects during construction would be addressed in the conditions of subdivision consent and can be adequately avoided. The potential adverse effects on amenity values and landscape values can be adequately addressed in the design, also at the time of subdivision. There are no effects on the heritage values of the nearby heritage items.</p>
<p>29.2.3.3 <i>Ensure new roads are designed, located, and constructed in a manner that:</i></p> <ul style="list-style-type: none"> a. <i>provides for the needs of all modes of transport in accordance with the Council's active transport network plan and public transport network plan and for the range of road users that are expected to use the road, based on its classification;</i> b. <i>provides connections to existing and future roads and active transport network;</i> c. <i>avoids, remedies, or mitigates effects on listed heritage buildings, structures and features, or protected trees and reflects the identity of any adjoining special character areas and historic management areas;</i> d. <i>avoids, remedies, or mitigates adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features and on landscape values in other parts of the District; and</i> e. <i>provides sufficient space and facilities to promote safe walking, cycling and public transport, road to the extent that it is relevant given the location and design function of the road.</i> 	<p>Yes. The location of the road addresses some of these matters, and the other matters would be addressed in the and design and construction of the road, at the time of subdivision of the land.</p>
<p>29.2.3.4</p>	

<p><i>Provide for services and new linear infrastructure to be located within road corridors and, where practicable, within the road reserve adjacent to the carriageway.</i></p>	<p>Yes. New infrastructure could be provided within the road corridor where necessary.</p>
<p>29.2.3.5 <i>Allocate space within the road corridor and at intersections for different modes of transport and other uses such as on-street parking in a manner that reflects the road classification, makes the most efficient use of the road corridor, and contributes to the implementation of council's active and public transport network plans</i></p>	<p>Yes. The corridor would be adaptable to future uses, where necessary.</p>
<p>29.2.3.6 <i>Provide for public amenities within the road in recognition that the road provides an important and valuable public open space for the community which, when well designed, encourages human interaction and enriches the social and cultural wellbeing of the community.</i></p>	<p>Yes. The road would provide for pedestrian and cycle access to and along Mill Creek.</p>
<p>29.2.3.7 <i>Encourage the incorporation of trees and vegetation within new roads and as part of roading improvements, subject to road safety and operational requirements and maintaining important views of the landscape from roads.</i></p>	<p>Yes. This would be addressed at the time of subdivision consent.</p>
<p>29.2.4 Objective - An integrated approach to managing subdivision, land use, and the transport network in a manner that:</p> <ul style="list-style-type: none"> • supports improvements to active and public transport networks; • increases the use of active and public transport networks; • reduces traffic generation; • manages the effects of the transport network on adjoining land uses and the effects of adjoining landuses on the transport network. 	<p>Yes. In providing better access to the WPZ and Ayrburn, the road would integrate land use zoning and the existing transport network, while effects on adjoining land uses can be managed.</p>
<p>Policies ...</p>	
<p>29.2.4.4 <i>Avoid or mitigate the adverse effects of high trip generating activities on the transport network by assessing the location, design, and the methods proposed to limit increased traffic generation and promote the uptake of public and active transport, including by:</i></p> <ol style="list-style-type: none"> a. <i>demonstrating how they will help reduce private car travel and encourage people to walk, cycle, or travel by public transport, including by:</i> b. <i>preparing travel plans containing travel demand management techniques and considering lower rates of accessory parking;</i> c. <i>contributing toward well-connected public and active transport infrastructure or, where planning for such infrastructure is not sufficiently</i> 	<p>This policy is aimed more toward land use activities and how they can contribute to better transport efficiencies. To the extent that it is relevant to this road, the policy would be achieved in that the road can provide for and be adaptable to public transport.</p>

<p><i>advanced, providing space for such infrastructure to be installed in the future;</i></p> <p><i>d. providing public transport stops located and spaced in order to provide safe and efficient access to pedestrians who are likely to use each stop; and</i></p> <p><i>e. providing less accessory parking than is required by Table 29.5 in conjunction with proposing other initiatives to encourage alternative modes of travel. ...</i></p>	
<p>29.2.4.7</p> <p><i>Control the number, location, and design of additional accesses onto the State Highway and arterial roads.</i></p>	<p>Yes.</p> <p>The additional access point onto Arrowtown-Lake Hayes Road is necessary to provide a safer access for the traffic anticipated by the WPZ and from Ayrburn. The location is appropriate and the design would be managed through the subdivision process.</p>

Attachment F

**Copy of J Brown evidence to Hearings Commissioners for
RM171280 road hearing**

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL
INDEPENDENT HEARINGS COMMISSIONERS**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a resource consent application by
Waterfall Park Developments Limited to
construct and use a new road between the
Arrowtown-Lake Hayes Road and the
Waterfall Park Resort Zone (**RM171280**)

**STATEMENT OF EVIDENCE OF JEFFREY ANDREW BROWN
ON BEHALF OF WATERFALL PARK DEVELOPMENTS LTD**

13 April 2018

1 Introduction

- 1.1 My name is Jeffrey Andrew Brown. I have the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by the Queenstown Lakes District Council (**QLDC**) from 1992 – 1996, the latter half of that time as the District Planner. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown & Company Planning Group Ltd, a consultancy with offices in Auckland and Queenstown. I have resided in Auckland since 2001.
- 1.2 Attachment **A** contains a more detailed description of my work and experience.
- 1.3 I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.
- 1.4 This evidence is on behalf of Waterfall Park Developments Limited (**WPDL**). WPDL has applied for consent to construct and use a road between the Arrowtown-Lake Hayes Road and the Waterfall Park Zone (**WPZ**).
- 1.5 I assisted with the preparation of the application, and the application to the Otago Regional Council for related regional consents, and I am very familiar with the location. I am also assisting with the preparation of WPDL's application for a hotel at the WPZ, which is to be lodged shortly.
- 1.6 I have read the Section 42A report prepared by Mr Anderson for the Council and the evidence of Mr Carr, Ms Goldsmith and Mr Baxter for WPDL. I comment on this material through my evidence.
- 1.7 I adopt the resource consent application Assessment of Effects on the Environment as part of my evidence. I will not repeat that assessment or address issues that are well covered by Mr Anderson, the Council witnesses and the WPDL witnesses. At the outset I record that I agree with Mr Anderson's assessment and conclusions. Subject to some small modifications and additions, I also agree with the conditions proposed by Mr Anderson, at Appendices 6 and 7 of the s42A report.
- 1.8 In this evidence I focus on three matters:

- The option of relocating the proposed road further to the north (the yellow option on Figure 5 of Mr Carr's traffic assessment);
- The objectives and policies for transport in the Operative District Plan (**ODP**) and the Proposed District Plan (**PDP**); and
- The assessment matters for the Wakatipu Basin Lifestyle Precinct (**WBLP**).

1.9 I conclude with a discussion of Part 2 of the Act and I attach the proposed the conditions of consent with amendments proposed by WPDL in tracked change.

2 Relocating the proposed road north

2.1 Submissions¹ have suggested that other alignments of the road – those further north from the proposed location identified as the red option 1 and the yellow option 2 in Mr Carr's evidence – have not been addressed in sufficient technical detail. On this I comment:

- Mr Carr considers that both the red alignment and the yellow alignment, in a revised configuration, would be extremely difficult to achieve in compliance with relevant design guides and standards, including requiring third party land;
- Mr Baxter considers that the yellow alignment would have a much greater visual impact when viewed from Arrowtown-Lake Hayes Road than the green alignment.

2.2 Further, the green alignment, with its interaction with Mill Creek, presents the opportunity for the positive ecological response associated with the proposed routing, as discussed by Ms Goldsmith, through the fencing and ecological enhancement of the margins of Mill Creek and the consequential improvements to natural habitat. The green alignment also enables the positive effects of public access to and along these enhanced margins of Mill Creek as shown on Mr Baxter's plans. I consider these matters later in my discussion of section 6 of the Act.

2.3 I therefore consider that the proposed alignment is the most appropriate alignment, taking into account safety, landscape, amenity values and positive effects.

¹ Submissions 6 (D McPherson); and 12 (P Beadle, J Beadle, S Beadle)

3 Transport objectives and policies

3.1 In Attachments **B** and **C** I assess the proposed road in the context of the objectives and policies for transport in Chapter 14 of the ODP and Chapter 29 of the PDP, respectively. The objectives and policies focus on several key themes:

- Providing for safe and efficient transportation networks;
- Ensuring transport networks do not adversely affect surrounding amenities and landscape and visual amenities;
- Integrating land use and transportation in providing for growth;
- Enhancing public transport options, and opportunities for pedestrians, cyclists and people with disabilities.

3.2 My general conclusions from those assessments are that:

- (a) The purpose of the road is to improve access and safety of pedestrian and vehicle movement from Arrowtown-Lake Hayes Road through to the WPZ and Ayrburn, it provides for all road transport modes as necessary for the hotel purpose of the WPZ and for future growth needs and creates opportunities for public and active transport, and is compatible with the arterial status of the Arrowtown-Lake Hayes Road.
- (b) Any potential adverse effects of the proposed road have been recognised in the location, design and construction methodology, such that the effects are adequately avoided. Operational effects can be appropriately managed.
- (c) The proposal provides for safe and efficient transport – vehicular, pedestrian, cycling and for people with disabilities.
- (d) It is compatible with existing character and amenity values and is respectful of the amenities of nearby property owners; and
- (e) It provides for pedestrian and cycle access to and along Mill Creek, which will be enhanced by the ecological restoration.

3.3 In my view the proposed road achieves the relevant transportation objectives and policies of both the ODP and PDP.

4 Assessment matters – WBLP

4.1 Under Stage 2 of the PDP, the Ayrburn land is within the Wakatipu Basin Lifestyle Precinct (**WBLP**) (a precinct of the Wakatipu Basin Rural Amenity Zone). The WBLP areas are intended for rural lifestyle development, with subdivision minimum lot size of 6000m² (average lot size 1ha). The WBLP objectives and policies are addressed in the application and the conclusion from that assessment is that the proposed road is consistent with those provisions. Mr Goldsmith has advised me that the WBLP assessment matters may be relevant under the s104 assessment also. Mr Baxter has addressed the assessment matters in the PDP Part 24.7 (landscape and visual amenity). I address the other relevant assessment matters, in Part 24.7.4 – 24.7.6, 24.7.9 and 24.7.12 below.

24.7.4 Servicing, hazards, infrastructure and access

- a. **The extent to which the proposal provides for adequate on-site wastewater disposal and water supply. The provision of shared infrastructure servicing to more than one property is preferred in order to minimise environmental effects.**
- b. **The extent to which the proposed access utilises an existing access or provides for a common access in order to reduce visual and environmental effects, including traffic safety, minimising earthworks and vegetation removal.**
- c. **Whether adequate provision is made for firefighting activities and provision for emergency vehicles.**
- d. **The extent to which the objectives and policies set out in Chapter 28, Natural Hazards, are achieved.**

4.2 Clause (a) of this policy is not relevant except to the extent that the new road provides for shared infrastructure in relation to development in Waterfall Park Zone and any future development in the Ayrburn part of the property, noting that the PDP anticipates rural residential use of this land.

4.3 On clause (b), the new road provides for a new common access road which will better serve the WPZ and any future development within Ayrburn, in a manner that reduces visual effects and improves traffic safety. Earthworks and some limited vegetation removal is still necessary, however, but this is the case for any of the potential options particularly those that are further north than the proposed option.

4.4 The road provides adequate access for firefighting and emergency vehicles.

4.5 The natural hazard issues are addressed by the ORC consent, the application, and in Parts 8.2.9 and 8.2.10 of the s42A report. The conclusions are that the natural hazards are adequately avoided and mitigated by the proposal.

24.7.5 Non-residential activities

Whether the proposal achieves:

- a. **An appropriate scale and intensity of the activity in the context of the amenity and character of the surrounding area including reference to the identified elements set out in Schedule 24.8 for the relevant landscape character unit.**
- b. **Adequate visual amenity for neighbouring properties and from public places.**
- c. **Minimisation of any noise, odour and dust.**
- d. **Acceptable access and safety.**

4.6 I consider that the proposal does achieve these matters, as follows:

- The amenity and character of the surrounding area will not be adversely affected by the road's location, taking into account the measures for noise and visual mitigation, and the proposal is of an appropriate scale and intensity. In reaching this conclusion I am mindful of the development enabled within the WPZ and the rural lifestyle development anticipated by the WBLP;
- The visual amenity of neighbouring properties is maintained by the proposed mounding and planting south of the road alignment;
- Road noise is mitigated to acceptable level by the mounding south of the alignment;
- The construction management measures will address dust during construction, and there will be no odour and dust problems once the road is operational; and
- The purpose of the new road is to provide safe access to the WPZ and Ayrburn.

24.7.6 Boundary and road setbacks

Whether the proposal achieves:

- a. **The maintenance of landscape character and visual amenity including reference to the identified elements set out in Schedule 24.8 for the relevant landscape unit.**
- b. **The maintenance of views to the surrounding mountain context.**
- c. **Adequate privacy, outlook and amenity for adjoining properties.**

4.7 The proposal is not a structure that breaches any boundary or road setback rule (noting that there are development standards for setbacks, the breach of which requires restricted discretionary activity consent) except for the bridge. These matters are addressed adequately by Mr Baxter: the proposal maintains the landscape character and visual amenity of the area and is respectful of the rural amenities of the nearby landowners. Views to the surrounding mountain context are not affected, and the proposal maintains adequate privacy, outlook and amenity for adjoining properties, through the mitigation measures proposed.

- 4.8 Of relevance also is the Landscape Character Unit (LCU) in Schedule 24.8 of the PDP. This land is within LCU 8 which concludes that the “*Capability to absorb additional development*” of the area around Lake Hayes Rural Residential (LCU 12) edges (which includes the Ayrburn land within which the road is proposed) is “*High*”.

24.7.9 Setback of buildings from waterbodies

Whether the proposal achieves:

- a. **The maintenance or enhancement of indigenous biodiversity values.**
- b. **The maintenance or enhancement of landscape character and visual amenity values including reference to the identified elements set out in Schedule 24.8 for the landscape character unit that the proposal falls into.**
- c. **The maintenance or enhancement of open space.**
- d. **Mitigation to manage any adverse effects of the location of the building including consideration of whether the waterbody is subject to flooding or natural hazards**

- 4.9 This assessment matter is relevant to the proposed bridge across Mill Stream, which is within the 30m distance in Rule 24.5.7. The proposal:

- enhances the indigenous biodiversity values of Mill Creek;
- is consistent with the maintenance and enhancement of the values in LCU 8 in Schedule 24.8, given the “high” capacity for absorption of additional development; and maintains the open space of the paddocks adjacent to Arrowtown-Lake Hayes Road; and
- has been designed with reference to potential hazards.

24.7.12 Glare

- a. **The effects on adjacent roads and neighbouring sites.**
- b. **The extent of likely visual dominance from light fixtures, poles and lux levels.**
- c. **The nature and extent of any effects on character and amenity, including the night sky.**
- d. **The nature and extent of any effects on privacy, views and outlook from neighbouring properties.**
- e. **Whether there will be any reverse sensitivity effects on adjacent properties.**

- 4.10 Street lighting will consist of down-lit bollard lighting in accordance with the Southern Light – Lighting Strategy. A pole light (flag light) will be required at the intersection of the proposed road with Arrowtown-Lake Hayes Road, for safety requirements. The mounding to the south of the road will screen views and headlight effects of traffic on the road from the southern neighbours. I therefore consider that the potential adverse effects of glare on adjacent roads and neighbouring sites are minimal, and acceptable; the lighting fixtures will not visually dominate

the area or affect the night sky; will not affect any persons' privacy or outlook; and will not lead to any reverse sensitivities.

24.7.13 Clearance, works within the root protection zone or significant trimming of exotic vegetation over 4m in height

- a. **The degree to which the vegetation contributes to the landscape character and visual amenity values, and the extent to which the clearance or significant trimming would reduce those values.**
- b. **The potential for buildings and development to become more visually prominent.**
- c. **The merits of any proposed mitigation or replacement plantings.**
- d. **The effects on the health and structural stability of the vegetation.**

4.11 There is no significant clearance or trimming of any vegetation required for the road construction.

4.12 In summary, when assessed in the context of the proposed assessment matters for development in the WBLP, the construction and use of the road is appropriate because it will not create any adverse effects on the environment; any potential adverse effects have been recognised and addressed through the location, design and construction methodology of the road.

5 Part 2 of the Act

5.1 I agree with Mr Anderson (his Part 10) in relation to the Part 2, and I comment further as follows.

5.2 Under Section 6:

- The proposal is not an inappropriate use in relation to section 6(a) (*the preservation of the natural character of ... lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development*), for the reasons above and as discussed by Ms Goldsmith – in particular through the positive effects associated with the riparian works;
- The proposal will directly achieve s6(d) (*the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers*) by enabling walkways to and along Mill Creek.

5.3 Under Section 7:

- The proposal is an efficient use and development of natural and physical resources (s7(b)) in that the road is in a safer location and will enable combined access to the WPZ and the Ayrburn area;
- The proposal will maintain and, in comparison to the alternatives, enhance the amenity values (s7(c)) and the quality of the environment (s7(f)) of the area;
- The habitat of trout will be improved (s7(h)).

5.4 Under Section 5, I consider that the proposal will enable social and economic wellbeing by:

- assisting in meeting the continuing growth in tourism activities in the District through facilitating practical access to the WPZ; while
- enhancing the life-supporting capacity of water and the related ecosystems; and
- avoiding, remedying or mitigating potential adverse effects on the environment, though the location and design of the road and associated landscaping.

5.5 For these reasons, in my view the proposal achieves the purpose and principles of the Act.

6 Conditions of consent

6.1 The conditions of consent in Mr Anderson's Appendices 6 and 7 are appropriate and should be imposed, should consent be granted, subject to the modifications set out in Attachment **D**.

J A Brown
13 April 2018

Curriculum vitae – Jeffrey Brown

Professional Qualifications

1986: Bachelor of Science with Honours (Geography), University of Otago

1988: Master of Regional and Resource Planning, University of Otago

1996: Full Member of the New Zealand Planning Institute

Employment Profile

May 05 – present: Director, Brown & Company Planning Group Ltd – resource management planning consultancy based in Queenstown and Auckland. Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan preparation, changes, variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.

1998 – May 2005: Director, Baxter Brown Limited – planning and design consultancy (Auckland and Queenstown, New Zealand). Consultants in resource management statutory planning, landscape architecture, urban design, strategic planning, land development, environmental impact assessment, public liaison and consultation.

1996-1998: Director, JBA, Queenstown – resource management consultant.

1989 – 1996: Resource management planner in several local government roles, including Planner (1992 – 1994) and District Planner (1994 – 96), Queenstown-Lakes District Council. Held responsibility for all policy formulation and consent administration.

Other

- New Zealand Planning Institute – presenter at *The Art of Presenting Good Planning Evidence* workshops for young planners (2016 –)
- Judge, New Zealand Planning Institute Best Practice Awards (2017 –)

B

ODP Chapter 14 – Transport Assessment of objectives and policies

Chapter 14 Provision	Assessment
<p>Objective 1 – Efficiency</p> <p>Efficient use of the District’s existing and future transportation resource and of fossil fuel usage associated with transportation.</p>	<p>It is efficient to provide a single, safe road to the Waterfall Park Zone and the Ayrburn land.</p> <p>The objective is achieved.</p>
Policies	
<p>1.1 <i>To encourage efficiency in the use of motor vehicles.</i></p>	<p>As above for the objective: the single road provides for efficiency in the use of vehicles.</p> <p>The policy is achieved.</p>
<p>1.2 <i>To promote the efficient use of all roads by adopting and applying a road hierarchy with associated access standards based on intended function.</i></p>	<p>Not applicable. In the future the road may be given a status under the hierarchy.</p>
<p>1.3 <i>To promote the efficient use of roads by ensuring that the nature of activities alongside roads are compatible with road capacity and function.</i></p>	<p>The activities enabled in the relevant zones (Rural Zone, Waterfall Park Zone, Wakatipu Basin Lifestyle Precinct) are compatible with the road capacity and function.</p> <p>The policy is achieved.</p>
<p>1.4 <i>To protect the safety and efficiency of traffic on State Highways and arterial roads, particularly State Highway 6A, by restricting opportunities for additional access points off these roads and by ensuring access to high traffic generating activities is adequately designed and located.</i></p>	<p>Arrowtown-Lake Hayes Road is an arterial road. The proposed alignment of the new road, and the intersection, in place of the existing intersection and access, will increase safety and efficiency of the arterial road. A single access point serving both the WPZ and Ayrburn will reduce potential multiple access points to those areas</p> <p>The policy is achieved.</p>
<p>1.5 <i>To promote the efficient use of fuel for transport purposes, by providing for a District wide policy of consolidated urban areas, townships, retail centres and residential environments.</i></p>	<p>The WPZ, which the road is primarily intended to serve, will already have been taken into account in this policy.</p>
<p>1.6 <i>To promote and provide for the consolidation of new areas of residential development and for higher density development within identified areas.</i></p>	<p>The WPZ provides for higher density development and the proposal is primarily intended to serve this zone.</p> <p>The policy is achieved.</p>
<p>1.7 <i>Enabling for home occupations within residential areas to reduce travel time and costs between home and work.</i></p>	<p>Not relevant.</p>
<p>1.8 <i>To consider options for encouraging and developing greater use of public transportation facilities and in particular to continue to investigate the options for alternative transport means.</i></p>	<p>The new road will enable public transport options.</p> <p>The policy is achieved.</p>
<p>1.9 <i>To require off-road parking and loading for most activities to limit congestion and loss of safety</i></p>	<p>Not relevant.</p>

<i>and efficiency of adjacent roads and to promote the maintenance and efficiency of those roads.</i>	
1.10 <i>To require access to property to be of a size, location and type to ensure safety and efficiency of road functioning.</i>	The road has been designed to ensure safety and efficiency of road functioning. The policy is achieved.
Objective 2 – Safety and Accessibility Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.	The purpose of the road is to improve access and safety of pedestrian and vehicle movement from Arrowtown-Lake Hayes Road through to the WPZ and Ayrburn. The objective is achieved.
Policies	
2.1 <i>To maintain and improve safety and accessibility by adopting and applying a road hierarchy with associated design, parking and access standards based on the intended function.</i>	To the extent that this policy is relevant the new road will improve safety and accessibility. The policy is achieved.
2.2 <i>To ensure the intensity and nature of activities along particular roads is compatible with road capacity and function, to ensure both vehicle and pedestrian safety.</i>	The activities enabled in the relevant zones (Rural Zone, Waterfall Park Zone, Wakatipu Basin Lifestyle Precinct) are compatible with the road capacity and function. The policy is achieved.
2.3 <i>To ensure access and movement throughout the District, and more particularly the urban areas, for people with disabilities is not unreasonably restricted.</i>	The road does not restrict access for people with disabilities (and indeed improves their accessibility to and along Mill Creek). The policy is achieved.
2.4 <i>To encourage the development of pedestrian and cycle accessways, within the main townships.</i>	The pedestrian / cycleway access is a key component of the proposal. The policy is achieved.
2.5 <i>To maintain and upgrade, where appropriate, the existing roads and provide for new roads and related facilities where these are important for providing access ...</i>	The new road is important for safe and efficient access to the WPZ and Ayrburn. The policy is achieved.
2.6 <i>To ensure intersections and accessways are designed and located so:</i> <ul style="list-style-type: none"> • <i>good visibility is provided.</i> • <i>they can accommodate vehicle manoeuvres.</i> • <i>they prevent reverse manoeuvring onto arterial roads; and are separated so as not to adversely affect the free flow of traffic on arterial roads.</i> 	The proposed intersection provides better visibility than the existing access point and will not adversely affect the free flow of traffic on arterial roads. The policy is achieved.
2.7 <i>To ensure vegetation plantings are sited and/or controlled so as to maintain adequate visibility and clearance at road intersections and property access and to prevent the icing of roads during winter months, except and unless that vegetation is important to the visual amenity of the District or is protected as part of the Heritage Provisions.</i>	The planting plan relates to landscape and visual amenity and does not affect visibility or traffic safety. The policy is achieved.
Objective 3 – Environmental Effects of Transportation: Minimal adverse effects on the surrounding environment as a result of road construction and road traffic.	Any potential adverse effects of the proposed road have been recognised in the location, design and

	construction methodology, such that the effects are adequately mitigated.
Policies:	
3.1 <i>To protect the amenities of specified areas, particularly residential and pedestrian orientated town centres from the adverse effects of transportation activities.</i>	The mitigation measures include landscaping and noise attenuation to avoid adverse effects on the amenities of nearby properties. The policy is achieved.
3.2 <i>To discourage traffic in areas where it would have adverse environmental effects.</i>	As set out in the various assessments provided with the application, the new road will not have adverse environmental effects; on balance the effects are positive. The policy is achieved.
3.3 <i>To support the development of pedestrian and similar links within and between settlements and the surrounding rural areas, in order to improve the amenity of the settlements and their rural environs.</i>	To the extent practicable the proposal provides for pedestrian and cycle linkages. The policy is achieved.
3.4 <i>To ensure new roads and vehicle accessways are designed to visually complement the surrounding area and to mitigate visual impact on the landscape.</i>	The landscape assessment by Mr Baxter confirms that the new road has been located and designed to mitigate potential adverse visual impacts on the landscape. The policy is achieved.
3.5 <i>To maintain and enhance the visual appearance and safety of arterial roads which are gateways to the main urban centres.</i>	This section of Arrowtown-Lake Hayes Road is not at a gateway of a main urban centre, but in any case the new road maintains the visual appearance and safety of the arterial road. The policy is achieved.
3.6 <i>To incorporate vegetation within roading improvements, subject to the constraints of road safety and operational requirements, and the maintenance of views from the roads.</i>	The design incorporates vegetation planting for mitigation and amenity. The policy is achieved.
3.7 <i>To implement appropriate procedures, in conjunction with the takata whenua and Historic Places Trust, should any waahi tapu or waahi taonga be unearthed during roading construction. (see Section 4.3 Objective 1 Policy 1 for consultation procedures with takata whenua).</i>	These matters can be addressed in the conditions of consent. The policy is achieved.
Objective 6 – Pedestrian and Cycle Transport Recognise, encourage and provide for the safe movement of cyclists and pedestrians in a pleasant environment within the District.	The proposal provides for the safe movement of cyclists and pedestrians and the environment for them will be pleasant, given the planting plan and ability to access the creek margins. The objective is achieved.
Policies	
6.1 <i>To develop and support the development of pedestrian and cycling links in both urban and rural areas.</i>	As above, for the objective: the proposal provides for the safe and convenient movement of cyclists and pedestrians.
6.2 <i>To require the inclusion of safe pedestrian and cycle links where appropriate in new subdivisions and developments.</i>	The policies are achieved.

6.3. To provide convenient and safe cycle parking in public areas.	
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C

PDP Chapter 29 – Transport Assessment of objectives and policies

Chapter 29.2	Assessment
<p>29.2.1</p> <p>Objective - An integrated, safe, and efficient transport network that:</p> <ul style="list-style-type: none"> • provides for all transport modes and the transportation of freight; • provides for future growth needs and facilitates continued economic development; • reduces dependency on private motor vehicles and promotes the use of public and active transport; • contributes towards addressing the effects on climate change; and • reduces the dominance and congestion of vehicles in the Town Centre zones. 	<p>The proposal provides for all road transport modes and the goods movement as necessary for the hotel purpose of the WPZ; provides for future growth needs and facilitates continued economic development, as anticipated in the WPZ; and creates opportunities for public and active transport.</p> <p>The objective is achieved.</p>
Policies	
<p>29.2.1.1</p> <p>Require that roading and the public transport and active transport networks are well-connected and specifically designed to:</p> <ol style="list-style-type: none"> a. enable an efficient public transport system; b. reduce travel distances and improve safety and convenience through discouraging single connection streets; and c. provide safe, attractive, and practical walking and cycling routes between and within residential areas, public facilities and amenities, and employment centres, and to existing and planned public transport 	<p>The road will enable public transport to the WPZ and Ayrburn, if necessary in the future; it will improve safety; and it will provide a safe and attractive walking and cycling environment.</p> <p>The policy is achieved.</p>
<p>29.2.1.3</p> <p>Require high traffic generating activities and large scale commercial activities, educational facilities, and community activities to contribute to the development of well-connected public and active transport networks and/ or infrastructure.</p>	<p>The WPZ provides for a reasonably large scale commercial activity (the hotel) and the developer WPDL is providing for better transport accessibility, in line with the policy.</p> <p>The policy is achieved.</p>
<p>29.2.1.5</p> <p>Acknowledge the potential need to establish new public transport corridors off existing roads in the future, particularly between Frankton and the Queenstown Town Centre.</p>	<p>The new road can contribute to fulfilling this policy, if necessary.</p>
29.2.2	

<p>Objective - Parking, loading, access, and onsite maneuvering that are consistent with the character, scale, intensity, and location of the zone and contributes toward:</p> <ul style="list-style-type: none"> • providing a safe and efficient transport network; • compact urban growth; • economic development; • facilitating an increase in walking and cycling; and • achieving the level of residential amenity and quality of urban design anticipated in the zone. 	<p>The new road provides safe and efficient access to the WPZ and may facilitate an increase in walking and cycling, in a manner that respects existing amenities.</p> <p>The objective is achieved.</p>
Policies	
<p>29.2.2.1</p> <p><i>Manage the number, location, type, and design of parking spaces, queuing space, access, and loading space in a manner that:</i></p> <p>a. <i>is safe and efficient for all transport modes and users, including those with restricted mobility, and particularly in relation to facilities such as hospitals, educational facilities, and day care facilities;</i></p> <p>b. <i>is compatible with the classification of the road by:</i></p> <p>(i) <i>ensuring that accesses and new intersections are appropriately located and designed and do not discourage walking and cycling;</i></p> <p>(ii) <i>avoiding heavy vehicles reversing off or onto any roads; and</i></p> <p>(iii) <i>ensuring that sufficient manoeuvring space, or an alternative solution such as a turntable or car stacker, is provided to avoid reversing on or off roads in situations where it will compromise the effective, efficient, and safe operation of roads.</i></p> <p>c. <i>contributes to an increased uptake in public transport, cycling, and walking in locations where such alternative travel modes either exist; are identified on any Council active transport network plan or public transport network plan; or are proposed as part of the subdivision, use, or development; ...</i></p> <p>e. <i>is compatible with the character and amenity of the surrounding environment, noting that exceptions to the design standards may be acceptable in special character areas and historic management areas; and</i></p> <p>f. <i>avoids or mitigates adverse effects on the amenity of the streetscape and adjoining sites. ...</i></p>	<p>The proposal:</p> <ul style="list-style-type: none"> • provides for safe and efficient transport – vehicular, pedestrian, cycling and for people with disabilities; • is compatible with the arterial status of the Arrowtown-Lake Hayes Road; • may contribute to better public transport, walking and cycling; • is compatible with existing character and amenity values; • is respectful of the amenities of nearby property owners. <p>The policy is achieved.</p>
<p>29.2.2.12</p> <p><i>Mitigate the effects on safety and efficiency arising from the location, number, width, and design of vehicle crossings and accesses, particularly in close proximity to intersections and adjoining the State Highway, while not unreasonably preventing development and intensification</i></p>	<p>The road provides a more safe and efficient access to the WPZ and Ayrburn than the existing or alternative locations.</p> <p>The policy is achieved.</p>

<p>29.2.3</p> <p>Objective - Roads that facilitate continued growth, are safe and efficient for all users and modes transport, and are compatible with the level of amenity anticipated in the adjoining zones.</p>	<p>The proposed road will facilitate continued growth – in the WPZ and Ayrburn, for all users, and it is compatible with the level of amenity anticipated for the WPZ and the WBLP.</p> <p>The objective is achieved.</p>
<p>Policies</p>	
<p>29.2.3.1</p> <p><i>Require, as a minimum, that roads be designed in accordance with Section 3 and Appendices E and F of the QLDC Land Development and Subdivision Code of Practice (2015)</i></p>	<p>The road design has been accepted by the Council's engineer Ms Torvelainen.</p> <p>The policy is achieved.</p>
<p>29.2.3.2</p> <p><i>Enable transport infrastructure to be constructed, maintained, and repaired within roads in a safe and timely manner while:</i></p> <ul style="list-style-type: none"> <i>a. mitigating adverse effects on the streetscape and amenity of adjoining properties resulting from earthworks, vibration, construction noise, utilities, and any substantial building within the road;</i> <i>b. enabling transport infrastructure to be designed in a manner that reflects the identity of special character areas and historic management areas and avoids, remedies, or mitigates any adverse effects on listed heritage items or protected trees; and</i> <i>c. requiring transport infrastructure to be undertaken in a manner that avoids or mitigates effects on landscape values.</i> 	<p>The road can be constructed, maintained and repaired safely. Potential adverse effects during construction are addressed in the conditions of consent and will be adequately avoided. The potential adverse effects on amenity values and landscape values are adequately addressed in the design. There are no effects on the heritage values of the nearby heritage items.</p> <p>The policy is achieved.</p>
<p>29.2.3.3</p> <p><i>Ensure new roads are designed, located, and constructed in a manner that:</i></p> <ul style="list-style-type: none"> <i>a. provides for the needs of all modes of transport in accordance with the Council's active transport network plan and public transport network plan and for the range of road users that are expected to use the road, based on its classification;</i> <i>b. provides connections to existing and future roads and active transport network;</i> <i>c. avoids, remedies, or mitigates effects on listed heritage buildings, structures and features, or protected trees and reflects the identity of any adjoining special character areas and historic management areas;</i> <i>d. avoids, remedies, or mitigates adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features and on landscape values in other parts of the District; and</i> <i>e. provides sufficient space and facilities to promote safe walking, cycling and public transport, road to the extent that it is relevant given the location and design function of the road.</i> 	<p>The design, location and construction of the road addresses all of these matters, for the reasons set out in the AEE, the supporting reports, the s42A report, and the evidence for WPDL.</p> <p>The policy is achieved.</p>
<p>29.2.3.4</p>	<p>New infrastructure can be provided within the road corridor where necessary.</p>

<p><i>Provide for services and new linear infrastructure to be located within road corridors and, where practicable, within the road reserve adjacent to the carriageway.</i></p>	<p>The policy is achieved.</p>
<p>29.2.3.5 <i>Allocate space within the road corridor and at intersections for different modes of transport and other uses such as on-street parking in a manner that reflects the road classification, makes the most efficient use of the road corridor, and contributes to the implementation of council's active and public transport network plans</i></p>	<p>The corridor can be adaptable to future uses, where necessary. The policy is achieved.</p>
<p>29.2.3.6 <i>Provide for public amenities within the road in recognition that the road provides an important and valuable public open space for the community which, when well designed, encourages human interaction and enriches the social and cultural wellbeing of the community.</i></p>	<p>The road provides for pedestrian and cycle access to and along Mill Creek, which will be enhanced by the ecological restoration as discussed by Ms Goldsmith. The policy is achieved.</p>
<p>29.2.3.7 <i>Encourage the incorporation of trees and vegetation within new roads and as part of roading improvements, subject to road safety and operational requirements and maintaining important views of the landscape from roads.</i></p>	<p>The landscaping plan and assessments address this policy. The policy is achieved.</p>
<p>29.2.4 Objective - An integrated approach to managing subdivision, land use, and the transport network in a manner that:</p> <ul style="list-style-type: none"> • supports improvements to active and public transport networks; • increases the use of active and public transport networks; • reduces traffic generation; • manages the effects of the transport network on adjoining land uses and the effects of adjoining landuses on the transport network. 	<p>In providing better access to the WPZ and potential future activities within Ayrburn, the road integrates land use zoning and the existing transport network, while managing effects on adjoining land uses. The policy is achieved.</p>
<p>Policies ...</p>	
<p>29.2.4.4 <i>Avoid or mitigate the adverse effects of high trip generating activities on the transport network by assessing the location, design, and the methods proposed to limit increased traffic generation and promote the uptake of public and active transport, including by:</i></p> <ol style="list-style-type: none"> a. <i>demonstrating how they will help reduce private car travel and encourage people to walk, cycle, or travel by public transport, including by:</i> b. <i>preparing travel plans containing travel demand management techniques and considering lower rates of accessory parking;</i> c. <i>contributing toward well-connected public and active transport infrastructure or, where planning for such infrastructure is not sufficiently advanced,</i> 	<p>This policy is aimed more toward land use activities and how they can contribute to better transport efficiencies. To the extent that it is relevant to this road, the policy is achieved in that the road can provide for and be adaptable to public transport.</p>

<p><i>providing space for such infrastructure to be installed in the future;</i></p> <p>d. <i>providing public transport stops located and spaced in order to provide safe and efficient access to pedestrians who are likely to use each stop; and</i></p> <p>e. <i>providing less accessory parking than is required by Table 29.5 in conjunction with proposing other initiatives to encourage alternative modes of travel. ...</i></p>	
<p>29.2.4.7</p> <p><i>Control the number, location, and design of additional accesses onto the State Highway and arterial roads.</i></p>	<p>The additional access point is necessary to provide a safer access for the traffic anticipated by the WPD and potentially from Ayrburn. The location and design are appropriate.</p> <p>The policy is achieved.</p>

D**Proposed draft conditions with tracked changes**

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Waterfall Park Developments Ltd: Proposed Access Road Overview Sheet Layout, Sheet 2, Revision C', prepared by Paterson Pitts Group and dated 29/01/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Intersection Detail, Sheet 3, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road CH45.0 – CH205.0, Sheet 4, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road CH195.0 – CH405.0 and Earthworks Quantities, Sheet 5, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road CH380.0 – CH580.0, Sheet 6, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road CH565.0 – CH715.0, Sheet 7, Revision C', prepared by Paterson Pitts Group and dated 29/01/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road CH700.0 – CH870.0, Sheet 8, Revision C', prepared by Paterson Pitts Group and dated 29/01/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH0.0 – CH260.0, Sheet 9, Revision B', prepared by Paterson Pitts Group and dated 29/01/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH250.0 – CH510.0, Sheet 10, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH500.0 – CH760.0, Sheet 11, Revision C', prepared by Paterson Pitts Group and dated 29/01/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH750.0 – CH870.0, Sheet 12, Revision C', prepared by Paterson Pitts Group and dated 29/01/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Typical Cross Sections, Sheet 13, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road Typical Cross Sections, Sheet 14, Revision C', prepared by Paterson Pitts Group and dated 29/01/2018
 - 'New Access Road to Waterfall Park Context Plan', prepared by Baxter Design and dated ~~29 January~~ 11 April 2018
 - 'New Access Road to Waterfall Park Concept Masterplan', prepared by Baxter Design and dated ~~29 January~~ 11 April 2018
 - 'New Access Road to Waterfall Park Planting and Lighting Plan', prepared by Baxter Design and dated ~~29 January~~ 11 April 2018
 - 'Photo Simulation 1', prepared by Baxter Design and dated 29 January 2018
 - 'Photo Simulation 2', prepared by Baxter Design and dated 29 January 2018
 - 'Proposed Access Road ROW Easements' Revision A, prepared by Paterson Pitts Group and dated 11/04/18

stamped as approved on ????? 2018.

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.

General

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:
<http://www.qldc.govt.nz>*

To be completed prior to the commencement of any earthworks on-site

~~Condition to be proposed by the applicant to address timing implementation of the road construction within a suitably large development within Waterfall Park. Conditions may be considered for an initial construction road and all landscaping / mounding to be implemented before final seal.~~

[The Applicant considers (strongly) that any condition along the lines suggested above is unnecessary, and in fact is undesirable, for reasons which will be explained in legal submissions.]

4. Prior to commencing earthworks within the Arrowtown - Lake Hayes Road corridor, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
5. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
6. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site.
7. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with the QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council and in accordance with the Paterson Pitts Group "Earthworks Management Plan, Waterfall Park, Access Road" dated 6th October 2017 and Otago Regional Council consents RM17.302.01 and RM170.302.02 submitted with the consent application to ensure that neighbouring sites remain unaffected from earthworks. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
8. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following requirements:

- a) The forming and sealing of the New Road in accordance with details submitted within the RM171280 Resource Consent application and as shown on Patterson Pitts Group Drawings Q6388-15 Sheet 1,2,7,8,11,12 and 14 Revision C and Sheets 3 to 6, 9 and 10 and 13 Revision B and to Council's standards, but as amended to include the following requirements:
- The road shall have a 5.7m wide sealed Movement Lane (carriageway) in accordance with Figure 8, Table 3.2 of QLDC's Land Development and Subdivision Code or Practice, with additional sealed shoulders to bring the total sealed carriageway width to 7.2m.
 - As the road will be a private road, the consent-holder (as the road controlling authority) will install 50km/h speed limit signs in accordance with the Manual of Traffic Signs and Markings Section 2.
 - ~~Provision shall be made for traffic calming and speed treatment to ensure that a speed environment of 50km/hr is maintained.~~
 - Provision of a 2.0m wide concrete pedestrian footpath along the southern/western side of the road from CH 20 to CH 680.
 - Provision of a 2.0m wide concrete pedestrian footpath along the eastern side of the road from CH 565 to CH 680.
 - Provision shall be made for stormwater disposal from the road carriageways via grassed swales, rock lined swales or kerb and channel and attenuation ponds with piped reticulation with outflow to Mill Creek or soakage pits as shown on the Patterson Pitts Drawings Q6388-15 Sheets 1,2,7,8,11,12 and 14 Revision C and Sheets 3 to 6, 9 and 10 and 13 Revision B. Percolation testing shall be undertaken at the individual soak pit locations to confirm soakage. A copy of the test results shall be provided to the Manager of Resource Management Engineering at Council and shall be in general accordance with the "Acceptable Solutions and Verification Methods for New Zealand Building Code Clause: E1 Surface Water".
 - Details of erosion protection measures required for the road batter protection along elevated sections of road through the Mill Creek flood catchment area for a 1% AEP, ie 1 in 100 year event flow.
 - A secondary protection system shall consist of secondary flow paths to cater for the 1% AEP storm event and/or setting of appropriate building floor levels to ensure that there is no inundation of any buildable areas within the lots, and no increase in run-off onto land beyond the site from the pre-development situation. Any piped reticulation shall be designed with attenuation to ensure total discharge does not exceed pre-development flows and shall include provision of the interception of settleable solids, floatable debris or other contaminants prior to discharge to receiving waters.
 - Either the provision of a PS1 design Producer Statement and comment from a suitably qualified geotechnical professional attesting to the long term stability of road batters to the west of the road between Chainage 720 to 740 and/or the provision of a permanent retaining solution for the same area of roading cut/fill with safety barriers as necessary to meet Council standards.
- b) The formation of an intersection of the new road with Arrowtown-Lake Hayes Road, in accordance with the latest Austroads intersection design guides. This design shall be subject to review and acceptance by Council with any associated costs met by the consent holder.
- c) The provision of public intersection lighting for the new road with Arrowtown – Lake Hayes Road and private pedestrian lighting at/near all road crossing locations in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- d) The detailed bridge design for the bridge crossing Mill Creek in full accordance with the NZTA Bridge Manual including details of any required scour protection measures required at the bridge site and on approaches both upstream and downstream of the bridge to

adequately protect the abutments and bridge foundations. These design details shall be accompanied by a PS1 (Producer Statement – Design) from a suitably qualified Chartered Professional Engineer. This design shall be subject to review and acceptance by Council with any associated costs met by the consent holder.

- e) A barrier shall be provided for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design or these barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Manager of Resource Management Engineering at Council prior to installation. A PS4 producer statement or QLDC's Land Development and Subdivision Code of Practice Schedule 1C Completion Certificate shall be provided following construction and prior to use of the road.
 - f) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads and Stormwater infrastructure). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
9. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council and in accordance with the Paterson Pitts Group "Earthworks Management Plan, Waterfall Park, Access Road" dated 6th October 2017 and Otago Regional Council consents RM17.302.01 and RM170.302.02 and who shall supervise the excavation procedure and retaining wall constructions, if any, and ensure compliance with the recommendations of these documents. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.

To be monitored throughout earthworks

- 10. No permanent batter slope within the site shall be formed at a gradient that exceeds 2 horizontal: 1 vertical.
- 11. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 12. No earthworks, temporary or permanent, are to breach the boundaries of the site except for the approved works for the new intersection with Arrowtown- Lake Hayes Road at the east of the site.
- 13. Any works near power lines, including extraction, processing and stockpiling activities, and the use of haul roads by construction traffic, shall be undertaken in accordance with any requirements of Aurora Energy/Delta, the Electricity Act and the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001.

Public access and fencing

- 14. Prior to any use of the new road authorised by this consent (other than for road construction purposes), and subject to Condition 15 below, the consent holder shall grant in favour of the Queenstown Lakes District Council as grantee a right-of-way easement in gross over the corridor containing the road, footpaths and adjoining areas of land being those areas marked Easement Areas A, B and C on Paterson Pitts Group plan 'Proposed Access Road ROW

Easements' Revision A dated 11/04/2018 for the purpose of public access (as if those areas of land were vested in Council as public road).

15. Easement Area B is associated with the footpath running immediately alongside the road. Easement Area C is associated with the alternative pedestrian/cycle path shown on the plan referred to in Condition 14. Those are alternative options. The consent holder must create a public access easement over one of those options (comprising the footpath and adjoining area of land between the footpath and Mill Creek) but is not required to create both options.
16. Conditions 14 and 15 above do not imply any obligation on the Council to maintain the roadway, footpaths and adjoining lands located within the proposed public access easement. Maintenance shall remain the responsibility of the consent holder. If and when any part of the land subject to the public access easement is vested in Council as legal road or reserve, this condition will cease to have effect in respect of the land thus vested.
17. Prior to any use of the new road authorised by this consent (other than for road construction purposes) the consent holder shall fence or adopt other measures to ensure that the full length of Mill Creek which runs through Part Lot 3 Deposited Plan 5737 excludes any stock from being able to access Mill Creek.

Road Speed Monitoring

18. Upon the receipt of information identifying non-compliance with the conditions of this consent and/or within ten working days of each anniversary of this decision, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent for the following purposes:
 - (a) To deal with any adverse effects on the environment that may arise from the operation of the consent in terms of road speed that were not foreseen at the time the application was considered;
 - (b) To undertake a speed survey to be carried out by the consent holder to determine the operating speed of the road. This will be calculated as the 85th percentile observed speed, with at least 100 measurements being carried out in each direction of travel. The results of this survey are to be provided to Council;
 - (c) In the event that the operating speed exceeds 50km/hr, then the consent holder shall design and implement measures to reduce the operating speed to 50km/hr or less.

Accidental Discovery

19. If the consent holder discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - (a) stop work within the immediate vicinity of the discovery or disturbance and;
 - (b) advise the Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
 - (c) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

Recommended Advice Notes

1. Registered professionals shall prepare all necessary documentation to enable the certification to be lodged with Land Information New Zealand.

2. The consent holder is advised that if the road is vested in future all stormwater systems and ponds associated with the road would also need to be vested.

Attachment G

Copy of Road consent decision RM171280



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991

Applicant:	Waterfall Park Developments Ltd
RM Reference:	RM171280
Location:	Arrowtown – Lake Hayes Road
Proposal:	The construction of a new road of approximately 870m in length to provide access from the Arrowtown – Lake Hayes Road to the Waterfall Park Resort Zone.
Type of Consent:	Land Use
Legal Description:	Part Lot 3 Deposited Plan 5737 held in Computer Freehold Register 666857
Zoning:	Rural General
Activity Status:	Discretionary (Full)
Notification:	7 February 2018
Commissioner:	Commissioner D Mead and R Nixon
Date Issued:	1 June 2018
Decision:	GRANTED SUBJECT TO CONDITIONS

UNDER THE RESOURCE MANAGEMENT ACT 1991**IN THE MATTER OF AN APPLICATION TO
QUEENSTOWN LAKES DISTRICT COUNCIL
BY WATERFALL PARK DEVELOPMENTS
LIMITED (RM 171280)****DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARING
COMMISSIONERS D MEAD AND R NIXON APPOINTED PURSUANT TO SECTION 34A OF THE
ACT****The Proposal**

1. We have been given delegated authority to hear and determine this application by the Queenstown Lakes District Council ("Council") under section 34 of the Resource Management Act 1991 ("the Act") and, if granted, to impose conditions of consent.
2. This decision contains the findings on the application for resource consent and has been prepared in accordance with section 113 of the Act.
3. The application is for the construction of a new private road of approximately 870m in length to provide access from the Arrows-town-Lake Hayes Road across land zoned Rural General under the Operative District Plan (ODP) to the Waterfall Park Resort Zone (WPRZ).

The Site

4. The application site is known as Ayburn farm. The farm comprises a number of open paddocks bordered by occasional shelter belts. There is a cluster of historic buildings on the farm, while Mill Creek flows through the site from the northern boundary with WPRZ through a small open valley to the southern boundary of the site, and ultimately into Lake Hayes further to the south. A detailed description of the site and receiving environment within which the new road will operate can be found in the applicant's Assessment of Environmental Effects. That description accords with our impressions from our visits to the site and surrounding area.
5. In brief, that part of the application site through which the proposed road would pass comprises a mixture of level and undulating pastoral farmland. At the proposed intersection with the Arrows-town-Lake Hayes Road, the new road passes over a level, open paddock. It then drops down a minor escapement to cross the small valley bisected by Mill Creek. After crossing Mill Creek, the road would follow the true right hand (or western) bank of Mill Creek before terminating at the boundary with the WPRZ site.

6. The application site is overlooked by a number of rural-residential properties that lie to the south.
7. The WPRZ provides for up to 100 residential units and 114 visitor accommodation units. Consent is currently being sought for additional units as part of a separate application process. The existing legal road access to the WPRZ is by way of a 10m wide road reserve that lies to the north of the application site. This road is not a formed road, having an unsealed carriageway of 4 metres in width with grass berms. The legal road reserve intersects with Arrowtown-Lake Hayes Road on a corner where there is a significant level difference between the Arrowtown-Lake Hayes Road and the unformed road. As a result, the current access dog legs to the south, running beside the Arrowtown-Lake Hayes Road until the accessway can join the main road at grade. This part of the access lies partly in the road reserve and partly in the application site.

Notification, Submissions and Affected Party Approvals

8. The application was publicly notified on 7 February 2018 and 12 submissions were received. Ten submissions were in opposition. No written approvals were provided.
9. Submissions were received from the following:
 - Robert and Catherine Dumarchand
 - Peter Goulston
 - Queenstown Trails Trust (subsequently withdrawn)
 - Wendy Clarke
 - Nick Hart
 - Dougal McPherson
 - Don Andrew
 - J and R Hadley
 - Lake Hayes Equestrian Limited
 - Friends of the Lake Hayes Society Inc
 - Millbrook Country Club Ltd
 - Peter, Gillian and Simon Beadle.
10. The grounds for opposition stated in the submissions can be summarised as follows:
 - (a) allowing the proposed road would compromise or undermine the ability of the Council to decline future proposals for residential development on the application site;
 - (b) there are alternative access options available, such as upgrading the existing WPRZ access to the Arrowtown-Lake Hayes Road;
 - (c) the construction and establishment of the proposed road would exacerbate flood risk;
 - (d) the construction and establishment of the proposed road would result in sedimentation and contamination in Mill Creek and in Lake Hayes downstream;

- (e) the proposed road would have adverse visual impacts, particularly on the outlook of dwellings to the south and would remove a sense of physical separation and openness between Arrowtown and the rural – residential development north of Lake Hayes;
- (f) the proposed road is premature given that the resource consent for development within the WPRZ had not yet been granted;
- (g) the proposed road is ‘over engineered’ and excessive for the level of traffic that is likely to be generated by the WPRZ;
- (h) the road will generate effects associated with vehicle noise and headlight glare;
- (i) traffic safety may also be affected.

11. No written approvals had been obtained.

The Hearing

12. A hearing to consider the application was convened on 1 May 2018, in Queenstown. The Commissioners undertook a site visit prior to the hearing, as well as after the hearing to further consider specific aspects of the site and proposal.

13. The applicant was represented at the hearing by Mr Goldsmith, legal counsel. Evidence was provided by:

- Jeff Brown, Planning
- Ruth Goldsmith, Aquatic Ecology
- Andy Carr, Traffic Engineering
- Damian Hyde, Civil Engineering
- Paddy Baxter, Landscape Architect
- Gary Dent, Stormwater Engineering.

14. The following submitters presented evidence:

- Ben O’Malley, Millbrook Country Club
- Rebecca Hadley
- James Hadley
- W.A. Anglin, legal counsel, on behalf of Peter Beadle, Gillian Beadle and Simon Beadle
- Kathleen O’Sullivan and Andrew Davis on behalf of the Friends of Lake Hayes Society Inc
- Murray Doyle (late).

15. The Council’s consultant planner, Mr Anderson, who had prepared a section 42A report; Ms Stella Torvelainen, Resource Management Engineer and David Compton – Moen, consultant urban design and landscape architect, were in attendance.

16. At the start of the hearing, we had one procedural issue to attend to, relating to the late submission by Mr Doyle. His submission was received by the Council on 26 April 2018, well after the close of submissions. Mr Doyle explained that he lives on a rural property with vehicular access to the Arrowtown – Lake Hayes Road at a position approximately opposite the existing access to Ayburn Farm and close to the current WPRZ access. While he did not directly overlook the proposed new road, he was worried about traffic and related safety issues.
17. Mr Doyle explained that he was unaware of the application as he had not been directly advised of the application by the Council and only found out about the proposed development a few days before the hearing. Mr Doyle confirmed that he was content to present his case at the hearing and did not need extra time to prepare evidence.
18. In considering whether we should grant an extension of time to receive Mr Doyle's submission, we note that other submissions in opposition to the application put forward options bringing the new road closer to Mr Doyle's accessway. We also consider that in any case Mr Doyle should have been directly notified by the Council, given the location of his vehicle access onto the Arrowtown-Lake Hayes Road relative to the proposed new intersection included in the application. Mr Goldsmith confirmed that the applicant had no strong objection to the grant of a waiver for failure to comply with the time limits for lodging an objection.
19. Taking these matters into account, we resolved in accordance with section 37A RMA to grant a waiver for Mr Doyle's late submission to be received on the basis that Mr Doyle has an interest that may be directly affected by the application, while the extension of time would not cause unreasonable delay.
20. After hearing from the parties, the hearing was adjourned on 1 May 2018 to allow for further evidence to be prepared by the applicant, along with an amended set of recommended conditions and the applicant's closing statement. On 2 May 2018, we issued a Minute requesting further details on aspects of the road design. All of this material was received on 8 May 2018 and the hearing was closed on 14 May 2018.

The District Plan, Resource Consents Required and Statutory Matters

21. Full details of the resource consents required and the status of the activity are set out in the application and Council's section 42A report. In summary, the application requires a discretionary land use resource consent. The applicant has already been granted required consents from the Otago Regional Council for the works in Mill Creek to construct the bridge.
22. The site is zoned Rural General under the ODP. Under Part 2 of the Proposed District Plan (PDP), publicly notified on 23 November 2017, the majority of the application site is zoned 'Wakatipu Basin Lifestyle Precinct' and the balance of the site is zoned 'Wakatipu Basin Rural Amenity Zone'.

23. The PDP introduces an additional consent trigger, as covered below. Otherwise, at the time of our decision on this application, submissions on Stage 2 of the PDP had yet to be heard, and with the one exception noted below, the activity has to be considered as a type of activity that it was for, or was treated as being for, at the time the application was first lodged in November 2017
24. Resource consent is required under the ODP for the following reasons:

A restricted discretionary activity resource consent pursuant to Rule 22.3.2.3 (a) as the proposed activity infringes the following site standards pertaining to earthworks:

- *Rule 22.3.3 (i) where the proposed 34,520m³ of earthworks will exceed the 1000m³ maximum specified under the rule;*
- *Rule 22.3.3 (ii) as the proposal will exceed the maximum cut and fill potentially in relation to the batter at CH730 on the plan titled “Waterfall Park Developments Ltd: Proposed Access Road CH700.0 – CH870.0, Sheet 8, Revision C”, prepared by Paterson Pitts Group and dated 29/01/2018;*
- *Rule 22.3.3 (v) as the works will be undertaken within 7m of the stream and will exceed 20m³ in volume.*

A discretionary activity resource consent pursuant to Rules 5.3.3.3 (i) and (iii) for the proposed road. The road and the use of the road are fundamental components of the residential and visitor accommodation activities enabled by the Waterfall Park Resort Zone. Visitor accommodation and residential land uses are Discretionary activities in the Rural General zone (the latter if in association with a building).

A discretionary activity resource consent pursuant to Rule 5.3.3.3 (i) for the construction of a building outside of an approved building platform. The bridge is considered a building.

A discretionary activity resource consent pursuant to Rule 17.2.3.3 (iv) for the construction of flood protection works.

25. Consent is also required with respect to one rule under the PDP which has immediate legal effect from notification, as follows:

A restricted discretionary resource consent pursuant to Rule 21.5.4 of the Proposed District Plan which requires the minimum setback of any building from the bed of a wetland, river or lake shall be 20m. The bridge will be located over Mill Creek which falls within the definition of a “river”, and will have footings within the minimum setback.

26. Overall, the application is to be assessed as a discretionary activity.
27. As a discretionary activity, the provisions of the Act relevant to the assessment of this application are sections 104, 104B, 108 and Part 2.

28. Subject to Part 2 of the Act, Section 104(1) sets out those matters to be addressed by the consent authority when considering a resource consent application, as follows:
- a) *any actual and potential effects on the environment of allowing the activity; and*
 - (b) *any relevant provisions of:*
 - (i) *a national environmental standard:*
 - (ii) *other regulations:*
 - (iii) *a national policy statement:*
 - (iv) *a New Zealand coastal policy statement:*
 - (v) *a regional policy statement or proposed regional policy statement:*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*
29. In accordance with section 104(1)(b)(i) to (v) of the Act, there are no relevant national environmental standards, other regulations or national policy statements directly applicable to the proposed development. The National Policy Statement on Freshwater was referred to, but its provisions are not determinative to the issues that we must address. The Otago Regional Policy Statement was not referred to in any detail.
30. In terms of 104(1)(b)(vi), as noted, the proposed district plan has been notified and is subject to submissions. The plan is currently in the hearing process, with decisions on the Stage 1 components of the plan released by the Council on 7 May 2018. While regard must be had to the objectives and policies of the PDP, both Mr Brown and Mr Anderson indicated that the objectives and policies of the PDP were not substantially different to those of the ODP as they related to the matter of road design and associated effects on landscapes. Mr Goldsmith's advice was that there was no need for us to undertake a complex weighting exercise as between the ODP and PDP.
31. Relevant operative plan provisions are identified in the section 42A report. The objectives and policies relevant to this application are contained within Part 4 of the District Plan – (*District wide Issues*), Part 5 – (*Rural Areas*) and Chapter 22 – (*Earthworks*).
32. In addition to the above RMA consents, consent is also required under section 348 of the Local Government Act to the creation of a private right of way over Part Lot 3 Deposited Plan 5737. That consent is issued by the Council under separate cover as we do not have the delegation to determine that consent.

Summary of the Evidence Heard

33. The following is an outline of the submissions and evidence presented by the applicant, submitters and Council staff. This summary does not detail everything that was advanced at the hearing, but captures key elements in contention.

Evidence for the applicant

34. In a memorandum dated 13 April 2018, Mr Goldsmith advised that only limited primary evidence would be pre-circulated on behalf of the applicant, with reliance instead placed on the Assessment of Environmental Effects and technical reports which had been pre-circulated with the application. The following evidence was provided:
- (a) Landscape evidence prepared by Mr Baxter;
 - (b) Traffic evidence prepared by Mr Carr;
 - (c) Aquatic ecology evidence prepared by Ms Goldsmith; and
 - (d) Planning evidence prepared by Mr Brown.
35. This evidence was taken as read, and the above witnesses answered questions related to their pre-circulated evidence.
36. Mr Goldsmith began by noting that the conclusions of the Council officers were largely in accordance with those of the applicant's witnesses, and similarly that there were only relatively minor differences with respect to proposed conditions. Overall, the new road would not generate significant effects on the landscape or rural amenity or cause sediment or other water related effects. A range of steps had been taken to mitigate effects.
37. The road is needed to serve the WPRZ. The application site is adjoined on part of its northern boundary by the WPRZ. He noted that the WPRZ Structure Plan had remained unchanged between that contained in the ODP and the PDP, and stated that the Waterfall Park Resort zone was now deemed operative under section 86F(1) of the RMA as there were no outstanding submissions on it. He emphasised that within the zone a maximum of 100 residential units and approximately 114 visitor accommodation units could be developed as a controlled activity within the 'sub areas' identified on the Structure Plan in this zone (a controlled activity cannot be declined by the Council, but only subject to conditions).
38. He then noted that existing legal access to the WPRZ from the Arrowtown-Lake Hayes Road along the northern boundary of the application site was available, but this access had physical and safety related limitations which meant that it was unsuitable as an access for the level of development anticipated in the WPRZ. He said that the development of the WPRZ could not be practically achieved using the current access arrangements, and it was this fact which had given rise to the current application.
39. The applicant had considered a number of access options. Mr Goldsmith reinforced that the applicant did not need to demonstrate consideration of a range of options for it to obtain consent for the new road. The issue for the Commissioners to decide was the nature and level of effects generated by the new road and whether those effects were appropriate. The consideration of options helped to place those potential effects in context. He then described the options considered for providing access enabling development of the WPRZ. These were:

- (a) Option 1 – using the existing legal access adjacent to the northern boundary, potentially widening this access where it runs through the application site and constructing a new intersection with Arrowtown-Lake Hayes Road. This option was impracticable because Arrowtown-Lake Hayes Road was elevated well above the legal road, while there were significant safety issues as the new road intersection would be on a corner. Widening of Arrowtown-Lake Hayes Road would be required, including the likely need to acquire additional land from a third party.
 - (b) Option 2 – using the existing access point to the Ayrburn homestead. This option would improve upon the current access arrangement, by bringing the intersection of the road to WPRZ further north to improve sight lines. The new road would join the Arrowtown-Lake Hayes Road at about the same point as the entrance to the access to the Ayrburn homestead and historic buildings. This access is marked by a prominent avenue of trees, some of which may need to be removed. This option may also require purchase of third-party land to comply with sight lines. The road would also need to have an alignment further to the west than the current WPSZ access to allow for an appropriate intersection design.
 - (c) Option 3 was that contained in the application and was preferred from the point of view of landscape and traffic considerations, as well as meeting the necessary visibility and safety standards required by the Council with respect to the latter.
 - (d) Option 4 was a legal road access off Speargrass Flat Road to the south, however this was only 10.06 m wide and would be insufficient to serve more than 20 units.
40. Mr Goldsmith outlined the background to the development of the WPRZ and the application site. Resource consent had been lodged for a hotel type development within the Special Zone. He also noted that the owners of Ayrburn Farm had been involved in various attempts to have the application site developed for residential purposes. Ayrburn Farms Limited has lodged a submission on Stage 1 of the PDP seeking residential development over all or part of the application site containing the proposed road. However the zoning of land within the Wakatipu Basin was deferred by the Council pending a land use study which has now been completed. Stage 2 of the PDP had been notified. The original submission has now been adopted by the current applicant who owns both the application site and the land within the WPRZ. Under Stage 2 of the PDP the Council was seeking to make provision for 'lifestyle' development (6,000m² allotments) over the application site. The applicant's submission seeking much more intensive residential development has yet to be heard.
41. Mr Goldsmith explained that to allow for possible future eventualities, the proposed road had been designed to be able to accommodate future residential or lifestyle development as well as that contemplated within the WPRZ. However the road was not reliant upon the rezoning. Even if the rezoning did not eventuate, a new road to access the WPRZ development was required.

42. Mr Goldsmith submitted that the reason why the consents for the road and hotel development within the WPRZ had not been sought concurrently was that adequate road access to the WPRZ was considered necessary regardless of whether or not the current development within that zone was consented or built. In other words – and this is a crucial point – the applicant considers the road is necessary, having regard to the zones provisions and Council's road construction standards.
43. He noted that as the application did not involve subdivision, the Council could not require the creation of an esplanade reserve/strip along Mill Creek. He submitted that public access easements proposed by the applicant, together with riparian planting and fencing to exclude stock would provide the same benefits. The road design and alignment would not preclude an esplanade reserve being created in the future, should the land be subdivided.
44. Mr Goldsmith then addressed the complex planning framework. This included the operative and proposed regional policy statements, the operative and proposed district plans, and the WPRZ.
45. He contended that the enhancement measures along Mill Creek were consistent with the National Policy Statement for Freshwater Management 2014 and would achieve a significant number of regional objectives and policies.
46. He submitted that weighting issues between the operative and proposed district plans did not arise because the various objectives and policies of the planning instruments sought similar outcomes, with the exception of the zoning of the application site.
47. He challenged a proposed condition in the section 42A report that the road should not be constructed prior to the Waterfall Park development being built. In his opinion such a condition was inappropriate (whether it be volunteered or imposed) as it was not a response to adverse environmental effects, and the road would need to be constructed regardless of the outcome of the application for the hotel development within the WPRZ. He said the road needed to be completed prior to significant development works within the WPRZ as the current access was inadequate.
48. He signalled the applicant's support for a condition requiring the retention of trees on the boundary of 529 – 533 Speargrass Flat Road and proposed a modified condition also allowing for replacement of these trees and any necessary trimming.
49. The only other significant issue arising with the Council reports was a condition restricting the speed of traffic on the proposed road to 50 km/h, which he considered unnecessary in the absence of any evidence that there would be an issue with speed, given that the road had been designed to restrict speed to 50 km/h.

50. Mr Hyde (Civil Engineering) clarified a number of points as to the design of the road, including providing a plan which showed the extent of the road carriageway that would be within 20m of the banks of Mill Creek, and therefore may be subject to any future esplanade reserve requirement. He also referred to the draft earthworks control plan provided with the application. He clarified that the wetlands shown on the plans were essentially dry basins that would accommodate run off from the road during storm events.
51. Mr Dent responded to questions relating to flooding. He pointed out the 'raised section' of the road, this being where the road passes over the Mill Creek floodplain. This section of the road would sit on a 1m high embankment. A ponding area would be created upstream of this embankment, and as a result twin culverts were to be provided to enable drainage. His calculations accounted for the effects of climate change on rainfall patterns.
52. Mr Carr spoke to his pre-circulated evidence. He outlined his analysis of options 1 and 2 and the works that are likely to be required to accommodate the new intersections, including land purchases. He clarified that Option 2 may only require a very small area of land. He responded to questions from the Commission as to the width and design of the new road as it crosses the application site. He referred to Council standards and guidelines which indicate that a 5.5m wide carriageway plus shoulder was needed. This type of road was appropriate for the level of development anticipated in the WPRZ.
53. Mr Baxter outlined the measures that were to be taken to mitigate the visual and landscape effects of the road. This included low mounding, tree planting, low level lighting and limited use of kerb and channel. He clarified that the proposed mounding on the southern side of the road would be extended down the terrace onto the flat land to the north of the Beadle property. This would address in part, one of the concerns raised in the Beadles' submission.
54. He reiterated his assessment that the proposed route of the new road would have less landscape effects than the other options considered by the applicant. Option 1 would involve major new embankments, while option 2 would involve a new road that would be very visible to users of Arrowtown-Lake Hayes Road. While the preferred option would also be visible to road users, it was on an alignment which was much more sympathetic to the geometry of the landscape. Where the road crosses the Mill Creek valley, the batter slopes of the road should be of a gentle grade to help blend the road into the landscape.
55. Ms Goldsmith provided further details on the riparian planting proposed and how that planting would integrate with fencing to exclude stock, while allowing for public access. The benefit of a more detailed planting and maintenance plan was acknowledged.
56. Mr Brown addressed a number of planning aspects. He recommended some amendments to the draft conditions.

Evidence by submitters

57. Mr O'Malley gave brief verbal evidence on behalf of the Millbrook Country Club. The Country Club adjoins the application site. He said the submitter was 'neutral' on the application, but was concerned with respect to the creation of any cycle/walking access through the application site and the WPRZ into Millbrook. He sought that should such access be considered desirable by the applicant, that the WPRZ be linked to the existing cycle/pedestrian path along the western boundary of the property and up what is known as 'Christine's Hill'.
58. Ms Hadley lives on Speargrass Flat Road. She stated that this was not just an application for an access road but the precursor for intensive residential and commercial development, the details of which had not been clearly established. It was premature to grant consent to the application prior to decisions on the zoning of Ayrburn Farm and the resource consent for more intensive development in the WPRZ. She said that the applicant had submitted on the PDP to seek the inclusion of the WPRZ and Ayrburn Farm within the Urban Growth Boundary which would increase the size of Arrowtown. The construction of the road would be a step towards this. She contended that it was important to maintain an open space buffer between Speargrass Flat Road and Arrowtown to the north.
59. She said the proposed road would not look like a farm access but be an urban access road similar to Howards Drive into Lake Hayes Estate. Where the road crossed the open, flat paddock adjacent to Arrowtown-Lake Hayes Road, the landscape character of this area would be adversely affected. She added that the proposed road would have an adverse impact on water quality in Mill Creek and Lake Hayes, noting (as did other submitters) the potential for sedimentation citing the example of recent clearance work within the WPRZ. She was also concerned with the loss of productive farmland.
60. Mr Hadley commented further upon the possible implications of the road. He too was concerned that the road would lead to rezoning, yet the consequences of that rezoning had not been fully assessed. He suggested that if the road was to just serve the WPRZ, then an alternative road layout and design may be appropriate, a design which may not require such extensive works for a new intersection with Arrowtown-Lake Hayes Road. He raised issues with the quality of the assessments provided with the application and was concerned that they had not been appropriately reviewed by Council specialists. He particularly raised flooding hazards and whether the road might lead to ponding of floodwaters and eventual over topping and weakening of the low embankment on which the road will traverse the valley, creating a 'dam burst' type scenario. He pointed to concerns expressed by Otago Regional Council over the accuracy of the applicant's assumptions about rainfall and river volumes used in the regional council consents.
61. Mr Anglin, legal counsel, presented submissions on behalf of Peter, Gillian and Simon Beadle. The Beadles live on a property that lies to the south of the application site, with an elevated view over the Mill Creek valley through which the road would pass. The Beadles were very concerned about the impact of the road on their amenity, including noise, lights and visual disturbance. Mr Anglin considered that insufficient attention had been paid to other route options. They were also concerned about the implications of the road for further development on the application site.

62. Kathleen O'Sullivan and Andrew Davis appeared on behalf of the Friends of Lake Hayes Society Inc. The society is very concerned about the health of Lake Hayes and the potential effects of sediment from earthworks and future road run off. They sought that there be a halt to further development in the catchment until a catchment management plan had been prepared.
63. Murray Doyle addressed his submission. He too took issue with the application being considered without reference to the future development of the land surrounding the road. He was concerned about traffic safety issues and the visual impact of the road.

Evidence from the Council

64. The section 42A report prepared by Mr Hamish Anderson supported a grant of consent to the application. His conclusions were also informed by review of the proposal by a consultant landscape architect (Mr David Compton – Moen), a consultant acoustic engineer (Dr Stephen Chiles), and by the Council's Resource Management Engineer, Ms Stella Torvelainen.
65. Mr Compton-Moen's assessment was that the landscape effects of the proposed road were not significant. The open paddock beside the Arrowtown-Lake Hayes Road was identified in Council studies as an area that could absorb more development. He considered that the preferred route would have fewer adverse effects than the other routes identified.
66. Ms Torvelainen stated in response to questions from the Commissioners that if the road was to just serve the WPRZ, then the design was appropriate; in other words the road was not over designed. She identified that the Council had not undertaken a full peer review of the application material relating to civil engineering issues as the application did not raise any significant engineering risks. She noted that it may be appropriate for a specific site management plan be prepared, covering management of construction and earthwork effects. This would be a step up from the generic sediment control plan provided with the application.
67. In his section 42A report, Mr Anderson had stated that he considered that any consent for the road should be tied to the consent for the hotel development on the WPRZ, as it was this development that generated the need for the road. Having heard the evidence, he clarified that he accepted that the completion of development within the WPRZ was not a precondition for the construction of the proposed road.

Applicant's right of reply

68. After the hearing, supplementary evidence was provided by Mr Baxter, Mr Dent and Mr Carr. An amended set of conditions were recommended with additional details relating to landscape design, riparian planting and earthworks management. The applicant confirmed that some additional steps could be taken to address effects of the road on the amenity of the Beadles' view, including a shallower batter slope and clustered planting.

The Principal Issues in Contention

69. Section 113 of the RMA requires the Commissioners to identify the principal issues in contention and to record their findings on these matters.
70. After analysis of the application and supporting evidence (including proposed mitigation measures and volunteered conditions) and a full review of the section 42A report, the proposed activity raises the following issues:
 - a) Need for the road and future implications
 - b) Options assessment
 - c) Landscape / visual effects
 - d) Traffic effects
 - e) Flooding effects
 - f) Water quality effects.

Need for the road and future implications

71. A number of the submitters saw the application as a stalking horse for expanded development within the application site itself. It was suggested to us by some submitters that the application site provided a de facto 'green belt' between Arrowtown and the rural lifestyle block to the south starting in the vicinity of Speargrass Flat Road. The submitters pointed to the applicant's submissions on the PDP zoning of the land and contended that by consenting the road, a major step towards rezoning would be taken, along with loss of this green belt. The related argument is that a road of the standard proposed is not needed to serve the WPRZ, and as a result the road must have an 'ulterior purpose'. We were also presented with arguments that the establishment of the proposed road should be deferred until further development within the WPRZ had been approved and/or decisions are made relating to the zoning of the application site.
72. By way of background, we note that the PDP is proposing to rezone the majority of the application site for rural lifestyle purposes. Even at this density, there would be a substantial change to the character of the site. As noted previously, the applicant's position seeking 'full residential' over the majority of the application site is no secret and a matter of public record.
73. While the submitters reaction is not surprising giving the previous history of development proposals on the application site and current debates over future zoning, the appropriate zoning of the application site is not a matter that we can (or should) address through this decision. The applicant is entitled to have a decision based on the merits or otherwise of what is sought through their current application. Having said that, we also note that the zoning of the land under the PDP is not a matter that has influenced our decision.

74. On the issue of need for the road, it is apparent to us that even if the WPRZ was developed in accordance with the current rules as a controlled activity, alternative road access to that which currently exists would be required. Unless there is another option available to provide adequate roading access to the WPRZ, land in that zone cannot be developed when regard is had to the roading standards required by the Council. The evidence before us was the standard of roading required to provide access to service the existing level of development provided for as a controlled activity within the WPRZ, is very similar to that which is now being proposed.
75. In relation to whether consent should be deferred to coincide with either the consent for the Waterfall Park hotel, or potentially the PDP being finalised, we are not convinced that this is needed. The option of tying the consent to the road to the (possible) consent for the hotel development was raised in the section 42A report, although that suggestion was later retracted by Mr Anderson. In our view, we do not need to entertain such measures if we find that the effects on the environment of the road are appropriately mitigated. In other words, if the effects are appropriate, given the values present, then there is no need to consider the wider benefits of the road and whether to see those benefits realised (like the economic and social benefits of visitor accommodation), there needs to be some connection between the development generating the need for the road occurring, and the road being built.
76. Finally on this topic, we note that we have power under Section 91 of the RMA to defer hearing of an application to allow for related applications to be considered at the same time. This power does not extend to defer making a decision. The ability to 'hold' an application before a hearing is also dependent upon the other consents being needed to understand the effects of the application at hand. Again, this circumstance does not apply in this case.

Options

77. There was considerable disagreement at the hearing between the applicant and submitters with respect to the viability of various alternatives, albeit that the option of an access off Speargrass Flat Road met with little enthusiasm by any of the parties. However there was considerable debate between the merits of options 1 – 3, but particularly between option 2 (or variations thereof) and option 3. In the course of the hearing we heard evidence relating to all options, and a variation on one of these options put forward by Mr Anglin on behalf of the Beadle family.
78. Before looking at these issues involved, we understand that the applicant has no intention of providing foot or cycle access from the WPRZ into Millbrook as part of this application. As a result the issue raised by Millbrook is outside the scope of the current application.
79. To begin with the consideration of options, the Council's evidence was that the level of development currently permitted within the WPRZ as a controlled activity would require a road meeting the following standards, regardless of which route was selected:
- (a) 5.5 – 5.7 m wide carriageway with 1 m shoulders; a total of 7.5 to 7.7 m wide
 - (b) 1.5 m footpath, kerb and channel.

80. The applicant's proposal is for a carriageway width of 7 m, with a 2 m wide footpath on one side, which is only slightly different to that under the Council's standards. In other words, there is no viable option that involves a road of lesser width or design characteristics.
81. At the risk of labouring this point, this clearly confirms to us that the width of the road and its standard of construction is in accordance with what would be required anyway to service the current level of development permitted within the WPRZ. This now brings us to the issue of alternative route options.
82. We note at this stage that under the RMA (or relevant planning documents), consideration of alternative locations and methods is not required, unless we are satisfied that effects are significant. Schedule 6, clause 6 (1) (a) of the Act stipulates that:
- “An assessment of the activities effects on the environment must include the following information:
if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity”.*
83. In this case the applicant has asserted that there will not be any significant adverse effects on the environment from the proposed road, but has nevertheless chosen to address alternatives, and for that reason we have included consideration of these in our assessment. We believe it was prudent to consider alternatives in this case, as they help to place the consideration of effects in context. However we stress that our role is not to determine the best option, but rather to determine whether the selected option is appropriate in terms of the RMA and related documents.
84. To recap, option 1 utilises the legal accessway parallel to the northern boundary of the application site to the Arrowtown-Lake Hayes Road. We are satisfied on the basis of uncontested evidence that the physical difference in levels between this accessway in the elevated highway above, visibility constraints and consequent safety implications, the need to acquire third-party land and visual impacts associated with a large embankment, clearly established that this option was impracticable.
85. The second option involves utilising the existing physical access point at the treed avenue providing access to the Ayrburn Farm. The evidence illustrated similar challenges to those arising with Option 1 with respect to its traffic safety and visibility, albeit not as severe. Mr Baxter's evidence was that there would be significant adverse visual impacts associated with the necessary road works across the northern paddock of the property, and disturbance to the avenue of trees into Ayrburn Farm.

86. Option 3 was that proposed by the applicant. A variation on Option 3 was suggested by Mr Anglin on behalf of the Beadle family. This would use the same intersection with Arrowtown-Lake Hayes Road as Option 3, but instead of the proposed road proceeding across the paddock to the west, the road would proceed to the north parallel to the Arrowtown-Lake Hayes Road. This route would eliminate adverse visual effects with respect to the Beadle property, but it would result in a parallel road adjacent to the main Arrowtown-Lake Hayes Road, which Mr Carr considers would be potentially confusing for traffic using the main road at night. Quite apart from this, there would be a significant adverse visual impact as seen from the Arrowtown-Lake Hayes Road.
87. Although Mr Goldsmith was critical of Mr Anglin's "submissions" (which we do consider strayed into areas properly that of expert witnesses) this particular option would 'work' in traffic engineering terms, and certainly better than Option 1.
88. Option 4 refers to a 10 m wide road reserve which provides legal access from Speargrass Flat Road to that part of the application site west of Mill Creek. Quite apart from the inadequacy of the legal road width, this access point is located centrally in a reasonably dense cluster of rural lifestyle properties and from a local road with relatively low traffic levels, certainly in comparison with the Arrowtown-Lake Hayes Road. There would likely be adverse impacts on the amenity of Speargrass Flat Road and the adjoining cluster of rural lifestyle properties.
89. In summary, we find that a number of options have been investigated, in greater depth than what would normally be required for an Assessment of Environment Effects. The alternative options identified and considered do not suggest a road alignment that would generate no adverse effects.

Landscape / Visual effects

90. Landscape and visual effects can be broken down into two sub issues: the impact of the new road on the landscape of the open paddock as experienced from the Arrowtown-Lake Hayes Road, and the impact on the Mill Creek valley.
91. In relation to the impact of the road on the landscape as experienced from Arrowtown-Lake Hayes Road, Mr Baxter's assessment was that the road would not adversely affect this landscape. The road would cut across the current open paddock at right angles to the road and effectively create two paddocks. Being at right angles to the main road and parallel to the edges of the paddock, the splitting of the landscape created by the paddock would not be seen to be incongruous. Submitters were concerned that the alignment of the road would not result in such a complimentary visual effect. In particular the road would create what might be termed a residual area of paddock on its southern side. This would mean that the landscape value of the paddock as an open green area would be significantly diminished. Council's assessment was that the landscape could absorb the level of change proposed.
92. Our finding on this matter is guided by the expert evidence that we received. We accept the evidence of Mr Baxter and Mr Compton-Moen that the road will not significantly detract from the open landscape currently experienced.

93. With respect to visual impacts of the proposed road as it passes through the Mill Creek valley, we consider the property of the Beadle family has by far the greatest potential to be adversely affected, being elevated above Mill Creek. The two properties between the Beadle property and the Arrowtown-Lake Hayes Road would also be affected, but only to a limited extent as a result of screening by mounding and associated planting, although we consider that larger vehicles would be visible when passing along the proposed road. We note that no submissions have been received from the two property owners to the east of the Beadle property.
94. The greatest potential visual effect on the Beadle property is that portion of the proposed road approximately between the CH400 and CH500.
95. Along this section, the proposed road is intended to be raised approximately 1m above the surrounding paddock under the application as notified, with a 1 in 5 batter and spaced tree planting. Given the distance to the Beadle property, we do not think that the road surface will be a visually prominent feature. We consider what will be visible is the view of passing traffic on the proposed road in an environment that is currently devoid of vehicular movement.
96. This brings us to a contention raised in Mr Anglin's evidence where he considered that too much emphasis has been placed on views from the road. The implication we drew from this was that it was views from private properties that mattered, not from public places. However this contention is not supported from a policy perspective under the ODP or the PDP. Our reading of the plans is that both plans place at least equal emphasis on the adverse visual impacts of development as seen from public places (including roads) as it does from adjoining properties.
97. We note that while the road will be in a 'private' valley that is overlooked by the Beadles, it will also be in a landscape that, with the road and footpath in place, will be visited by the public. It is therefore relevant that the road be designed to integrate into this landscape for both public and private amenity reasons.
98. After the hearing we visited the Beadle property and requested further analysis from the applicant of the visual effects of the road on the landscape of the valley. In response to our Minute, Mr Baxter recommended a gentler slope to the southern batter and a modified planting approach that emphasised either more of a cluster of trees or a shelter belt type planting to fully screen the road for the stretch of road to the east of Mill Creek. Once across Mill Creek, the road is to follow the contour and in conjunction with the existing willows and riparian planting, is likely to be more visually secluded.
99. We agree that a gentler batter is appropriate and consider that the cluster planting option better fits the landscape of the valley. Accordingly we have reached a conclusion that the following measures would be appropriate to further address landscape issues for that section of the road between CH400 and CH500:
- (a) reducing the slope of the proposed batter to 1:8;
 - (b) a modified planting regime involving clusters of trees on the southern side of the road, as per option 2 appended to Mr Baxter's supplementary statement.

100. We accept that a period of time will be necessary for the trees to become fully established – perhaps 3 to 5 years. However with these amendments to the planting regime and the slope of the batter, and bearing in mind the distance to the Beadle dwelling, we are satisfied that the visual impacts of the proposed road will be appropriate.
101. Apart from the above-mentioned properties, we consider that the visual impact of the proposed road on other properties in the area (apart from that owned by the applicant) would be less than minor, given the proposal by the applicant to retain existing trees along the southern boundary of the site. Indeed the Beadle family was the only submitter we heard from with respect to concerns about visual impacts on their property.

Traffic effects

102. In summary Mr Carr's evidence was that safe and complying access, for the level of traffic generated by the development allowed as a controlled activity within the WPRZ, would be provided by the new road. The road would also cater for further development, should this be consented. This means that should rezoning occur or other development be consented on the application site, a further road would not need to be constructed, or the proposed road upgraded.
103. Mr Hadley's evidence was very critical of that of Mr Carr, and he called on us to exercise our powers (presumably under section 92(2)) of the RMA) to require a professional peer review, not only of Mr Carr's evidence, but that of other expert witnesses called by the applicant. Mr Hadley is an experienced civil engineer, but at the commencement of his evidence, he stated that he was not appearing as an expert witness.
104. Council staff are satisfied that a safe access point will be provided to the Arrowtown-Lake Hayes Road, and road access to the WPRZ which is fit for purpose with respect to its standards, will be provided.
105. We find on the evidence that the road as designed will not cause any adverse traffic or transport related effects. The call for other roading options to be consented stem from a desire to avoid some landscape impacts, rather than address specific traffic or safety concerns. Other options put forward, such as the proposal put forward by Mr Anglin, were unsupported by any expert traffic evidence, and we are satisfied would likely have other adverse impacts which would outweigh any compensating benefits.

Flood management

106. Mill Creek has a catchment above Waterfall Park which comprises approximately 35 km² in area. Consent has been obtained from the ORC for the temporary diversion of Mill Creek during the proposed works and for works in the streambed – the proposed bridge itself being a permitted activity under the Regional Plan: Water. Consent is required from the Queenstown Lakes District Council for structures in a flood hazard area. As the road crosses the Mill Creek Valley it will create an impediment to flood flows.

107. Concern was expressed by submitters at the hearing that the road embankment in the vicinity of Mill Creek would act as a dam with potential to breach, with serious adverse consequences to properties downstream.
108. This matter is addressed by Mr Dent in his supplementary evidence. His conclusions are that the culverts under the proposed road would be located at the outer edge of the floodplain and not within the primary flow path that carries flood flows. The latter would pass under the bridge which provides sufficient freeboard for flood volumes to the satisfaction of the ORC. Even in the unlikely event that both culverts were blocked by debris, water can pass over the top of the embankment supporting the road without causing major risks. We accept that evidence.
109. Concerns were raised by submitters about comments expressed by officers of the ORC with respect to the flood management parameters used by the applicant in the analysis of flood effects that was part of the ORC consents. On this matter we note that the ORC staff Recommending Report on the consent applications to ORC also stated that:
“Notwithstanding the peer review, EENHU do not accept the design flow adopted as being sufficiently conservative. The consequences of the proposed works are likely to be an increased depth and duration of inundation in the area upstream of the proposed access road. However EENHU note that the effects of the proposed works on flooding, even with a higher flow, are likely to be contained within the applicant’s property and consequently no more than minor on any other party”.
110. In other words, higher rainfall figures and greater flows than that used in the application assessment will affect the application site, but will not affect other properties.
111. We do not consider we can disregard the consent granted by the ORC, and we conclude that flood related risks can be appropriately managed. We are satisfied that the conditions proposed to be attached to the application, and those attached to the ORC consent, have addressed the issues of concern about flood management raised by the submitters.

Water quality

112. Friends of Lake Hayes Society are very concerned about the effects of road construction on the quality of Mill Creek, and in turn, Lake Hayes. Lake Hayes has suffered a number of algal blooms over the summer months, significantly reducing the recreational and amenity values of the lake.
113. There was no evidence presented which contradicted the evidence of Ms Goldsmith in terms of the long term effects of the road on aquatic ecology. The riparian planting, once established should help to reduce current sediment and contaminant loads on the stream, generated from the application site. This will lead to an improvement of the environment. As part of the recommended conditions provided at the end of the hearing, a new condition is proposed that strengthens and clarifies the riparian planting requirements.
114. The main issue for us to address is the potential for adverse effects during the construction phase. Here there is a degree of overlap with the Regional Council consents. In issuing consents for the works in the stream and the temporary diversion of the creek, the Regional Council report states:

“The proposed bridge is permitted under the RPW however works in the stream and the diversion of Mill Creek during construction require consent. The effects of these activities have been discussed in Section 5 of this report and are generally temporary in nature and are managed by way of conditions of consent. Consequently potential adverse effects on natural character and ecological values will be mitigated as part of the development and are considered to be no more than minor. The proposal, subject to the recommended consent conditions, should avoid, remedy or mitigate any potential adverse effects, the proposal is considered to be consistent with the objectives and policies of the pRPS”.

115. In our view, the same conclusion can be reached with regards to the earthworks required to form the road. The recommended conditions of consent require that a final Earthworks Management Plan be prepared detailing the measures to be implemented to control sediment runoff. This plan has to be submitted to the Council for certification. It is clarified in those conditions that particular attention shall be directed at measures to control sediment runoff, avoid effects on Mill Creek, and ensure compliance with Otago Regional Council standards. These measures are to be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised. We are satisfied that these conditions provide sufficient safeguards.

Section 104 of the Act

116. We now turn to the matters identified in section 104 of the Act.

Effects

117. Section 104 (1) (a) requires consideration of the effects of the activity.
118. A number of effects of the road were not in contention. For example, noise effects had been assessed by the applicant and a council specialist and were found to be within limits. We have read a report prepared by Ms Gillies with respect to heritage values associated with the application site, primarily the Ayrburn Homestead and associated stone heritage buildings. These are on a separate site, but the proposed road works will pass close to the southern and western sides of Ayrburn. Ms Gillies’ conclusion is that the proposed work will not have an adverse effect on the heritage qualities of Ayrburn, and her findings were not challenged at the hearing.
119. Positive effects of the proposed application are the provision of public access to part of the margins of Mill Creek, removal of stock access to the creek, and riparian enhancement and planting which would reduce nutrient and sediment run-off to Mill Creek.
120. What is in contention are construction-related effects like sedimentation and the landscape and visual impacts of the road. Our findings on these effects are set out above. In short, any adverse effects can be appropriately mitigated.

121. In terms of the recently introduced Section 104(1)(ab) of the RMA, we do not consider there is any significant adverse effect that requires "compensation" beyond conditions with respect to managing construction works and necessary landscaping provisions. We do acknowledge that there are benefits with respect to public access to part of the margins of Mill Creek, and with respect to riparian enhancement, but these effects do not need to be balanced against negative effects for consent to be granted.

Planning Documents

122. Turning to the planning documents (Section 104 (1) (b)), the objective and policy framework under the operative and proposed Regional Policy Statement, and the Regional Plan: Water were comprehensively addressed under the consent obtained from the ORC for the proposed road works as they affect Mill Stream. These documents, however, have limited bearing on the other aspects of the proposed road alignment and design that we must address.
123. We agree with the reporting officer's observation and conclusions with respect to the proposed application being consistent with the provisions of the National Policy Statement on Freshwater Management.
124. The relevant plan provisions include the operative and proposed District Plans. The PDP is currently proceeding through the hearings process and decisions have been issued on Stage 1, including Chapter 3 (Strategic Directions), Chapter 6 (Landscape and Rural Character) and Chapter 27 (Subdivision and Development). The provisions of Chapter 42 (Waterfall Park Resort Zone) have also been confirmed and carried over from the ODP.
125. We understand appeals on the Stage 1 decisions close on June 19, 2018, and given the stage that these chapters have now reached we believe significant weight should be attached to the objectives and policies in them. However zoning provisions and rules for the Wakatipu Basin containing the application site are contained in Stage 2, upon which further submissions closed on 25 April 2018. Hearing of submissions thereon are expected to take place in July 2018. For this reason only limited weight can be placed upon these provisions, given that they are still subject to hearings and decisions.
126. Mr Brown carried out a detailed assessment in matrix form of the numerous objectives and policies under both the ODP and the PDP, although in terms of the timing involved, these necessarily predated some of the relevant objectives and policies as decided by the Council in its release of decisions on 7 May 2018.
127. Mr Brown's assessment with respect to the ODP was comprehensive, and the reporting officer considered that the assessment was accurate. We concur with their assessments. We also agree with his observation that the objective and policy frameworks in the PDP are similar in nature to those contained in the ODP.

128. We have given consideration to the relevant objectives and policies in the PDP as amended by the Council's decisions issued on 7 May 2018, to which we must have regard under section 88A(2) and 104(1)(b)(vi) of the RMA. This is because the Council's decisions were released after the hearing, but before our decision has been issued. In doing so, we note that this task is somewhat complicated by the fact that the proposed rural lifestyle zoning applying to the great majority of the application site under Stage 2 of the PDP means that a number of the landscape provisions in chapters 3 and 6 of the PDP, such as those applying to rural character landscapes, are not applicable here. In addition the proposed activity is for a road to an existing established zone rather than building development itself; and the proposed activity does not involve subdivision.
129. The ODP sets out the purpose of the Rural General zone. This is to manage activities so they can be carried out in a way that:
- (a) protects and enhances natural conservation and landscape values;
 - (b) sustains the life supporting capacity of the soil and vegetation;
 - (c) maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and
 - (d) ensures a wide range of outdoor recreational opportunities remain viable within the Zone.
130. Section 4.2.5 provides direction on new transport infrastructure and management of effects on landscapes and visual amenity. Policy 4.2.5.12 sets out a number of measures to protect the open nature of the rural landscape, including encouraging roads to follow the edges of existing landforms, the use of imaginative road designs and discouraging roads on visible slopes. Similar wording is used Section 5 dealing with Rural zones. For example Policy 5.2.1.7 refers to locating structures in areas that can absorb change so as to preserve the visual coherence of the landscape.
131. While the road is not a structure, the principle of preserving the visual coherence of the landscape applies. As we have determined under our discussion of effects, we are satisfied that the road can be designed so as to minimise effects on the coherence of the landscape as viewed from the Arrowtown-Lake Hayes Road. The subtle mounding proposed and avenue planting will ensure that the road is not a disruptive element. While the open paddock will be split by the road, this is an area where various reports have identified the ability of the landscape to absorb change.
132. In relation to the impact of the road on the landscape of the Mill Creek valley and the associated impact on the rural amenity enjoyed by the Beadles, we note that the road will not be visible from an existing public place. The amendments to the design of the road suggested by the applicant post the hearing, its location towards the upper part of the valley (as viewed from the Beadles' property) and its distance from the housing to the south all indicate to us that the road can be successfully integrated into the landscape. We further note that the road and associated footpath will open up this landscape to public viewing, including people being able to access Mill Creek.

133. Chapter 14 provides further direction on transport and roading. Policy 14.1.3.3.4 requires new roads to visually complement the surrounding area and to mitigate visual impacts on the landscape. Our finding is that the road design achieves this outcome.
134. The ODP also contains extensive provisions related to the management of earthworks and the control of sediment effects, such as effects on Mill Creek, and ultimately Lake Hayes. We are satisfied that the conditions of consent are an appropriate means by which potential sedimentation effects can be managed during the construction phase.
135. Turning to the PDP, we have concentrated on the strategic objectives and policies, given that the zoning of the site is not yet settled. We consider that the proposed road gives effect to the contents of Strategic Objectives 3.2.1.1, 3.2.1.8, and 3.2.5.2. Objective 3.2.1.1 recognises significant social and economic benefits of well-designed and appropriately located visitor industry facilities, while objective 3.2.1.8 provides for diversification of land use in rural areas beyond traditional activities provided that the character of rural landscapes and significant nature conservation values (and those of tangata whenua) are maintained. The road helps achieve these outcomes. The proposed road will enable the provision of physically adequate and safe access to the WPRZ, an existing zone specifically providing for tourist and residential accommodation.
136. Strategic Objective 3.2.5.2 calls for rural character and visual amenity values on Rural Character Landscapes to be maintained or enhanced by directing new development to occur in those areas “that have the potential to absorb change” without detracting from those values. We note that the emphasis on the receiving environment’s ability to absorb change is similar to that contained in the policy framework contained in the ODP.
137. As identified, we are satisfied that the visual impacts of the road is within the capacity of the receiving environment to absorb. Whether the receiving environment itself will change significantly as a result of development for rural lifestyle or residential purposes is a separate matter to be dealt with in forthcoming hearings for the PDP, and is not a factor that we have taken into account.
138. Chapter 6 addresses landscapes and rural character. Specific policies are provided for land zoned Rural Lifestyle. These policies appear to contemplate a level of development which the road would be compatible with. A degree of enhancement is promoted. For example Policy 6.3.9 encourages subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be maintained or enhanced. The new road will achieve this outcome through the riparian planting along Mill Creek.

139. Out of some caution due to the uncertainty of the final zoning of the application site, we have also reviewed the policies relating to rural landscapes. This is to ensure that our decision is not based on a presumed, but not yet settled, zoning. A variety of matters are covered. Policy 6.3.26 refers to “avoiding adverse effects on visual amenity from development that is highly visible from public places and other places which are frequented by members of the public generally”. Policy 6.3.29 encourages development to utilise shared accesses and infrastructure, and to locate these where they will minimise disruption to natural landforms and to rural character. Policy 6.3.27 seeks, in the Wakatipu Basin, to avoid planting and screening, particularly along roads and boundaries that would degrade openness where such openness is an important part of its landscape quality or character. We consider that the new road meets these provisions. The road will be visible, but the evidence is that the road and associated landscaping will not adversely affect the visual amenity of the landscape as experienced from the Arrowtown-Lake Hayes Road.
140. Chapter 29 covers transport. Policy 29.2.3.3 refers to ensuring that new roads avoid, remedy or mitigate adverse effects on landscape values. The new road meets this policy.
141. In addition to the above, Chapter 27 contains provisions relating to development. Policy 27.2.4.1 calls for the incorporation of existing and planned waterways and vegetation in the design of subdivision, transport corridors and open spaces where this will maintain or advance biodiversity, riparian and amenity values. We consider that the proposals contained in the application with respect to the proposed management and planting regime adjacent to Mill Creek are consistent with this policy.
142. Policy 27.2.5.4 seeks to ensure that the physical and visual effects of subdivision and roading are minimised by utilising existing topographical features. We consider that the route chosen for the road to provide access to the WPRZ gives effect to this policy, particularly by way of comparison with option 1 (and option 2, but to a lesser extent), which would involve a degree of earthworks which we consider would be inconsistent with this policy.

Other Matters

143. Section 104(1)(c) requires us to consider any other matters relevant and reasonably necessary to determine the application.
144. We have reviewed all submissions to the application and addressed the salient issues above. We note at this point that we were asked during the presentation of submissions to consider the wishes of the local community in making a decision on whether or not to grant this application. We feel obliged to point out that our decisions on the application and submissions have to be made in accordance with the provisions of section 104, 104B, and 108 of the RMA.
145. We have also reviewed a number of reports relating to Lake Hayes that were appended to the evidence of Ms Goldsmith. These highlight the ecological pressures on the Lake and the need to reduce nutrient loads; being the same concerns expressed by Friends of Lake Hayes. We are confident that, so long as the works are appropriately managed during the construction phase, the exclusion of stock from the stream and the riparian planting associated with the road will assist with this outcome.

PART 2

146. Part 2 of the Act sets out the purpose and principles of the Act, being “to promote the sustainable management of natural and physical resources”.
147. The High Court Decision in *RJ Davidson Family Trust versus Marlborough District Council [2017] NZHC 52* included a finding of the Court that unless there is an invalidity, incomplete coverage, or uncertainty of meaning in the statutory planning documents, the consent application and consent authority should not refer back to Part 2 in determining an application.
148. Given the timing of this decision where it is apparent that the District planning framework is in a state of transition between the operative plan and the proposed plan, and for want of caution, we have undertaken a brief assessment of the application in terms of Part 2.
149. Section 6 of the Act requires that decision-makers recognise and provide for the matters contained therein. Section 6 (b) contains a requirement to protect outstanding natural features and landscapes from inappropriate subdivision, use and development. Neither the ODP, nor the PDP, identifies the area of land concerned as being within an area identified as an Outstanding Natural Landscape.
150. However section 6(a) calls for the preservation of the natural character of rivers and their margins, and their protection from inappropriate subdivision, use, and development. We consider the proposed works required to establish the road and bridge adjacent to a section of Mill Creek, can be undertaken without any significant adverse effects (beyond those required temporarily for diversion purposes) and there will be beneficial effects associated with enhancement of the margin of the waterway and riparian planting.
151. As noted earlier in this decision, we consider there is clear evidence that subject to appropriate conditions, construction and operation of the roadway can be undertaken to ensure adequate management of risks from natural hazards as required under section 6 (h).
152. The proposed works for establishing the road do not affect the heritage listed Ayrburn Homestead and adjacent stone heritage buildings, and provide an opportunity to improve public access to these features.
153. Accordingly we conclude that a grant of consent to the application would not be contrary to the matters contained in Section 6.
154. Section 7 contains four subclauses which are relevant to this application. These are:
- (b) the efficient use and development of natural and physical resources*
 - (c) the maintenance and enhancement of amenity values:*
 - (f) the maintenance and enhancement of the quality of the environment.*
 - (h) the protection of the habitat of trout and salmon.*

155. The WPRZ is an existing zone which has been established through statutory planning processes, and it would be an inefficient use of physical resources to either have substandard access or no access at all to this zone. Subject to the mitigation measures proposed, we have concluded that the establishment of the proposed road is consistent with sub clauses (c) and (f). Similarly, with appropriate conditions, particularly during the construction period, and subsequent riparian management and planting, Mill Creek will be protected as a habitat for trout.
156. No matters were drawn to our attention that suggested the proposal was inconsistent with the provisions of section 8 of the Act.
157. We consider a grant of consent with conditions would achieve the purpose of the Act to promote the sustainable use of natural and physical resources and would be consistent with the established and formative objective and policy framework in the ODP and PDP.

Determination

158. We have concluded that the road, with the conditions proposed, will not have adverse effects on the environment that are any more than minor. We have also concluded that the activity is not contrary to the objectives and policies of the ODP, and also the objectives and policies of the PDP as notified and which are subject to decisions on submissions. In making this determination we have not placed any weight on those parts of the PDP relating to the future zoning of the site.
159. In exercising our delegation under sections 34 and 34A of the Act, and having regard to the matters identified above under sections 104 and Part 2 of the Act, the Commissioners have determined that consent to the discretionary activity application be granted, subject to conditions.
160. Reasons for the decision are:
 - (a) The proposal is needed to provide adequate and safe legal access for vehicles, cycles and pedestrians to the Waterfall Park Resort Zone.
 - (b) Subject to appropriate landscape treatment, the adverse visual and landscape effects of the road on the wider environment and the landscape character of the site can be adequately mitigated.
 - (c) The road will provide for public access to and along a stretch of Mill Creek.
 - (d) The construction works and functioning of the road will be able to occur without impacting upon the ecology of Mill Creek. Significant enhancement planting is proposed.
 - (e) The proposal is consistent with the relevant objectives and policies of the operative and proposed District Plans.

A handwritten signature in black ink, appearing to read 'D Mead', with a small dot at the end.

D Mead (Chair)

For the Hearings Commission

1 June 2018

APPENDIX 1 – Consent Conditions

APPENDIX 1 – CONSENT CONDITIONS: LAND USE CONSENT

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Waterfall Park Developments Ltd: Proposed Access Road Overview Sheet Layout, Sheet 2, Revision D', prepared by Paterson Pitts Group and dated 20/4/2018
 - Waterfall Park Developments Ltd: Proposed Access Road Intersection Detail, Sheet 3, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - Waterfall Park Developments Ltd: Proposed Access Road CH45.0 – CH205.0, Sheet 4, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road CH195.0 – CH405.0 and Earthworks Quantities, Sheet 5, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - Waterfall Park Developments Ltd: Proposed Access Road CH380.0 – CH580.0, Sheet 6, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road CH565.0 – CH715.0, Sheet 7, Revision D', prepared by Paterson Pitts Group and dated 20/4/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road CH700.0 – CH870.0, Sheet 8, Revision D', prepared by Paterson Pitts Group and dated 20/4/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH0.0 – CH260.0, Sheet 9, Revision B', prepared by Paterson Pitts Group and dated 29/01/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH250.0 – CH510.0, Sheet 10, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH500.0 – CH760.0, Sheet 11, Revision C', prepared by Paterson Pitts Group and dated 29/01/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Longsection CH750.0 – CH870.0, Sheet 12, Revision C', prepared by Paterson Pitts Group and dated 20/04/2018
 - 'Waterfall Park Developments Ltd: Proposed Access Road Typical Cross Sections, Sheet 13, Revision B', prepared by Paterson Pitts Group and dated 9/10/2017
 - 'Waterfall Park Developments Ltd: Proposed Access Road Typical Cross Sections, Sheet 14, Revision D', prepared by Paterson Pitts Group and dated 20/4/2018
 - 'New Access Road to Waterfall Park Context Plan', prepared by Baxter Design and dated 11 April 2018
 - 'New Access Road to Waterfall Park Concept Masterplan', prepared by Baxter Design and dated 11 April 2018
 - 'New Access Road to Waterfall Park Planting and Lighting Plan', prepared by Baxter Design and dated 11 April 2018
 - 'Photo Simulation 1', prepared by Baxter Design and dated 29 January 2018
 - 'Photo Simulation 2', prepared by Baxter Design and dated 29 January 2018
 - 'Proposed Access Road ROW Easements' Revision B, prepared by Paterson Pitts Group and dated 1/05/2018
 - 'Waterfall Park Access Road – Adjacent Parcel Information and Tree Protection Area's Q6388-16-6 Revision A prepared by Paterson Pitts Group and dated 26/04/2018.
 - New Access Road to Waterfall Park, Lower Plateau Road Planting Option 2, prepared by Baxter Design, 7 May 2018 as appended to P Baxter supplementary statement dated 7 May 2018.

stamped as approved on 1 June 2018.

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.

General

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:
<http://www.qldc.govt.nz>*

To be completed prior to the commencement of any earthworks on-site

4. Prior to commencing earthworks within the Arrowtown - Lake Hayes Road corridor, the consent holder shall submit a traffic management plan to the Road Corridor Engineer at Council for approval. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor. All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Manager of Resource Management Engineering at Council prior to works commencing.
5. The owner of the land being developed shall provide a letter to the Manager of Resource Management Engineering at Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.7 & 1.8 of QLDC's Land Development and Subdivision Code of Practice, in relation to this development.
6. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 10m into the site.
7. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with the QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council and in accordance with the draft Paterson Pitts Group "Earthworks Management Plan, Waterfall Park, Access Road" dated 6th October 2017 and Otago Regional Council consents RM17.302.01 and RM170.302.02 submitted with the consent application to ensure that neighbouring sites remain unaffected from earthworks. The consent holder shall prepare the final Earthworks Management Plan detailing the measures to be implemented and shall submit that Earthworks Management Plan to the Council for certification. Particular attention shall be directed at measures to control sediment runoff, effects on Mill Creek, and compliance with Otago Regional Council standards. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.
8. Prior to commencing any works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Queenstown Lakes District Council for all development works and information requirements specified below. An 'Engineering Review and Acceptance' application shall be submitted to the Manager of Resource Management Engineering at Council and shall include copies of all specifications, calculations, design plans and Schedule 1A design certificates as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following requirements:
 - a) The forming and sealing of the New Road in accordance with details submitted within the RM171280 Resource Consent application and as shown on Patterson Pitts Group Drawings Q6388-15 Sheets 1, 2, 7, 8, and 14 Revision D, Sheets 11 and 12 Revision C and Sheets 3 to 6, 9, 10 and 13 Revision B and to Council's standards, but as amended to include the following requirements:

- The road shall have a 5.7m wide sealed Movement Lane (carriageway) in accordance with Figure 8, Table 3.2 of QLDC's Land Development and Subdivision Code or Practice, with additional sealed shoulders to bring the total sealed carriageway width to 7.2m.
 - As the road will be a private road, the consent-holder (as the road controlling authority) will install 50km/h speed limit signs in accordance with the Manual of Traffic Signs and Markings Section 2.
 - Provision of a 2.0m wide concrete pedestrian footpath along the southern/western side of the road from CH 20 to CH 680.
 - Provision of a 2.0m wide concrete pedestrian footpath along the eastern side of the road from CH 565 to CH 870.
 - Provision shall be made for stormwater disposal from the road carriageways via grassed swales, rock lined swales or kerb and channel and attenuation ponds with piped reticulation with outflow to Mill Creek or soakage pits as shown on the Patterson Pitts Drawings Q6388-15 Sheets 1, 2, 7, 8, and 14 Revision D, Sheets 11 and 12 Revision C and Sheets 3 to 6, 9, 10 and 13 Revision B. Percolation testing shall be undertaken at the individual soak pit locations to confirm soakage. A copy of the test results shall be provided to the Manager of Resource Management Engineering at Council and shall be in general accordance with the "Acceptable Solutions and Verification Methods for New Zealand Building Code Clause: E1 Surface Water".
 - Details of erosion protection measures required for the road batter protection along elevated sections of road through the Mill Creek flood catchment area for a 1% AEP, ie 1 in 100 year event flow.
 - A secondary protection system shall consist of secondary flow paths to cater for the 1% AEP storm event, and no increase in run-off onto land beyond the site from the predevelopment situation. Any piped reticulation shall be designed with attenuation to ensure total discharge does not exceed pre-development flows and shall include provision of the interception of settleable solids, floatable debris or other contaminants prior to discharge to receiving waters.
 - Either the provision of a PS1 design Producer Statement and comment from a suitably qualified geotechnical professional attesting to the long term stability of road batters to the west of the road between Chainage 720 to 740 and/or the provision of a permanent retaining solution for the same area of roading cut/fill with safety barriers as necessary to meet Council standards.
- b) The formation of an intersection of the new road with Arrowtown-Lake Hayes Road, in accordance with the latest Austroads intersection design guides. This design shall be subject to review and acceptance by Council with any associated costs met by the consent holder.
- c) The provision of public intersection lighting for the new road with Arrowtown – Lake Hayes Road and private pedestrian lighting at/near all road crossing locations in accordance with Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any road lighting installed on private roads/rights of way/access lots shall be privately maintained and all operating costs shall be the responsibility of the lots serviced by such access roads. Any lights installed on private roads/rights of way/access lots shall be isolated from the Council's lighting network circuits.
- d) The detailed bridge design for the bridge crossing Mill Creek in full accordance with the NZTA Bridge Manual including details of any required scour protection measures required at the bridge site and on approaches both upstream and downstream of the bridge to adequately protect the abutments and bridge foundations. These design details shall be accompanied by a PS1 (Producer Statement – Design) from a suitably qualified Chartered Professional Engineer. This design shall be subject to review and acceptance by Council with any associated costs met by the consent holder.

- e) A barrier shall be provided for pedestrian and vehicular safety locations where land drops away to more than 1m in height, at an angle of more than 45°, within 2m of the edge of the access or parking area. The level of protection shall be assessed and designed by a suitably qualified engineer as part of the overall access design or these barriers shall be designed in accordance with Part 2.4.5 of AS/NZS 2890.1:2004 and a PS1 producer statement provided to the Manager of Resource Management Engineering at Council prior to installation. A PS4 producer statement or QLDC's Land Development and Subdivision Code of Practice Schedule 1C Completion Certificate shall be provided following construction and prior to use of the road.
 - f) The provision of Design Certificates for all engineering works associated with this development submitted by a suitably qualified design professional (for clarification this shall include all Roads and Stormwater infrastructure). The certificates shall be in the format of the QLDC's Land Development and Subdivision Code of Practice Schedule 1A Certificate.
9. At least 7 days prior to commencing excavations, the consent holder shall provide the Manager of Resource Management Engineering at Council with the name of a suitably qualified professional as defined in Section 1.7 of QLDC's Land Development and Subdivision Code of Practice who is familiar with the QLDC's Land Development and Subdivision Code of Practice; the 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council; the final Earthworks Management Plan as required by Condition 7 above; and Otago Regional Council consents RM17.302.01 and RM170.302.02, and who shall supervise the excavation procedure and retaining wall constructions, if any, and ensure compliance with the recommendations of these documents. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
10. At least 7 days prior to commencing works, the consent holder shall provide the Council with an updated landscape plan for certification, confirming the design of mounding, batter slopes and vegetation planting along the road corridor. This plan shall:
- a) incorporate a batter slope of 1:8 along the southern side of the road from CH400 to CH490;
 - b) confirm updated details of planting in accordance with Option 2 set out in the supplementary statement of Baxter Design, 7 May 2018 and the planting indicated in the concept masterplan provided with the application;
 - c) provide a maintenance schedule, including weed and pest control.

To be monitored throughout earthworks

- 11. No permanent batter slope within the site shall be formed at a gradient that exceeds 2 horizontal: 1 vertical.
- 12. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 13. No earthworks, temporary or permanent, are to breach the boundaries of the site except for the approved works for the new intersection with Arrowtown- Lake Hayes Road at the east of the site.
- 14. Any works near power lines, including extraction, processing and stockpiling activities, and the use of haul roads by construction traffic, shall be undertaken in accordance with any requirements of Aurora Energy/Delta, the Electricity Act and the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001.

Public access and fencing

15. Prior to any use of the new road authorised by this consent (other than for road construction purposes), and subject to Condition 16 below, the consent holder shall grant in favour of the Queenstown Lakes District Council as grantee a right-of-way easement in gross over the corridor containing the road, footpaths and adjoining areas of land being those areas marked Easement Areas A, B and C on Paterson Pitts Group plan 'Proposed Access Road ROW Easements' Revision A dated 11/04/2018 for the purpose of public access (as if those areas of land were vested in Council as public road).
16. Easement Area B is associated with the footpath running immediately alongside the road. Easement Area C is associated with the alternative pedestrian/cycle path shown on the plan referred to in Condition 15. Those are alternative options. The consent holder must create a public access easement over one of those options (comprising the footpath and adjoining area of land between the footpath and Mill Creek) but is not required to create both options.
17. Conditions 15 and 16 above do not imply any obligation on the Council to maintain the roadway, footpaths and adjoining lands located within the proposed public access easement. Maintenance shall remain the responsibility of the consent holder. If and when any part of the land subject to the public access easement is vested in Council as legal road or reserve, this condition will cease to have effect in respect of the land thus vested.
18. Prior to any use of the new road authorised by this consent (other than for road construction purposes) the consent holder shall fence or adopt other measures to ensure that stock is excluded from the full length of Mill Creek which runs through Part Lot 3 Deposited Plan 5737. The fencing or other measures shall not interfere with or obstruct the public access created under conditions 15 and 16. Fencing on any land used for stock shall be at least 4m from the edge of the Mill Creek water channel.

Road Speed Monitoring

19. Upon the receipt of information identifying non-compliance with the conditions of this consent and/or within ten working days of each anniversary of this decision, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent for the following purposes:
 - a) To deal with any adverse effects on the environment that may arise from the operation of the consent in terms of road speed that were not foreseen at the time the application was considered;
 - b) To undertake a speed survey to be carried out by the consent holder to determine the operating speed of the road. This will be calculated as the 85th percentile observed speed, with at least 100 measurements being carried out in each direction of travel. The results of this survey are to be provided to Council;
 - c) In the event that the operating speed exceeds 50km/hr, then the consent holder shall design and implement measures to reduce the operating speed to 50km/hr or less.

Accidental Discovery

20. If the consent holder discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
 - a) stop work within the immediate vicinity of the discovery or disturbance and;
 - b) advise the Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
 - c) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

Maintenance of existing vegetation

21. This condition applies to the trees and all other vegetation over 2m in height ("Trees") located within the Tree Protection Areas A, B and C ("TPA") shown on approved Plan Q6388-16-6 Revision A dated 24/04/2018 entitled 'Waterfall Park Access Road – Adjacent Parcel Information and Tree Protection Area':
- a) The Trees must be maintained, and cannot be removed or trimmed, except as authorised under (b), (c) or (d) below.
 - b) The consent holder may remove some or all Trees provided that:
 - (i) the consent holder has first planted replacement Trees which will achieve the same or similar visual screening effect when viewed from the three properties south of and adjoining the TPA; and
 - (ii) the replacement Trees are evergreen; and
 - (iii) the replacement Trees have reached a height of 4m above ground level measured at that point on the northern boundary of the TPA which is directly north of the replacement Trees.
 - c) Trees may be removed or trimmed if the consent holder first obtains the written consent to such removal or trimming from the relevant adjoining landowner to the south. For the purpose of this subclause the 'relevant adjoining landowner' is:
 - (i) in respect of TPA-A, the owner of Lot 1 DP336908;
 - (ii) in respect of TPA-B, the owner of Lot 3 DP336908;
 - (iii) in respect of the TPA-C, the owner of Lot 4 DP336908.
 - d) This condition does not apply to, or restrict the trimming of:
 - (i) branches of Trees within the TPA which extend beyond the boundaries of the TPA;
 - (ii) Trees which, in the opinion of an experienced arborist, need to be removed or trimmed for safety reasons.

Road Side Planting

22. The planting required by condition 10 shall be carried out within the planting season following construction of that section of road. The planting shall be monitored and maintained thereafter for a period of five years and shall remain in perpetuity. If any plant dies or becomes diseased it shall be replaced as soon as practicable.

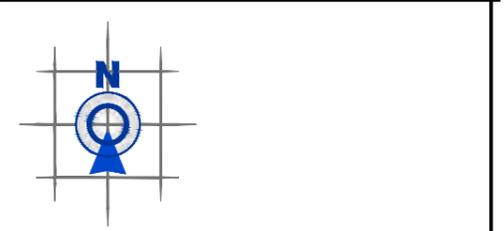
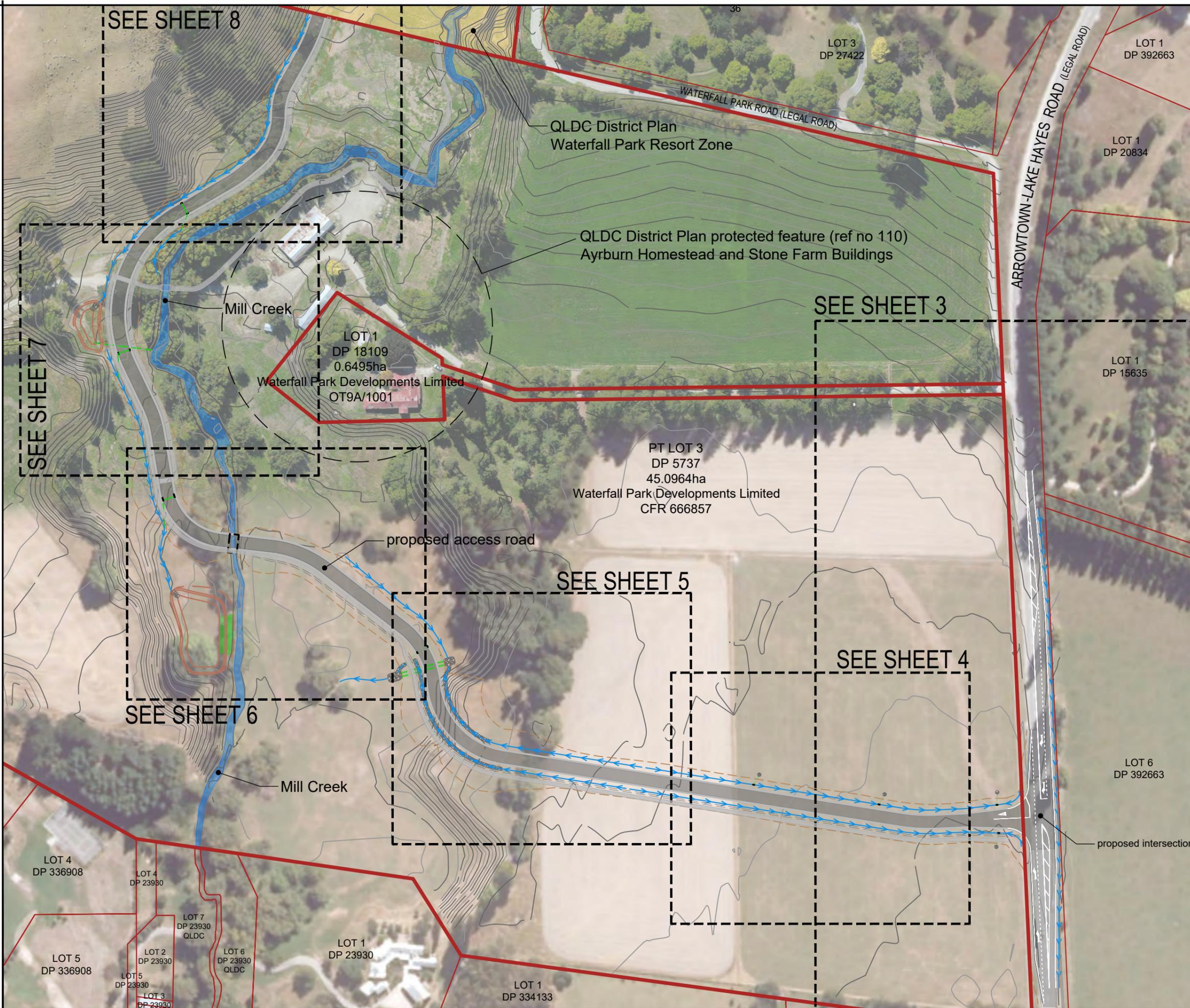
Riparian Planting

23. The consent holder shall implement the riparian planting along the margins of Mill Creek in accordance with the following:
- a) The planting shall be in the locations and density as set out on the plan "New Access Road to Waterfall Park Planting and Lighting Plan" prepared by Baxter Design Group dated 11 April 2018.
 - b) The planting shall have a minimum width of 2m and an average width of 3m, including the upper and lower bank zones.
 - c) A grass strip of minimum width 1m shall be provided between the riparian planting and stock fencing installed under Condition 18.
 - d) The planting shall be carried out within the planting season following construction of the road and bridge.

- e) The planting shall be monitored and maintained thereafter for a period of five years and shall remain in perpetuity. If any plant dies or becomes diseased it shall be replaced as soon as practicable. The maintenance shall include weed and pest control.

Advice Notes

1. Registered professionals shall prepare all necessary documentation to enable the certification to be lodged with Land Information New Zealand.
2. The consent holder is advised that if the road is vested in future all stormwater systems and ponds associated with the road would also need to be vested.



QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM171280**

Friday, 1 June 2018

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0m 40m 80m 120m

SCALE BAR

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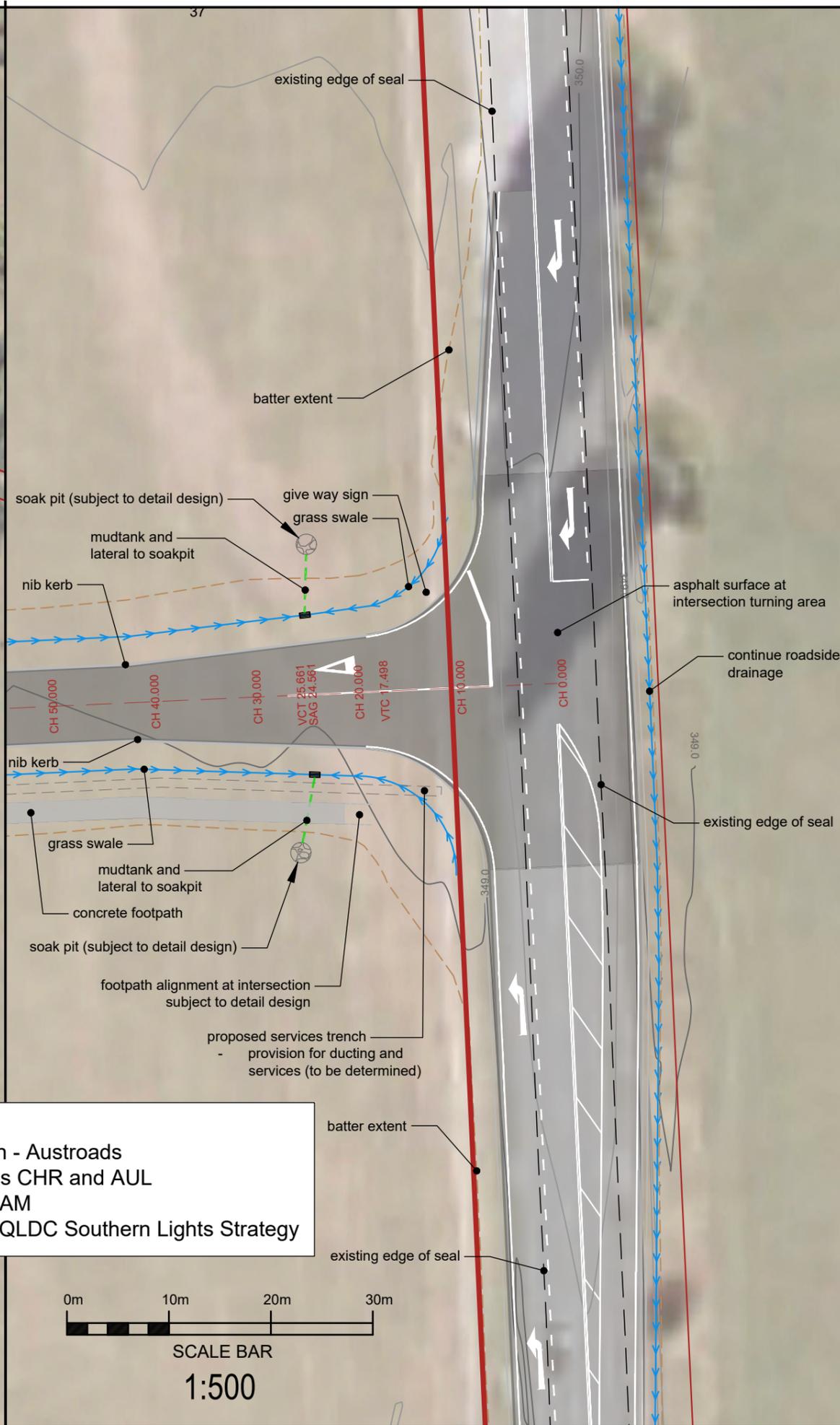
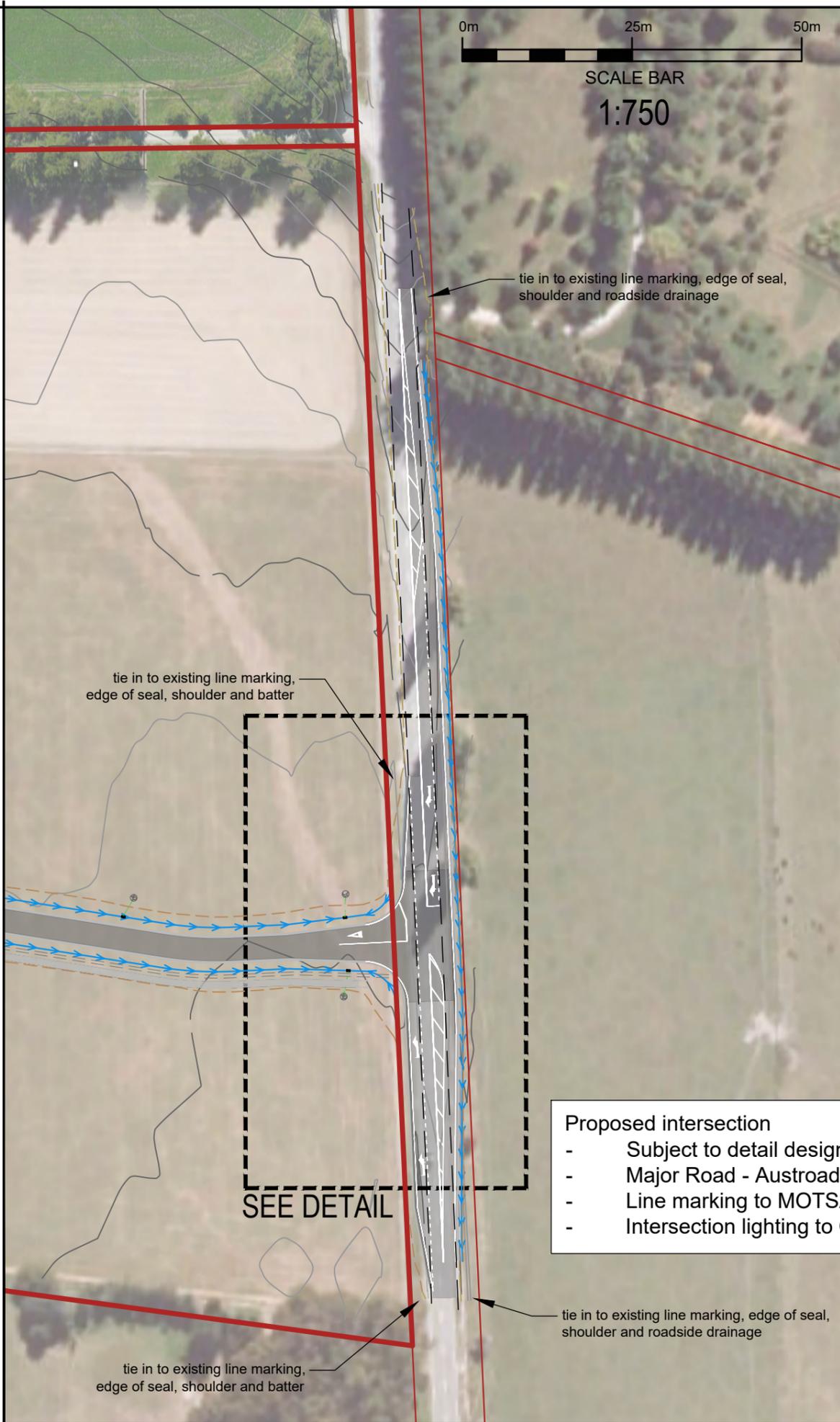
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Waterfall Park Developments Ltd
 Sec 69 Blk VII Shotover SD, Lots 1 & 2
 DP 23038, Lot 1 DP 27503, Lots 1 & 2
 DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

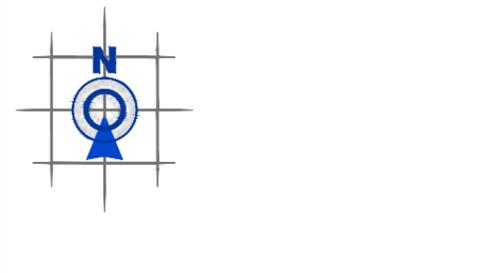
Purpose/Drawing Title:
**Proposed Access Road
 Overview Sheet Layout**

Surveyed by:	PPG	Original Size:	Scale:
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Drawn by:	SJP		
Checked by:	SJW	DO NOT SCALE	
Approved by:		Sheet No:	Revision No:
Job Ref:	Q6388 - 15	2	D
		Date Created:	20/04/2018



Proposed intersection

- Subject to detail design - Austroads
- Major Road - Austroads CHR and AUL
- Line marking to MOTSAM
- Intersection lighting to QLDC Southern Lights Strategy



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 DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:
Proposed Access Road Intersection Detail

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	As shown
Drawn by:	SJP		
Checked by:	SJW		
Approved by:			
Job Ref:	Q6388 - 15	Sheet No:	3
		Revision No:	B
		Date Created:	9/10/2017



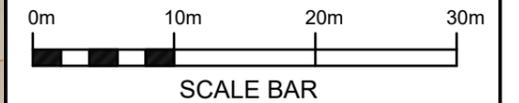
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RM171280**

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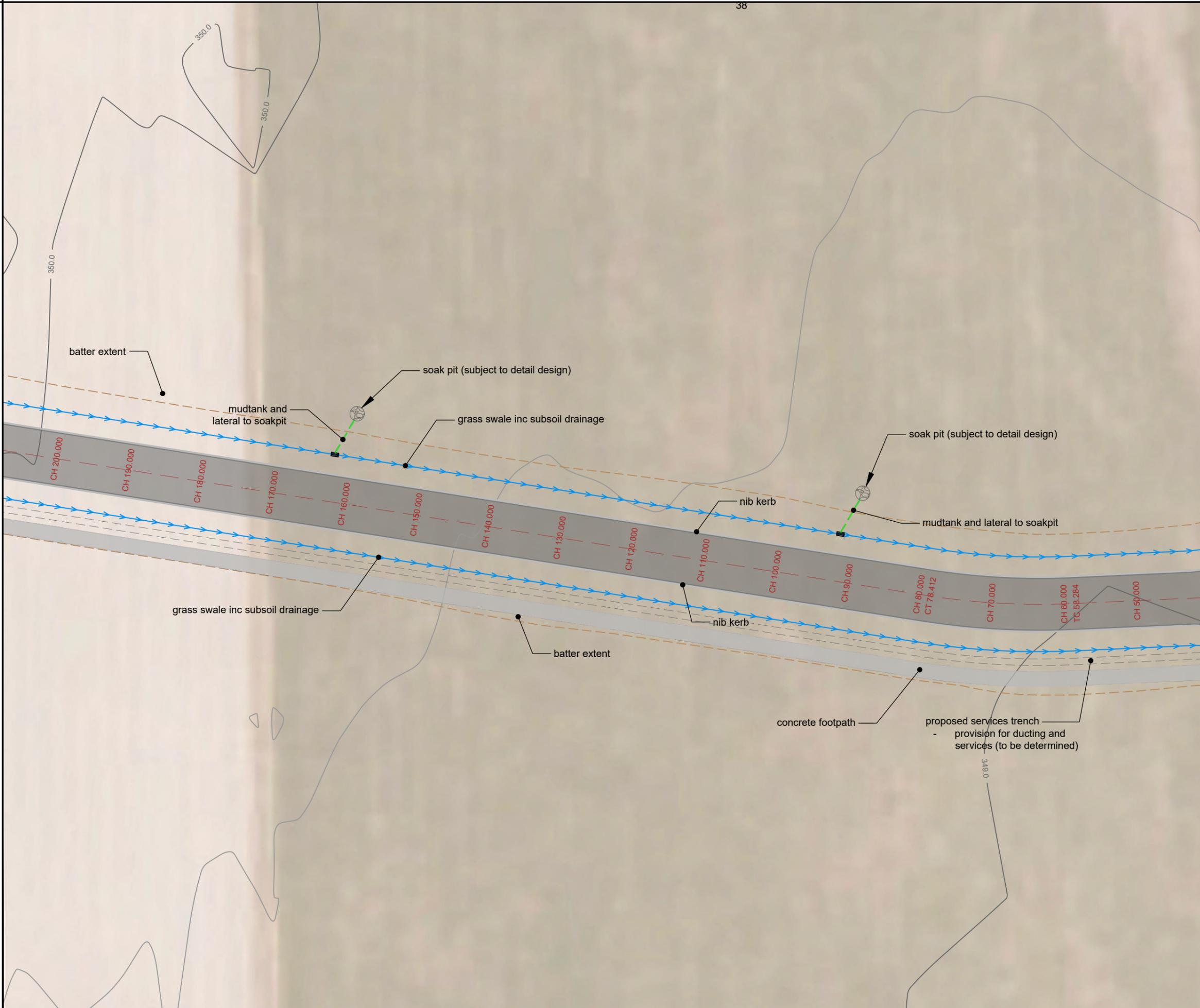
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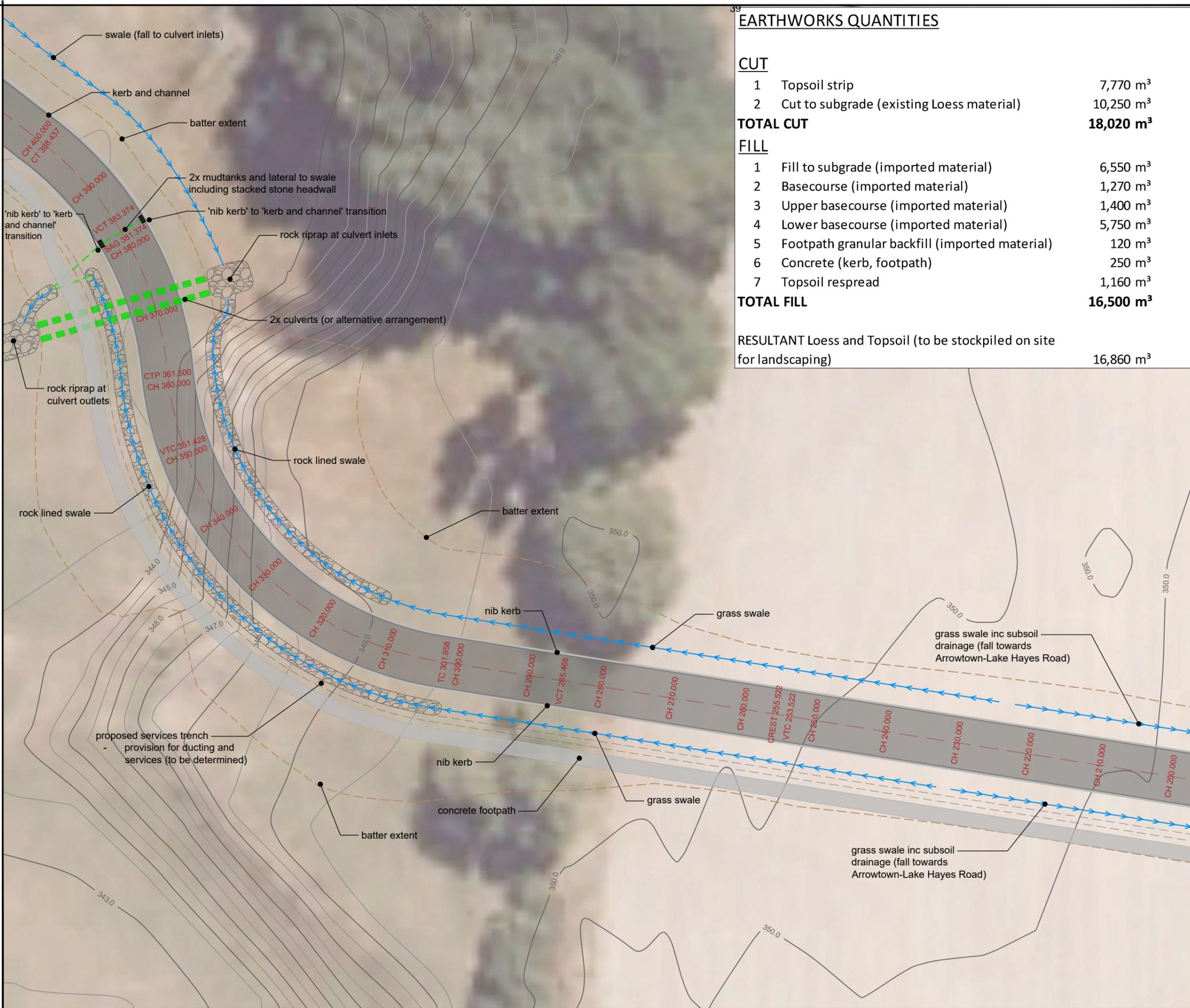
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Purpose/Drawing Title:
**Proposed Access Road
 CH45.0 - CH205.0**

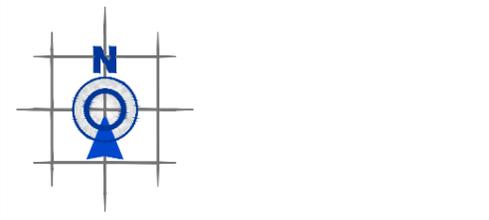
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Designed by:	SJP	A3	1:500
Drawn by:	SJP		
Checked by:	SJW		
Approved by:			
Job Ref:	Q6388 - 15	Sheet No:	4
		Revision No:	B
		Date Created:	9/10/2017





EARTHWORKS QUANTITIES

CUT		
1	Topsoil strip	7,770 m ³
2	Cut to subgrade (existing Loess material)	10,250 m ³
TOTAL CUT		18,020 m³
FILL		
1	Fill to subgrade (imported material)	6,550 m ³
2	Basecourse (imported material)	1,270 m ³
3	Upper basecourse (imported material)	1,400 m ³
4	Lower basecourse (imported material)	5,750 m ³
5	Footpath granular backfill (imported material)	120 m ³
6	Concrete (kerb, footpath)	250 m ³
7	Topsoil respread	1,160 m ³
TOTAL FILL		16,500 m³
RESULTANT Loess and Topsoil (to be stockpiled on site for landscaping)		16,860 m³

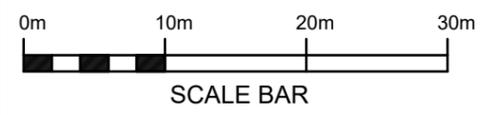


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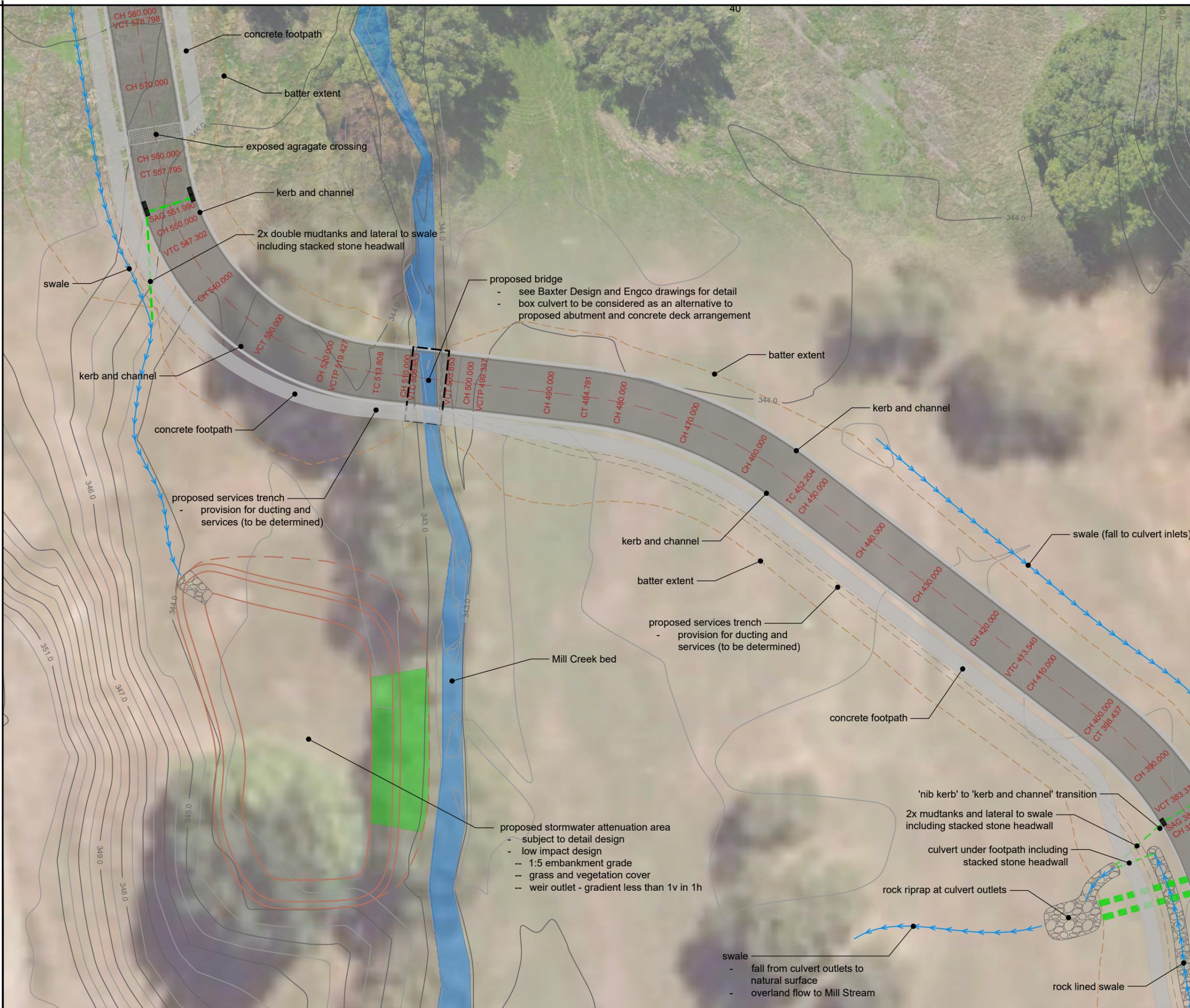
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Purpose/Drawing Title:
**Proposed Access Road
CH195.0 - CH405.0
and Earthworks Quantities**

Surveyed by:	PPG	Original Size:	Scale:	1:500			
Designed by:	SJP	A3	DO NOT SCALE				
Drawn by:	SJP						
Checked by:	SJW						
Approved by:							
Job Ref:	Q6388 - 15	Sheet No:	5	Revision No:	B	Date Created:	9/10/2017

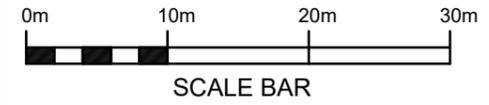


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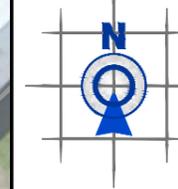
Purpose/Drawing Title:
**Proposed Access Road
 CH380.0 - CH580.0**

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Drawn by:	SJP		
Checked by:	SJW	DO NOT SCALE	
Approved by:		Sheet No:	Revision No:
Job Ref:	Q6388 - 15	6	B
		Date Created:	9/10/2017

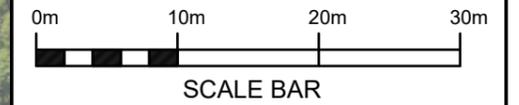
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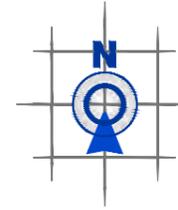
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Purpose/Drawing Title:
**Proposed Access Road
 CH565.0 - CH715.0**

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	1:500
Drawn by:	SJP		
Checked by:	SJW	DO NOT SCALE	
Approved by:		Sheet No:	Revision No:
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		Date Created:	20/04/2018



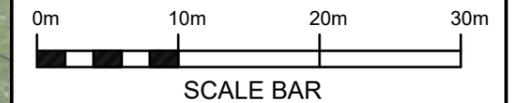
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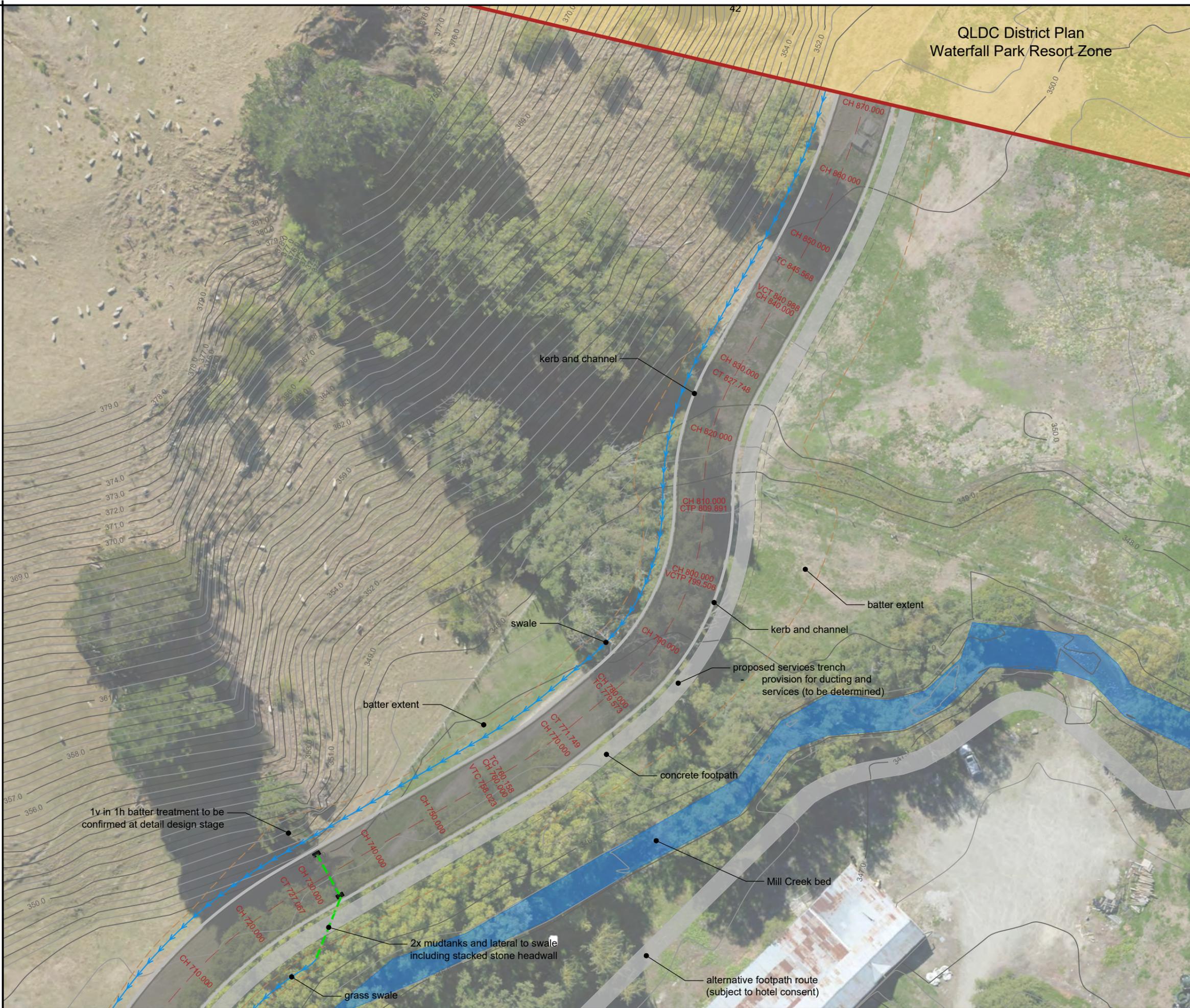
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Purpose/Drawing Title:
**Proposed Access Road
 CH700.0 - CH870.0**

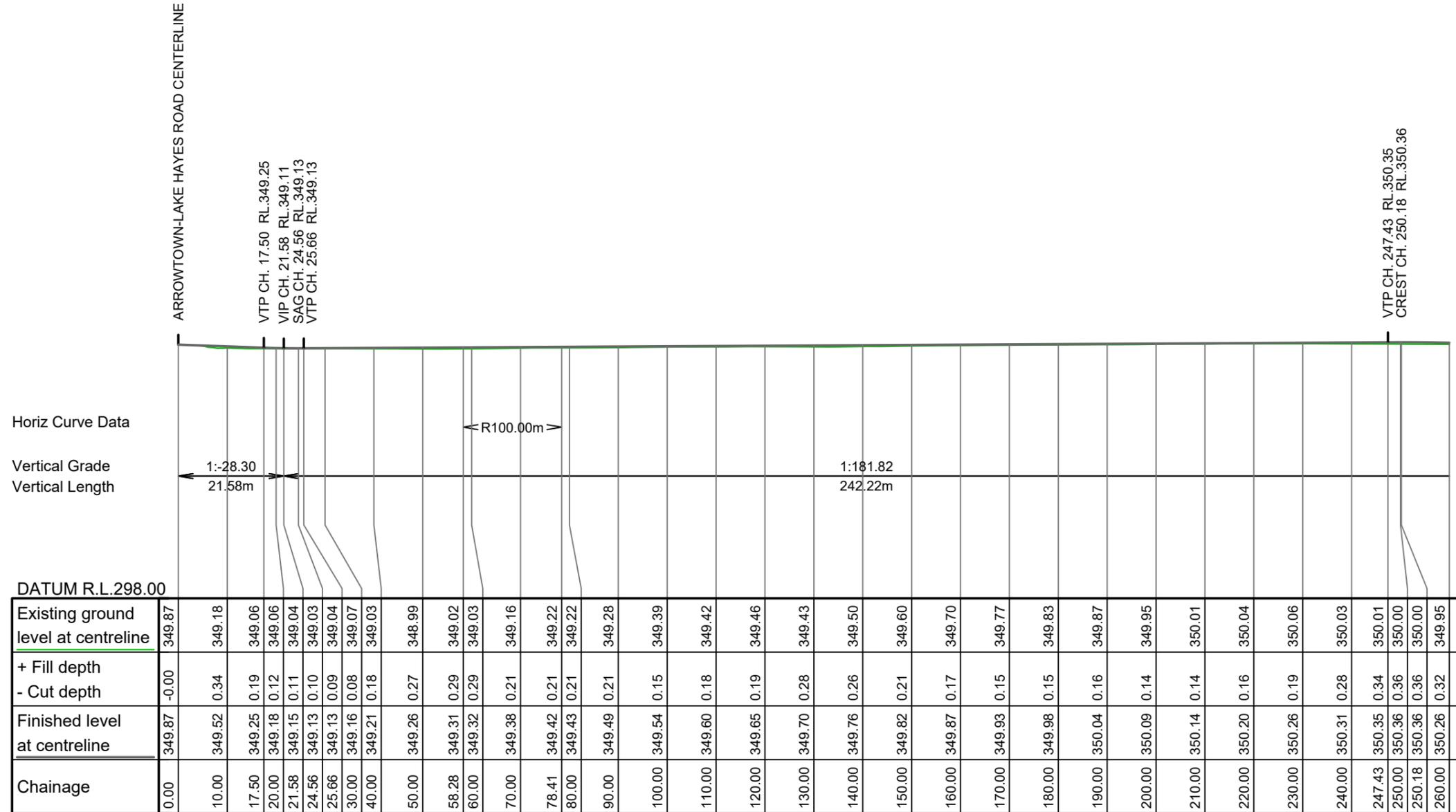
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Approved by:		DO NOT SCALE	
Job Ref:	Q6388 - 15	Sheet No:	Revision No:
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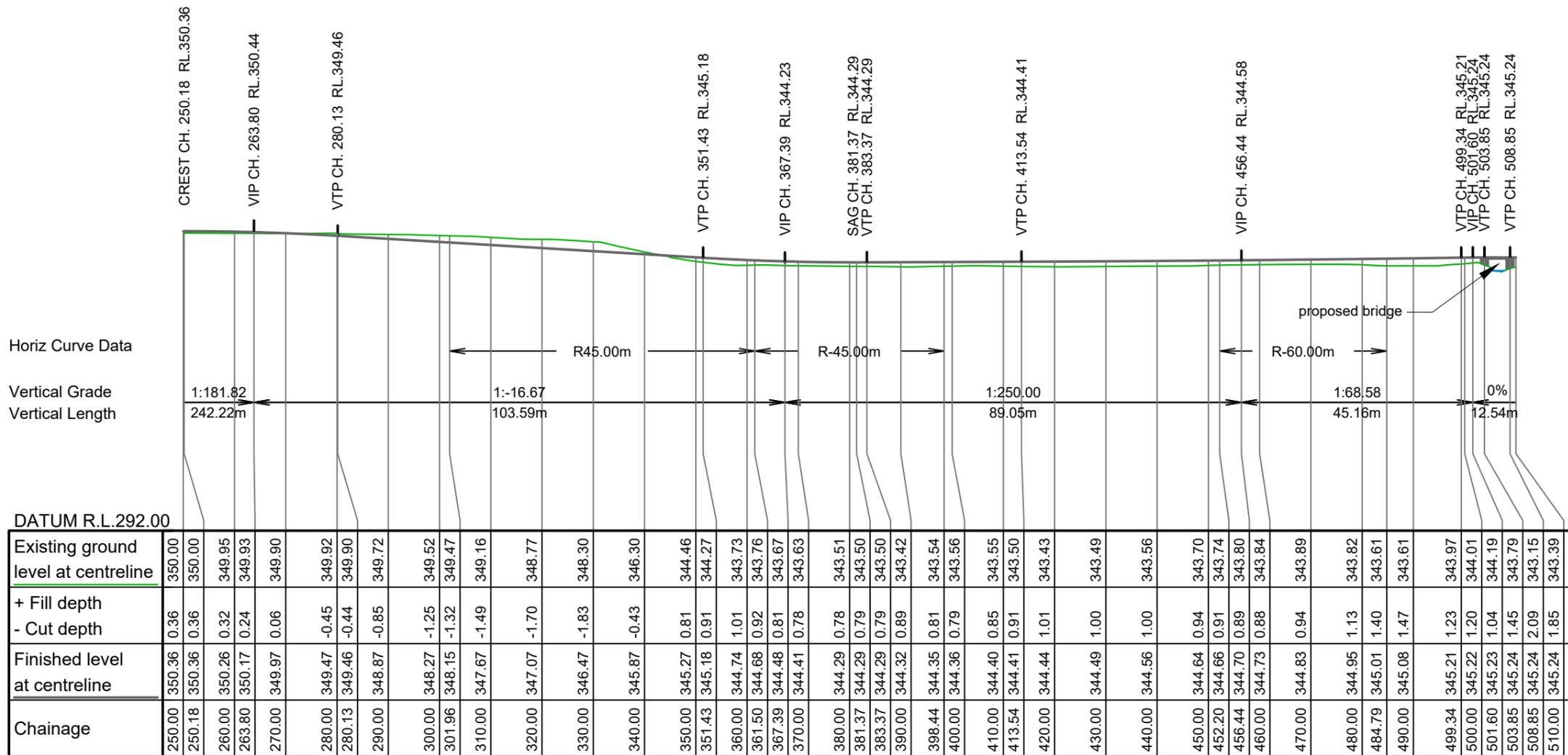
Purpose/Drawing Title:
**Proposed Access Road
 Longsection
 CH0.0 - CH260.0**

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	1:1000
Drawn by:	SJP		
Checked by:	SJW		
Approved by:			
Job Ref:	Q6388 - 15	Sheet No:	9
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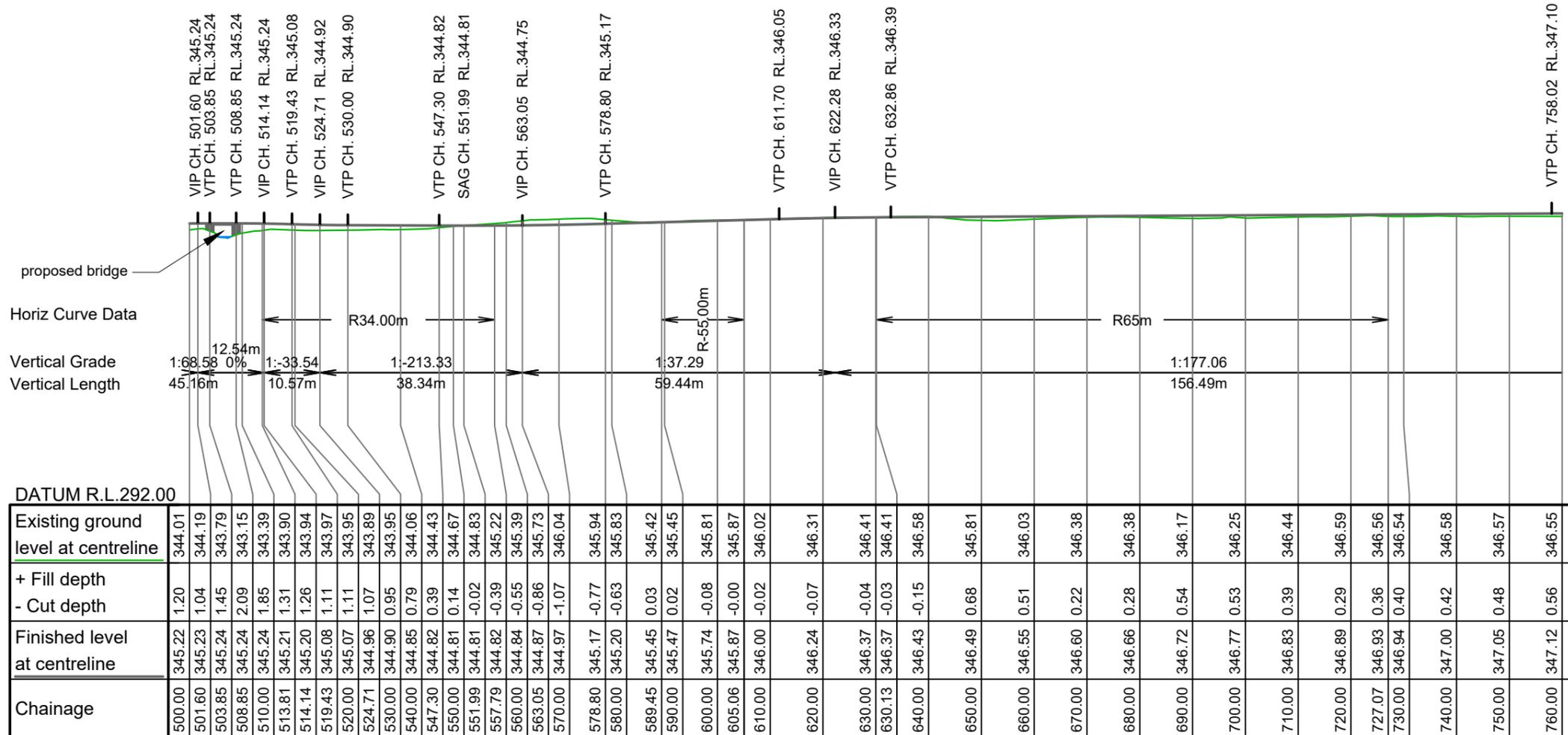
Purpose/Drawing Title:
**Proposed Access Road
 Longsection
 CH250.0 - CH510.0**

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Designed by:	SJP	A3	1:1000
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Approved by:			
Job Ref:	Q6388 - 15	Sheet No:	10
		Revision No:	B
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 - This plan includes information from site surveys undertaken by Paterson Pitts Group (Sep 2017) and CFM (2016/2017)
 - Levels are in terms of MSL (Dunedin Vertical Datum 1958)
 - The origin of levels is C1PV (IT IX DP 12678) RL: 348.66m

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Client/Location:
Waterfall Park Developments Ltd
 Sec 69 Blk VII Shotover SD, Lots 1 & 2
 DP 23038, Lot 1 DP 27503, Lots 1 & 2
 DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

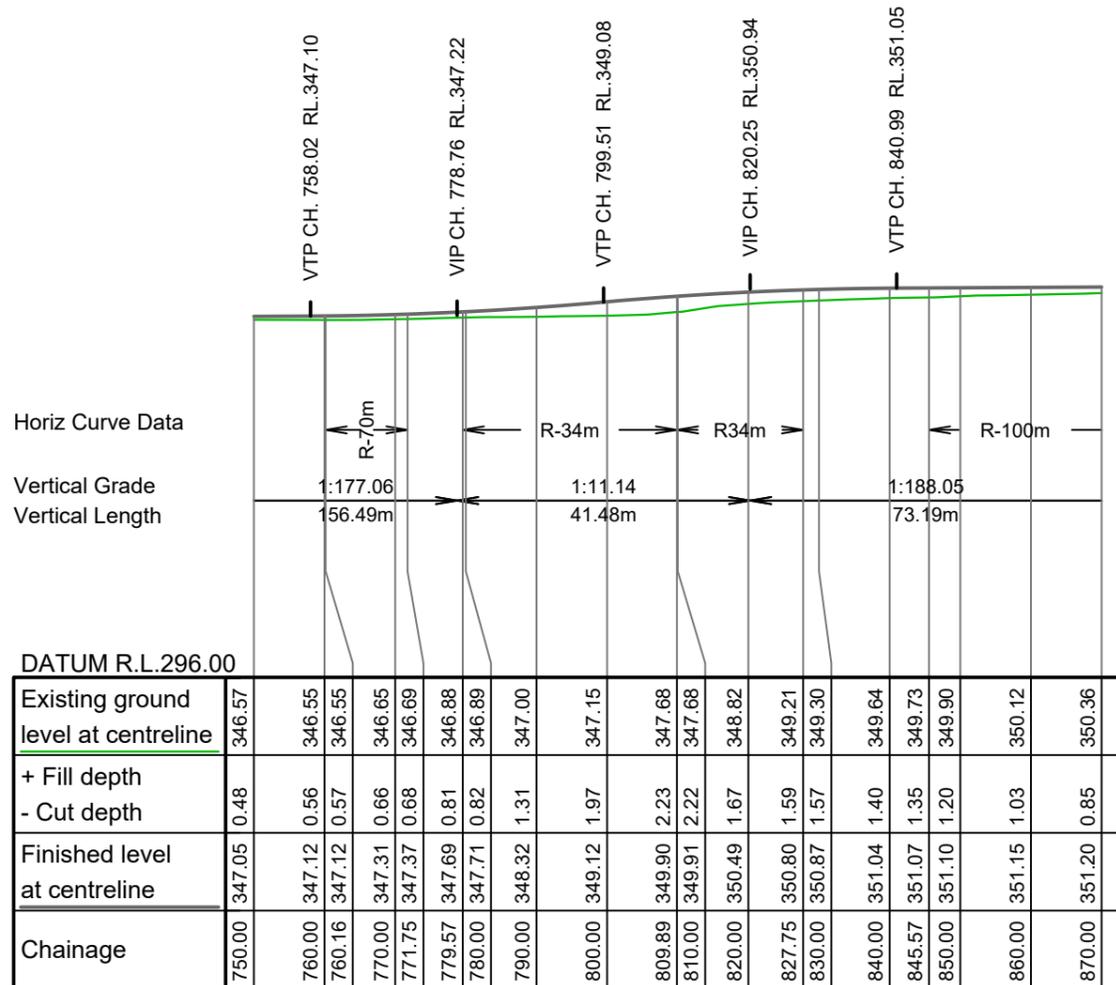
Purpose/Drawing Title:
**Proposed Access Road
 Longsection
 CH500.0 - CH760.0**

Surveyed by: PPG	Original Size: A3	Scale: 1:1000
Designed by: SJP	DO NOT SCALE	29/01/2018
Drawn by: SJP		
Checked by: SJW		
Approved by:		
Job Ref: Q6388 - 15	Sheet No: 11	Revision No: C

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM171280**

Friday, 1 June 2018



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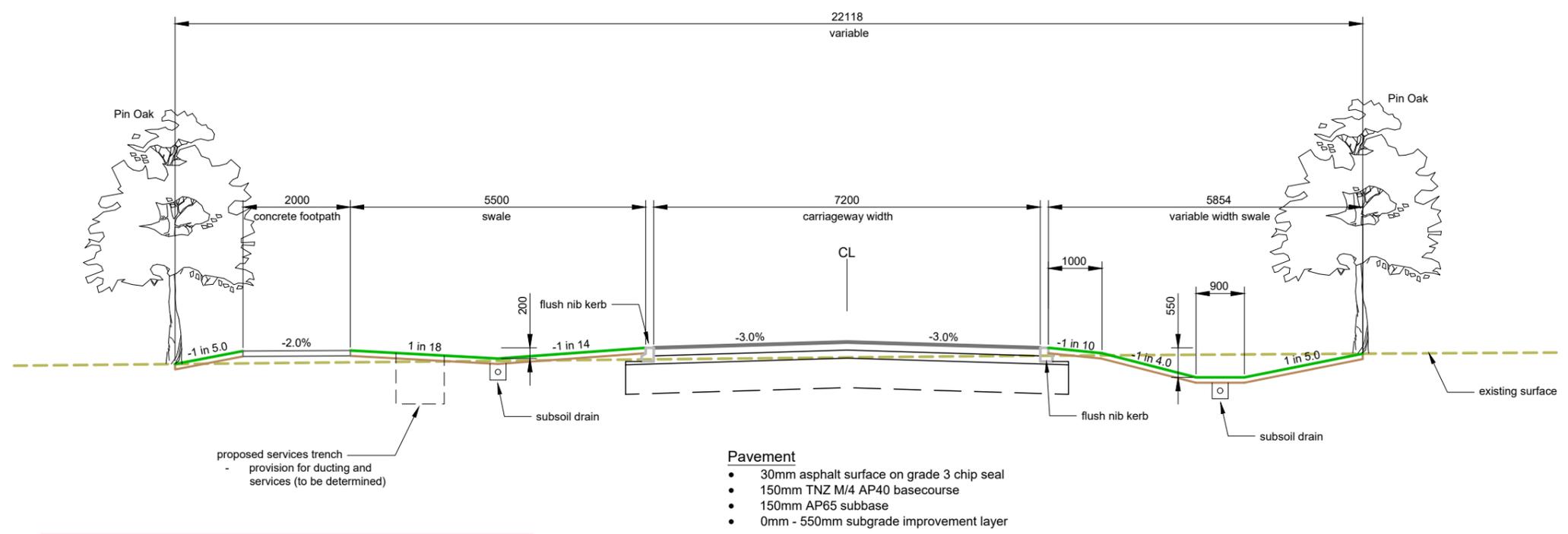
Client/Location:
Waterfall Park Developments Ltd
 Sec 69 Blk VII Shotover SD, Lots 1 & 2
 DP 23038, Lot 1 DP 27503, Lots 1 & 2
 DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:
**Proposed Access Road
 Longsection
 CH750.0 - CH870.0**

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	1:1000
Drawn by:	SJP		
Checked by:	SJW		
Approved by:			
Job Ref:	Q6388 - 15	Sheet No:	12
		Revision No:	C
		Date Created:	29/01/2018

DO NOT SCALE

CH60.0
Scale 1:100



- Pavement**
- 30mm asphalt surface on grade 3 chip seal
 - 150mm TNZ M/4 AP40 basecourse
 - 150mm AP65 subbase
 - 0mm - 550mm subgrade improvement layer

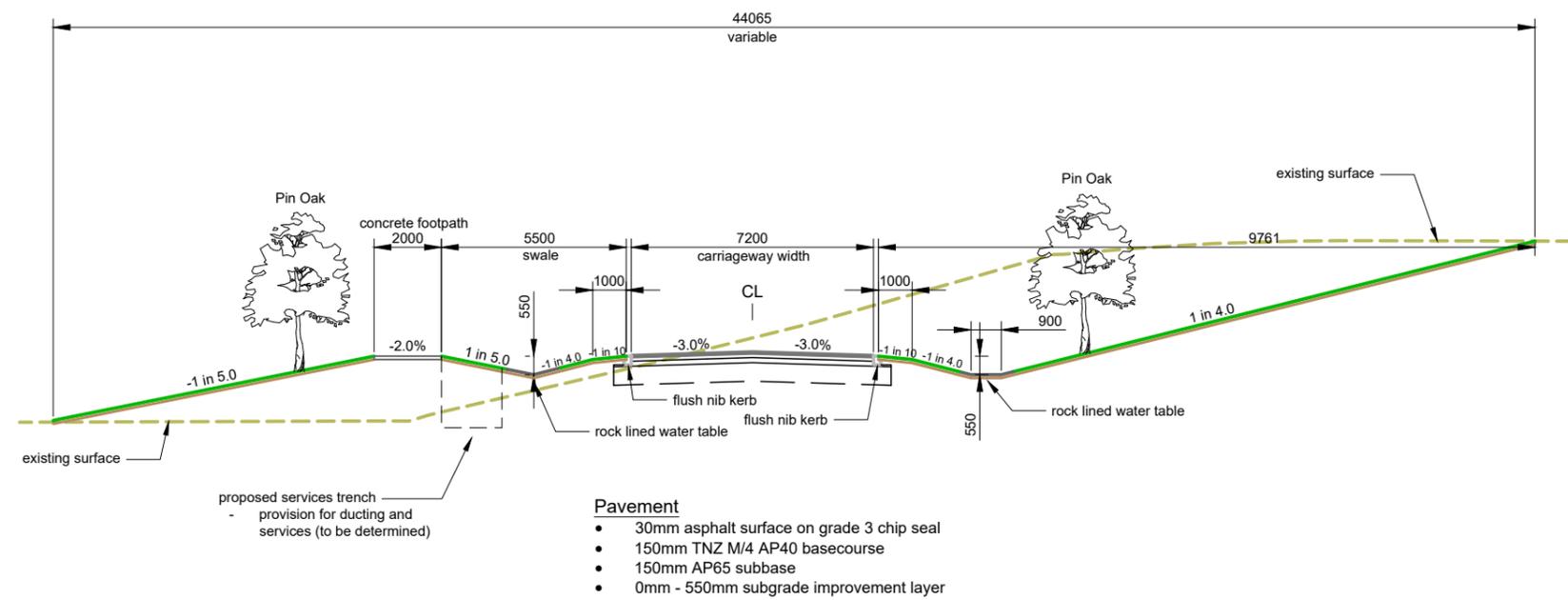
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APPROVED PLAN:
RM171280

Friday, 1 June 2018

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 3. Levels are in terms of MSL (Dunedin Vertical Datum 1958)
 4. The origin of levels is C1PV (IT IX DP 12678) RL: 348.66m

CH340.0
Scale 1:200



- Pavement**
- 30mm asphalt surface on grade 3 chip seal
 - 150mm TNZ M/4 AP40 basecourse
 - 150mm AP65 subbase
 - 0mm - 550mm subgrade improvement layer

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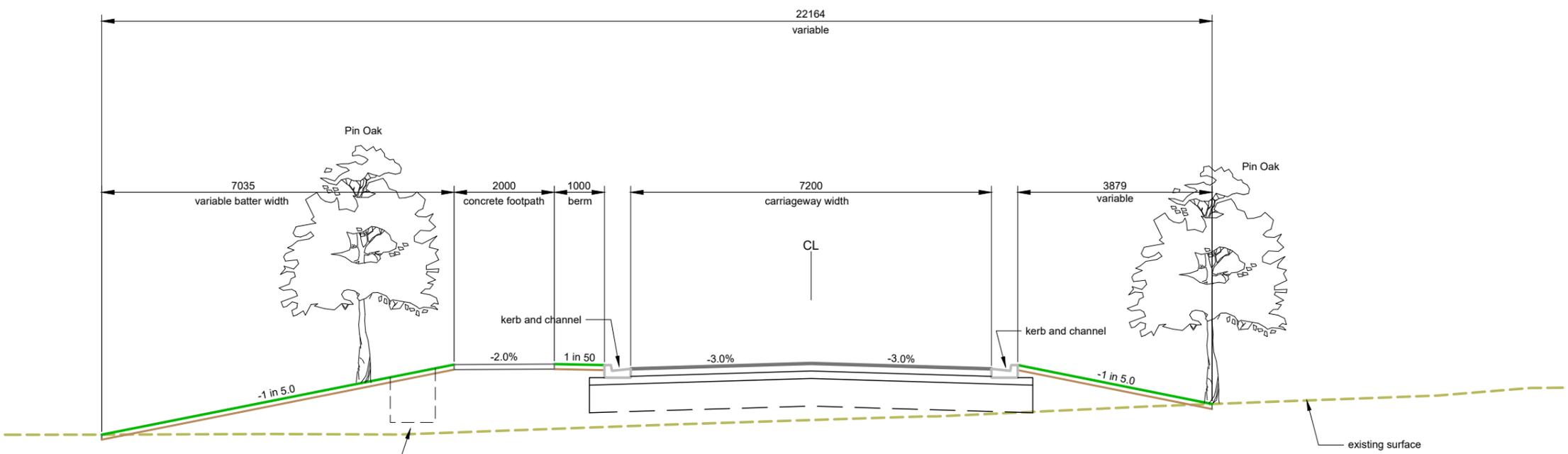
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DP 507367, Pt Lot 3 DP 5737 and Lot 1 DP 18109

Purpose/Drawing Title:
**Proposed Access Road
Typical Cross Sections**

Surveyed by: PPG	Original Size: A3	Scale: as shown
Designed by: SJJ	DO NOT SCALE	
Drawn by: SJJ		
Checked by: SJW		
Approved by:		
Job Ref: Q6388 - 15	Sheet No: 13	Revision No: B Date Created: 9/10/2017

CH480.0
Scale 1:100



proposed services trench
- provision for ducting and services (to be determined)

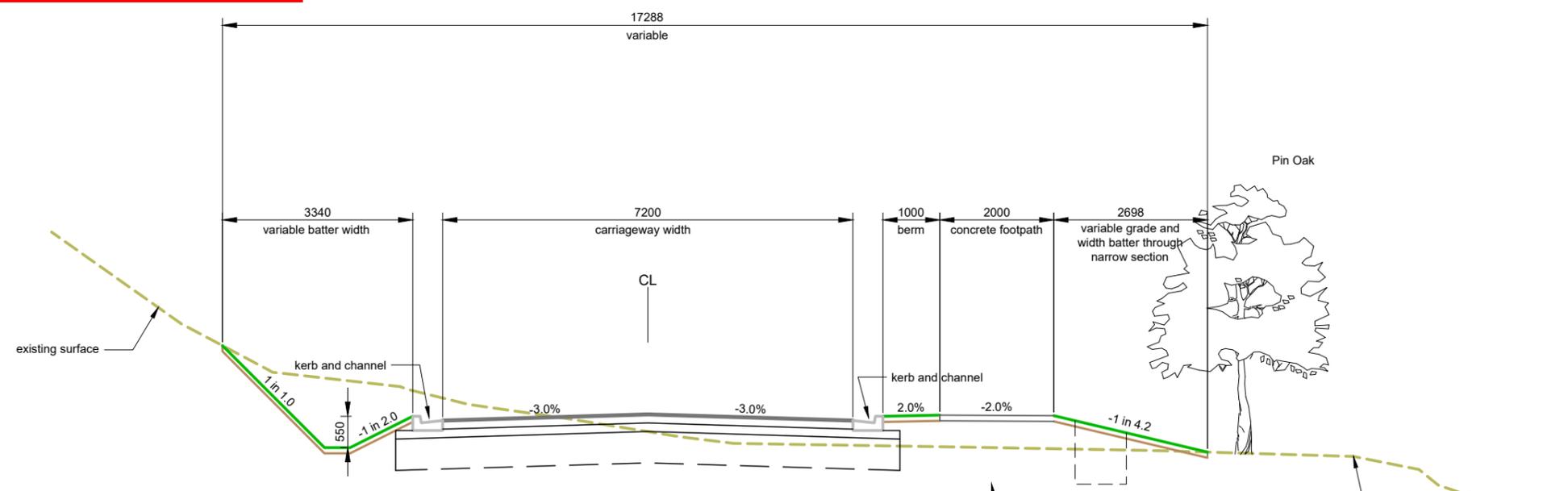
- Pavement**
- 30mm asphalt surface on grade 3 chip seal
 - 150mm TNZ M/4 AP40 basecourse
 - 150mm AP65 subbase
 - 0mm - 550mm subgrade improvement layer

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM171280

Friday, 1 June 2018

CH740.0
Scale 1:100



proposed services trench
- provision for ducting and services (to be determined)

- Pavement**
- 30mm asphalt surface on grade 3 chip seal
 - 150mm TNZ M/4 AP40 basecourse
 - 150mm AP65 subbase
 - 0mm - 550mm subgrade improvement layer

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Purpose/Drawing Title:
**Proposed Access Road
Typical Cross Sections**

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	as shown
Drawn by:	SJP		
Checked by:	SJW		
Approved by:			
Job Ref:	Q6388 - 15	Sheet No:	14
		Revision No:	D
		Date Created:	20/04/2018



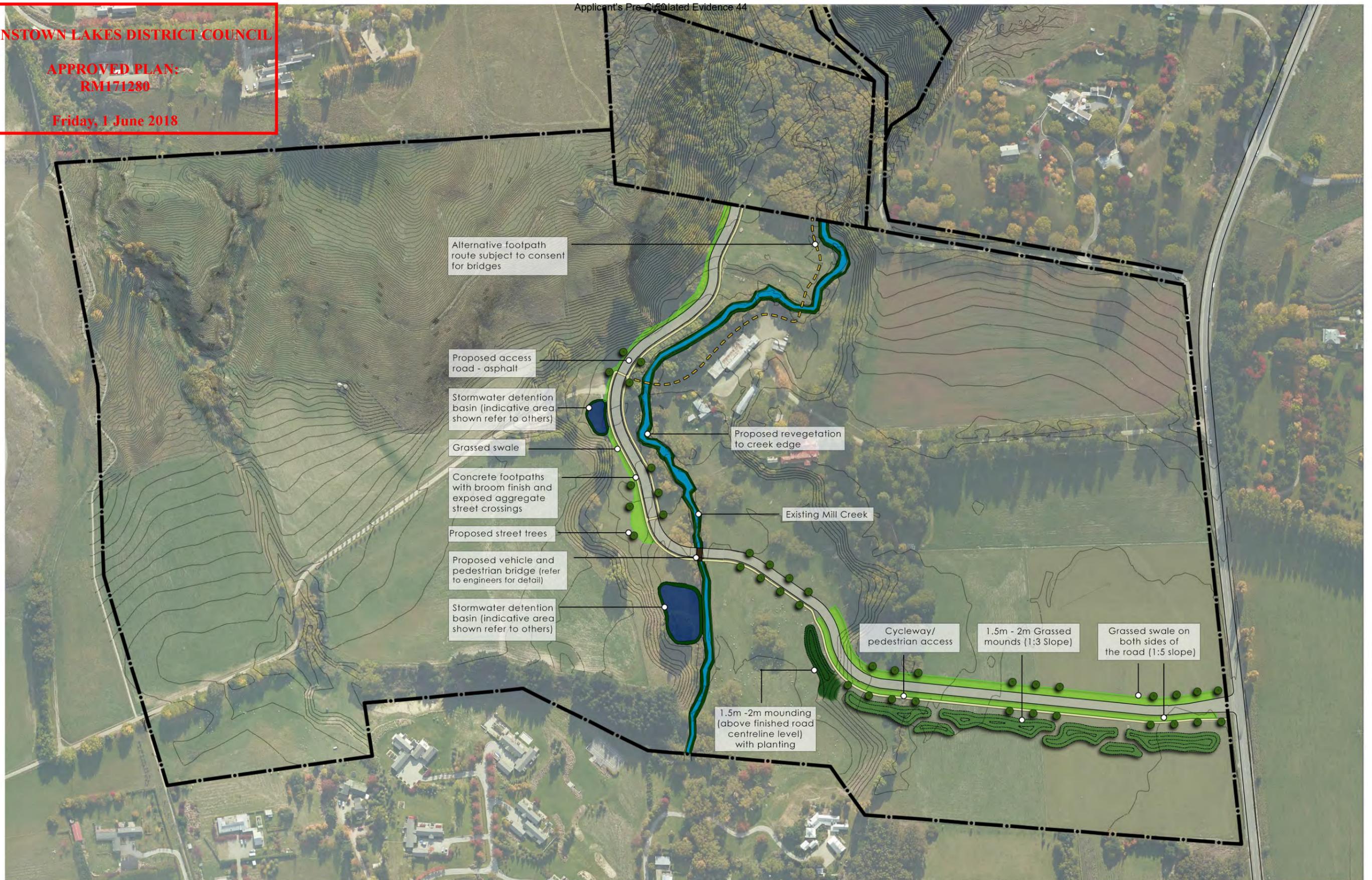
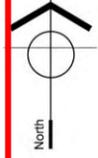
Applicant's Pre-Circulated Evidence 43

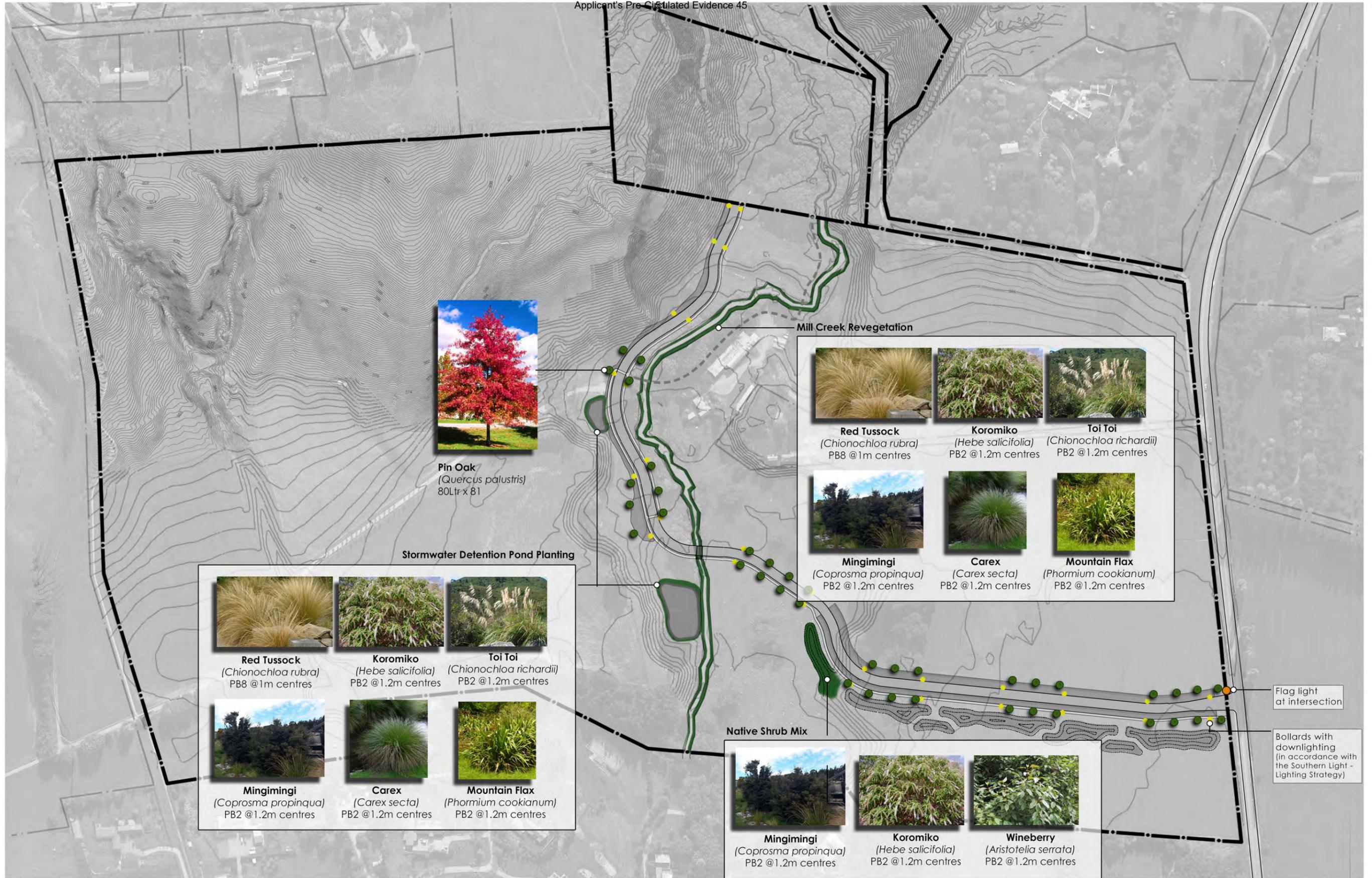


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**APPROVED PLAN:
RM171280**

Friday, 1 June 2018







EXISTING VIEW FROM ARROWTOWN-LAKE HAYES ROAD LOOKING SOUTH



PROPOSED VIEW FROM ARROWTOWN-LAKE HAYES ROAD LOOKING SOUTH



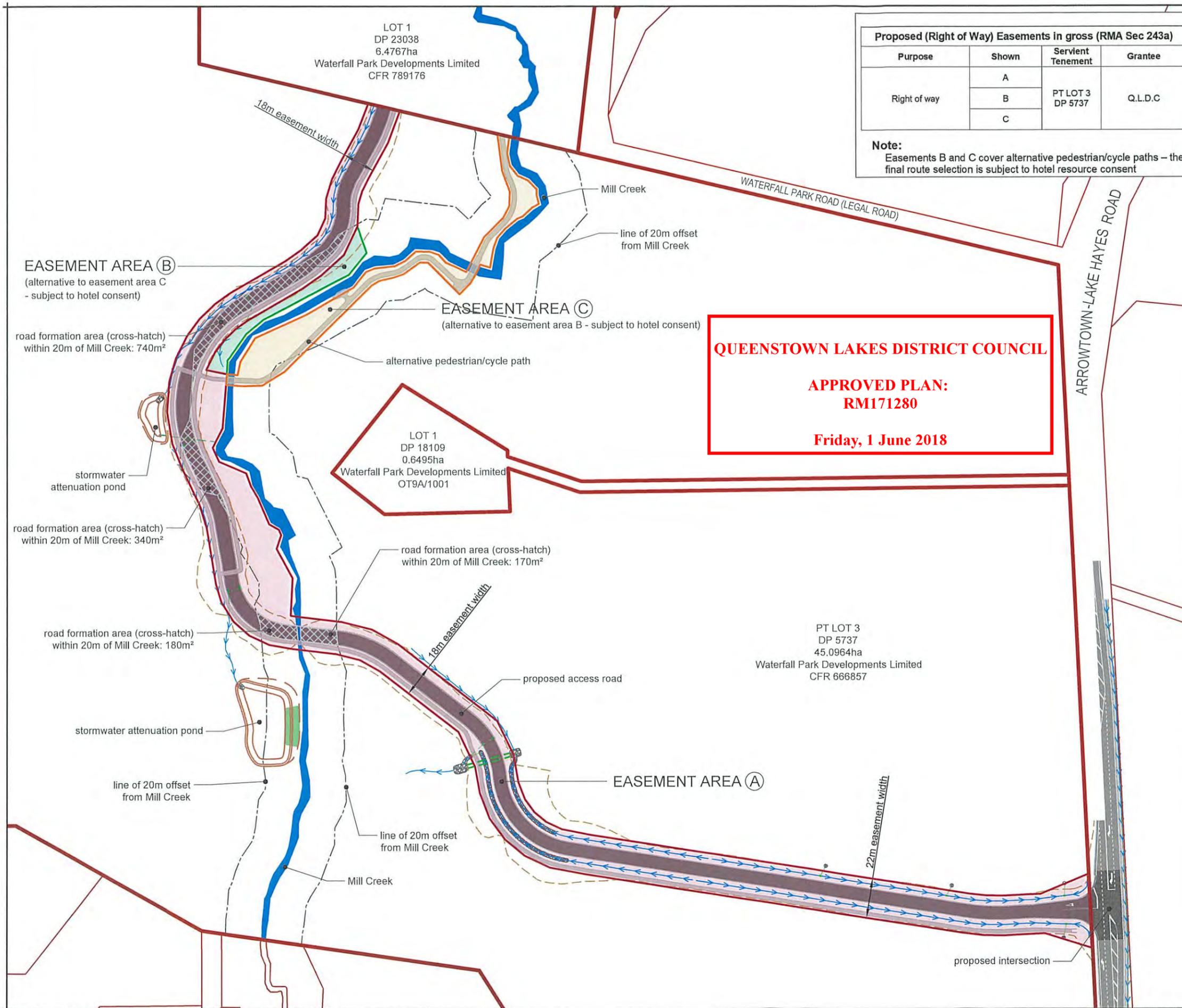


EXISTING VIEW FROM SOUTHERN FENCE LOOKING NORTH



PROPOSED VIEW FROM SOUTHERN FENCE LOOKING NORTH





Proposed (Right of Way) Easements in gross (RMA Sec 243a)			
Purpose	Shown	Servient Tenement	Grantee
Right of way	A	PT LOT 3 DP 5737	Q.L.D.C
	B		
	C		

Note:
Easements B and C cover alternative pedestrian/cycle paths – the final route selection is subject to hotel resource consent

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM171280

Friday, 1 June 2018

KEY:

- batter extents
- watertable/overland flowpath
- ▨ areas of road formation within 20m of Mill Creek

NOTES:

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 - Hazard registers, ground conditions or suitability for development
 - 'Ground level' as defined by the QLDC District Plan
 - Service connections to utility services
- This plan includes information from site surveys undertaken by Paterson Pitts Group (Sep 2017) and CFM (2016/2017)
- Refer to the relevant CFRs and title plans for registered easements, covenants and interests

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Purpose/Drawing Title:
Proposed Access Road
ROW Easements

Surveyed by:	PPG	Original Size:	Scale:
Designed by:	SJP	A3	1:2000
Drawn by:	SJP		
Checked by:	S/JW		
Approved by:		DO NOT SCALE	
Job Ref:	Q6388 - 12-1	Sheet No:	Revision No:
		1	B
		Date Created:	01/05/2018

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM171280

Friday, 1 June 2018



J.



Areas 'A', 'B' and 'C' are Tree Protection Areas

KEY

-  existing parcel boundary (subject site)
-  existing adjacent parcel boundary
-  existing fence line
-  Tree Protection Area

NOTES:

1. This plan and its contents should not be used for any reason other than its intended purpose
2. Refer to the relevant CFRs and title plans for registered easements, covenants and interests
3. Aerial photograph not geo-referenced and shown for context only

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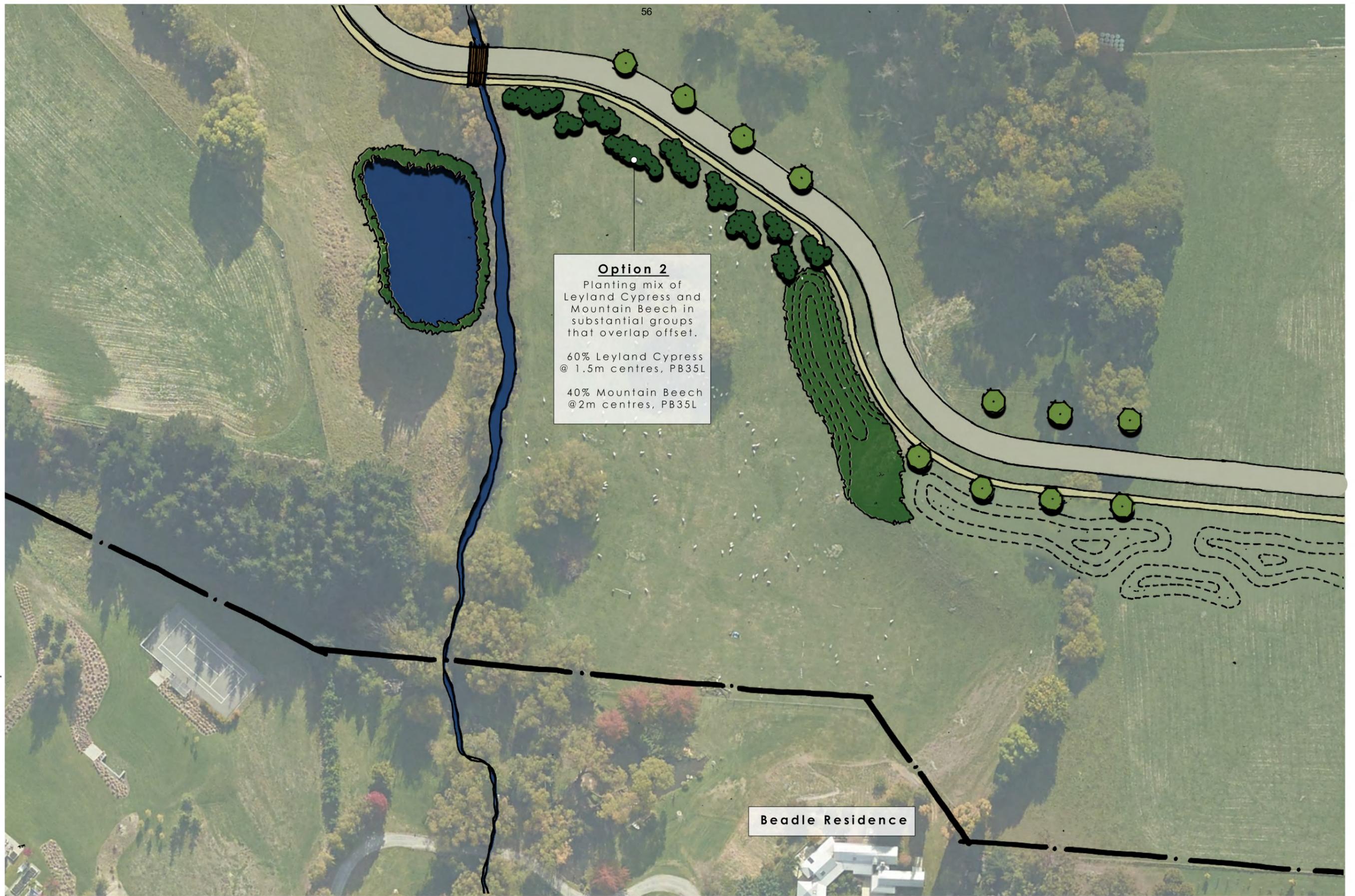
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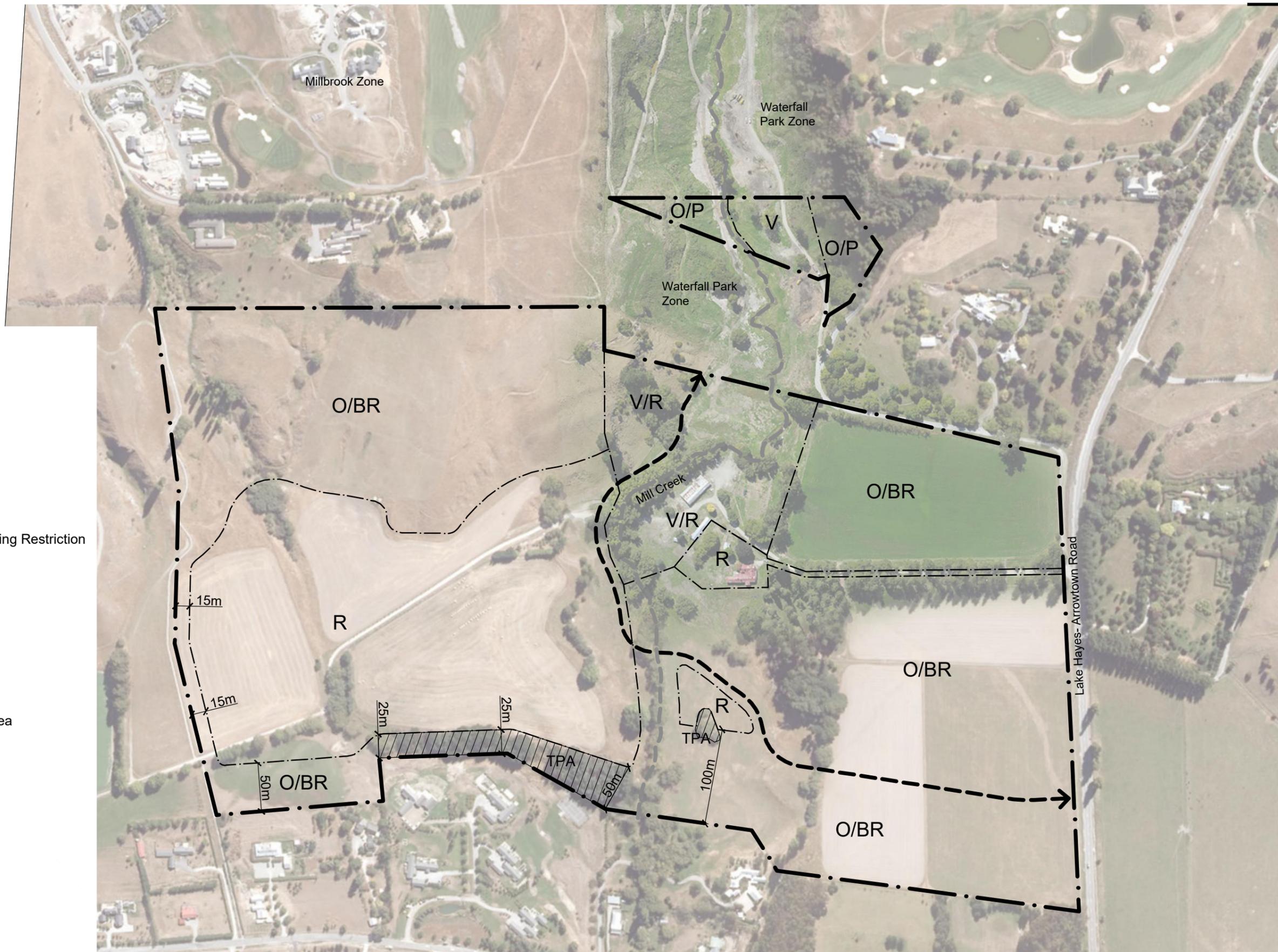
Purpose/Drawing Title:
**Waterfall Park Access Road
 Adjacent Parcel Information
 and Tree Protection Areas**

Surveyed by:	PPG	Original Size:	Scale:
Designed by:		A3	not to scale
Drawn by:	SJP		
Checked by:	SJW		
Approved by:		DO NOT SCALE	
Job Ref:	Q6388 - 16 - 6	Sheet No:	1
		Revision No:	A
		Date Created:	26/04/2018



Attachment H

Ayrburn Zone Structure Plan overlain on aerial



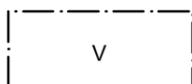
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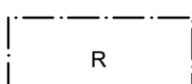
 Access Road

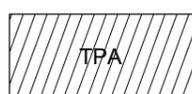
 Mill Creek

(Ayrburn Zone)

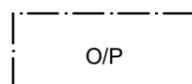
 O/BR Open Space / Building Restriction

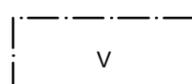
 V Village

 R Residential

 TPA Tree Protection Area

(Waterfall Park Zone)

 O/P Open Space

 V Village

AYRBURN ZONE STRUCTURE PLAN

Scale 1:4000 @ A3