

**QUEENSTOWN-LAKES DISTRICT COUNCIL  
PROPOSED DISTRICT PLAN HEARING – STREAM 13**

**IN THE MATTER**

of a hearing on submissions to the Proposed District Plan (Queenstown Mapping) pursuant to clause 8B of the First Schedule to the Resource Management Act 1991

**Ritchie Kerr Architects**

Submitter # 048

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**EVIDENCE OF CAREY VIVIAN  
(PLANNER)  
9 June 2017**

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# 1. Introduction

1.1 My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000. I am a director of Vivian and Espie Limited, a resource management, urban design and landscape planning consultancy based in Queenstown. I have been practicing as a resource management planner for twenty-two years, having held previous positions with Davie Lovell-Smith in Christchurch; and the Queenstown Lakes District Council (QLDC or the Council), Civic Corporation Limited, Clark Fortune McDonald and Associates and Woodlot Properties Limited in Queenstown.

1.2 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

1.3 I have read the evidence of Ms. K Banks, Mr. Glasner, Ms. W Banks and Mr. Davis for the Council, and Mr. Bryant for the submitters. I comment on this material through my evidence.

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1.4 I use the following abbreviations in my evidence:

**PDP** – The Queenstown-Lakes Proposed District Plan.

**ODP** – The Queenstown-Lakes Operative District Plan.

**LDRZ** – The Low Density Residential Zone under the PDP.

**UGB** – The proposed Urban Growth Boundary under the PDP.

**QLDC** – Queenstown-Lakes District Council.

**ONL** – Outstanding Natural Landscape.

**ONF** – Outstanding Natural Feature.

**RMA** – Resource Management Act

**NPS** – National Policy Statement.

**OORPS** - Operative Otago Regional Policy Statement dated 1 October 1998.

**PORPS** - Proposed Otago Regional Policy Statement as amended by Council decisions.

**RKA** – Ritchie Kerr Architects – submitter #048.

**SFT** – The entity which owns Pt Lot 4 DP 27200 OT19A/283 located at 48 Peninsula Road.

**KRT** – The entity which owns Pt Lot 3DP 2700 OT 19A/282 located at 50 Peninsula Road.

1.5 I use the following terminology in my evidence:

**Requested LDRZ** - The LDRZ requested by the KRA over the subject site.

**Subject Site** - All of the Ritchie Kerr Trust and Sharp Family Trust Land as described below.

1.6 The remainder of my evidence is structured as follows:

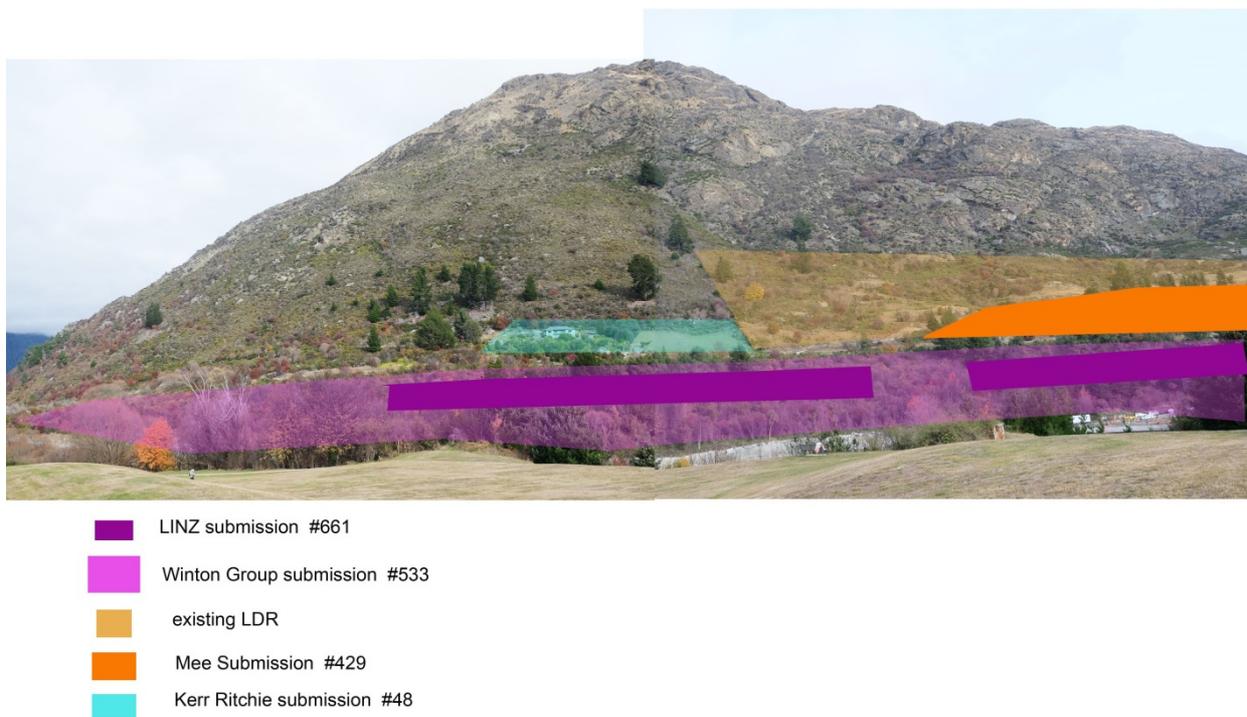
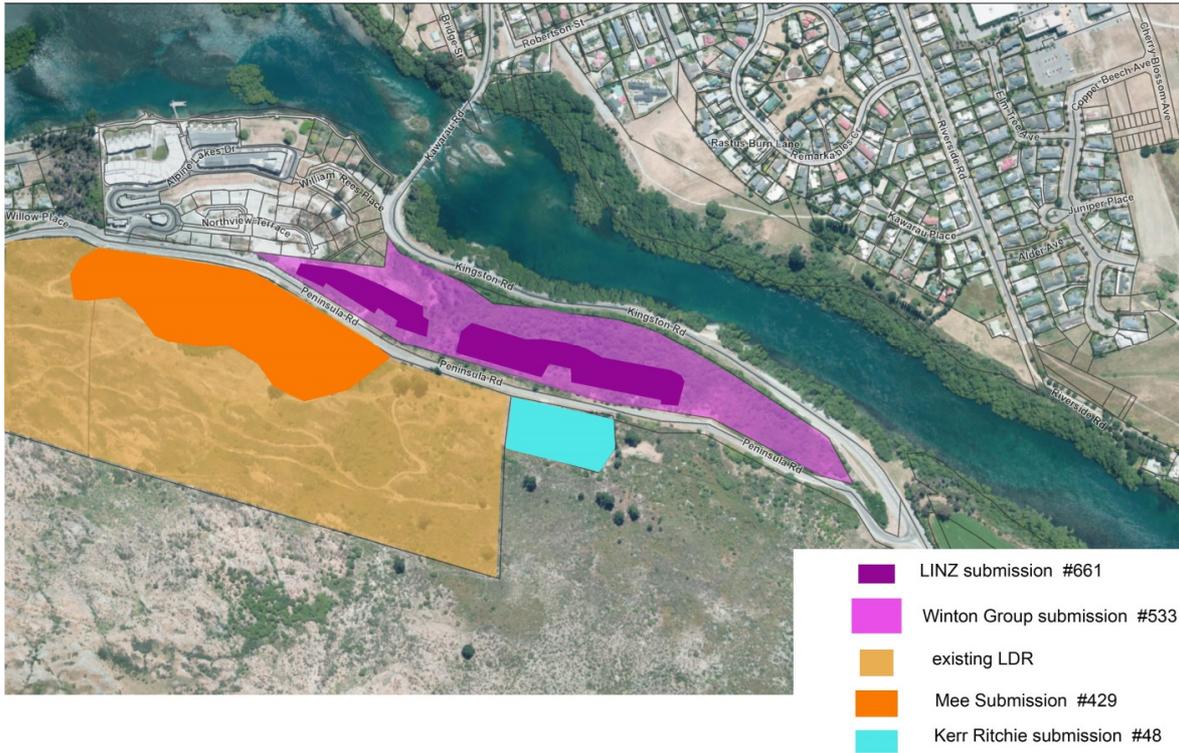
2. Submissions
3. Specific Changes to the PDP
4. Assessment
5. Mandatory Assessment Criteria
6. Section 32AA evaluation
7. The Section 42A report and recommendation
8. Part II of the RMA.
9. Conclusion

## 2. Submissions

2.1 This evidence is on behalf of RKA who have requested LDRZ over Pt Lot 3DP 2700 OT 19A/282 (owned by the KRT) and Pt Lot 4 DP 27200 OT19A/283 (owned by the SFT). Combined these land parcels are 1.0941ha of land located at the eastern end of Kelvin Heights.

2.2 The subject site is proposed to be zoned RZ under the PDP. The KRA submission seeks that the subject site is zoned LDRZ under the PDP.

2.3 The subject land occupies a north facing part of a broadly convex slope falling off the east summit of Peninsula Hill (Deer Park Heights). SFT land is developed as a rural residential property while the KRT land is generally kept grass with new native plantings on the peripheral boundaries to assimilate with existing planting on SFT land. To the west lies undeveloped, LDRZ land owned by Mee. It is noted that Mee's (#429) have sought to rezone the part of their proposed LDRZ to HDRZ. I also note that Winton Group (#533) and LINZ (#661) have requested LDRZ on the land on the northern side of Peninsula Road. These requested zonings are illustrated on the map below (prepared by Mr. Ritchie, who is a qualified Surveyor and Landscape Architect):



### 3. The specific changes to the PDP

- 3.1 The only change to the PDP sought by the KRA submission is to the District Plan Maps. The changes sought include the rezoning of the subject land from proposed RZ to LDRZ, the extension of UGB to include the requested LDRZ and the exclusion of the requested LDRZ from the ONF/ONL landscape classification. I note that with respect to the later, it is my understanding that the ONL landscape classification automatically disappears upon zoning LDRZ pursuant to Part 6.4.1.2 of the PDP.

### 4. Assessment

- 4.1 The principal resource management issues in relation to the KRA submission are:

- The supply of residential land for housing;
- Landscape and visual amenity effects, in particular the location of the zone boundaries to the Outstanding Natural Feature of Peninsula Hill;
- Servicing;
- Traffic effects;
- Geotechnical issues.

#### **Issue 1 - The supply of Residential Land for Housing**

- 4.2 With respect to the supply of residential land for housing the subject site is, in my opinion, a strategically placed parcel of land that can readily provide desperately needed housing for the community, especially in such a centrally located area with outstanding living amenity.
- 4.3 The Commission will be well aware of the need to provide for housing in the Wakatipu Basin. The need for housing is exemplified by the fact that the district has SHA status (in the Wakatipu Basin) and is a *High Growth Area* under the NPS for Urban Development Capacity. Residential sections sell out in a matter of minutes of coming onto the market, with many of the big developments (Shotover Country and Hanley Downs) having hundreds of people on the waiting list.
- 4.4 The QLDC's Housing Accord and Special Housing Areas Act 2013 Implementation Policy (dated 24 November 2016) assists the Council in deciding to recommend the establishment of SHAs to the Minister and in considering applications for resource consents for qualifying development within SHAs. In my view,

some of the criteria listed in that policy is helpful in the consideration of this requested zoning. The relevant criteria include location, strategic direction, infrastructure, community feedback, and timely development.

- 4.5 With respect to *location* the requested LDRZ adjoins an existing LDRZ and is topographically contained by the steep eastern slopes of Peninsula Hill. The site affords good access to sunlight and outlook and is centrally located close to key local urban infrastructure.
- 4.6 With respect to *strategic direction* the requested LDRZ represents, in my opinion, development that will occur in a logical manner as an extension to an existing residential zone. The requested LDRZ will likely result in a compact and integrated urban form (in terms of roads, services, recreation). The requested zone is unlikely to adversely affect the ONF values of Peninsula Hill. The requested LDRZ also can be fully serviced with Council's infrastructure without placing an undue burden on the Council.
- 4.7 The only infrastructure of concern to Mr. Glasner is wastewater disposal, which may initially require on site disposal.
- 4.8 Ms. Banks raises concern with sight lines and crossing points but these items can be addressed at time of development. It is likely when the Mee land to the west develops that the speed limit adjacent to the property will need to be reduced.
- 4.9 With respect to *community feedback* I note that the KRA submission was publicly notified for further submissions and drew only one opposing further submission from the Queenstown Airport Corporation. It did not draw any further opposition from the wider community. This is the only opportunity for community feedback on a submission under the First Schedule to the RMA.
- 4.10 With respect to *timely development* I confirm it is KRTs intention to at least partially develop this land as soon as possible.
- 4.11 The only SHA criteria that is missing is *affordability*. I have no evidence to rely on in that regard.
- 4.12 This demonstrates, in my view, in using the same criteria applicable as SHA, that this land is appropriately zoned for residential development.

### **Issue 2 - Landscape and Visual Amenity**

- 4.13 It is evident that the existing LDRZ boundary to the west of the subject site has been drawn in a way that

does not accurately correspond with landform or other landscape features. It follows a straight cadastral boundary from a significantly higher elevation than the subject land down to and perpendicular to Peninsula Road. It is considered that zone boundaries should be drawn carefully and appropriately so as to, where possible, accord with the landscape lines and other natural patterns. This consideration gives more visual logic to the pattern of built form that ultimately emerges. The subject sites encompass two sites that have existing signs of domestic activity or will likely in time have domestic activity associated with them.

- 4.14 Dr. Read concludes with respect to landscape character, that the requested LDRZ will result in a no more the negligible effect if considered in association with adjoining submissions. It is considered a logical and appropriate pattern of land uses and elements will be evident in which Peninsula Hill as a backdrop is preserved, and the suburban area has a logical and appropriate boundary that relates to landform, and the broader mountainous ONL has its important qualities preserved.
- 4.15 Topographical constraints exist to the east of the subject site to contain the spread of development in this direction.

### **Issue 3 – Servicing**

- 4.16 Mr. Glasner has no servicing issues aside from the site may require on site waste disposal initially.
- 4.17 With respect to water Mr. Glasner confirms that a suitable water supply is available to the requested LDRZ.

### **Issue 4 - Traffic Effects**

- 4.18 Ms. Banks comments that the subject site could enable 16 residential lots and the potential traffic generated should all lots be developed will not affect the surrounding transport network. I agree with that assessment. Mr. Banks does state, however, that she has concerns with sight lines and access location. I consider the site lines and access could be improved through the subdivision and development process. I also note that if the Mee land develops to the west it is likely that the speed limit along this stretch of Peninsula Road will have to be reduced to that consistent with an urban environment.

### **Issue 5 – Geotechnical and natural Hazard Issues**

- 4.19 Geotechnical and natural hazard issues have been addressed in the evidence of Mr. Bryant.

- 4.20** Mr. Bryant notes the presence of a very old and very large landslide underlying the site. Mr. Bryant considers this landslide is now considered dormant with no signs of recent or historical activity which would affect any part of the property. Mr. Bryant concludes that there is no threat to any development proposal no matter where it is sited.
- 4.21** Mr. Bryant also addresses rockfall hazard. Mr. Bryant concludes that the presence of blocks is not necessarily indicative of rock fall hazard, as some, at least, have been carried down by the landslide whilst others have clearly been transported by rolling or bounding down the hillside. Mr Bryant states that no evince was found, either in the field or from imagery, for any recent rockfalls.
- 4.22** However Mr. Bryant does find that there is still a potential for rock fall. Mr. Bryant notes that rock fall movement down slope is influenced by factors such as detailed topography, shape and size of the block, slope material properties and density of vegetation. Mr. Bryant states that many blocks disintegrate with downslope movement and become less of a threat as the size diminishes. Mr Bryant concludes a true understanding of a rockfall threat is thus difficult to assess with any certainty although further study would help reduce this.
- 4.23** Mr. Bryant's overall assessment is the rock fall threat is probably very low on the absence of boulders across all but a corner of the site. Mr. Bryant states that should further study indicate a higher than anticipate threat then it may be necessary to consider some form of rockfall barrier to protect any dwellings.
- 4.24** I rely on Mr. Bryant's expert opinion in this regard.

## 5. Mandatory Assessment Criteria

- 5.1** In preparing this evidence I am mindful of the amended mandatory legal criteria the Hearings Panel must consider as set out in *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55. This includes:
- (a) Accords with section 75(1) and assists the Council to carry out its functions (s 31) so as to achieve the purpose of the Act (s 72).
  - (b) Gives effect to National Policy Statements that are relevant (section 73(3)(a));
  - (c) Gives effect to the Otago Regional Policy Statement (section 75(3)(c));
  - (d) Has had regard to any relevant management plans and strategies under other Acts, and to any

relevant entry in the Historic Places Register (section 74(2)(b));

- (e) Takes into account any relevant planning document recognised by an iwi authority;
- (f) Does not have regard to trade competition (section 74(3)).

5.2 I discuss each of these criteria below.

**(a) Whether the proposal accords with section 75(1) and assists the Council to carry out its functions to achieve the purpose of the RMA.**

5.3 Section 75(1) of the RMA states a District Plan must state the objectives for the district; state the policies to implement the objectives; and state the rules (if any) to implement the policies. The submission seeks LDRZ which contains objectives, policies and rules which assist Council's to carry out its functions (Section 31) in achieving the purpose of the RMA. This criterion is therefore satisfied in the consideration of these submissions.

**(b) Whether the proposal gives effect to any relevant National Policy Statements (NPSs).**

5.4 At the time of writing this evidence the following NPSs were in place:

- Urban Development Capacity
- Freshwater Management
- Renewable Electricity Generation
- Electricity Transmission
- New Zealand Coastal Policy Statement

5.5 I understand that work has been undertaken on a proposed NPS for Indigenous Biodiversity but this is not yet complete.

5.6 The only NPS that is, in my opinion, relevant to the consideration of the KRA submission is Urban Development Capacity. The purpose of the NPS is recognizing the national significance of (a) urban environments and the need to enable such environments to develop and change; and (b) providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments. In high-growth urban areas, such as QLDC, all the NPS Objectives and policies apply. Of particular relevance to the KRA submission is the Group A objectives which state:

*“OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.*

*OA2: Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and*

*locations, working environments and places to locate businesses.*  
OA3: *Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.”*

5.7 While it is acknowledged that development capacity needs to be calculated over the entire district, the requested LDRZ does, in my opinion, contribute to the District’s development capacity in a positive way. In particular, it is located within the urban area of Kelvin Heights and can be fully serviced, providing an opportunity for housing that meets the needs of people and future generations. The LDRZ provisions provide for a range of dwelling types. In my opinion, the requested LDRZ positively contributes to the District’s development capacity consistent with the NPS.

**(c) Whether the proposal gives effect to any relevant Regional Policy Statements and Plans.**

5.8 The relevant Regional Policy Statements are the OORPS and the PORPS. I note the PORPS is subject to appeals and is due to be heard by the Environment Court this year.

**(i) OORPS**

5.9 The OORPS provides an overview of the resource management issues of the Otago Region and the ways of achieving integrated management of its natural and physical resources. The relevant chapters of the OORPS to the consideration of the submissions are:

- Chapter 4 Mana Whenua Perspective
- Chapter 5 Land
- Chapter 6 Water
- Chapter 7 Air
- Chapter 11 Natural hazards

5.10 I discuss each of the relevant objectives and policies from these chapters in relation to Kerr Ritchie submissions below. I have attached a list of the relevant objectives and policies to my evidence as **Attachment CV1** to assist the panel.

5.11 The relevant Chapter 4 Mana whenua objectives and policies are Objective 4, and policies 4.4.3 Wai and 4.5.5 Kaitiakitanga. The requested LDRZ is unlikely to adversely affect any waterbodies. The requested LDRZ does not affect the concept of guardianship of the land.

5.12 The relevant Chapter 5 Land objectives include Objective 5.4.2 and 5.4.3.

5.13 With respect to Objective 5.4.2 the application of the LDRZ provisions avoids, remedies or mitigates any degradation to natural and physical resources resulting from activities using the land resource. With respect

to Objective 5.4.3 the requested LDRZ is adjacent to an ONF, but in its context, is an appropriate use of land (being an urban area).

- 5.14** The relevant Chapter 5 Land policies include policies 5.5.4 and 5.5.6.
- 5.15** With respect to Policy 5.5.4 the requested LDRZ, in my opinion, promotes diversification by enabling residential use of land adjacent to and within an existing urban environment. The requested LDRZ is therefore consistent with this policy.
- 5.16** With respect to 5.5.6 the ONF/ONL values will fall outside the requested LDRZ and will continue to be maintained. Overall, I consider the requested LDRZ is consistent with these policies.
- 5.17** The relevant Chapter 6 Water objectives and policies include Objective 6.4.2 and Policy 6.5.1. As noted in Mr. Glasner's report there is no issue with obtaining a reticulated water supply to service the development. This report concludes that the requested LDRZ can therefore be serviced with water without impacting on Otago's water resources consistent with this objective and policy.
- 5.18** The relevant Chapter 9 Built Environment objectives include 9.4.1, 9.4.2 and 9.4.3 and policies 9.5.2, 9.5.4 and 9.5.5. The requested LDRZ meets the reasonably foreseeable needs of the residents, the proposed LDRZ provisions provide for a high standard of amenity and enhances landscape quality. There are no identified heritage values on the land. The land can be developed without significant impact on infrastructure. Overall the requested LDRZ is, in my opinion, consistent with these objectives and policies.
- 5.19** The relevant Chapter 11 Natural Hazards objectives and policies are Objectives 11.4.1 and 11.4.2 and Policies 11.5.2 and 11.5.3. Geotechnical issues (including natural hazards) have been addressed in the evidence of Mr. Bryant who has concluded that there are no significant geotechnical issues which would prevent the requested LDRZ from being developed and rockfall threat for all the property is probably very low.
- 5.20** In summary, the proposed plan change is consistent with, and gives effect to, the relevant provisions of the OORPS.

**(ii) Proposed Otago Regional Policy Statement (PORPS)**

- 5.21** The PORPS has advanced to the stage of the issue of a decision (which is now subject to appeals to the Environment Court). I have attached a list of the most relevant objectives and policies from PORPS (decisions version) to my evidence as **Attachment CV2**. The relevant section of the PORPS to the consideration of KRA submission are:

- Chapter 2 Kai Tahu Values and Interests
- Chapter 3 Otago has high quality natural resources and ecosystems
- Chapter 4 Communities in Otago are resilient, safe and healthy
- Chapter 5 People are able to use and enjoy Otago's natural and built environment

**5.22** The relevant Chapter 2 objectives and policies are 2.1 to 2.2 (Kai Tahu values and interests). The PORPS requires that Kai Tahu values and interests are recognised and kaitiakitaka is expressed. The requested LDRZ, in my opinion, does not affect this from occurring at the time of development.

**5.23** The relevant Chapter 3 objectives and policies are Objective 3.1 and Policy 3.1.1 Fresh Water, 3.1.3 Water and 3.1.10 Natural Features, Landscapes and Seascapes and Objective 3.2 Identifying highly values natural features, landscape and seascapes, Policies 3.2.5 and 3.2.6.

**5.24** The requested LDRZ is, in my opinion, consistent with these objectives and polices to the extent the requested LDRZ can be fully integrated into the existing reticulation thereby minimise effects on the receiving environment.

**5.25** With respect to Policy 3.1.10, Objective 2 and Policies 3.2.5 and 3.2.6 the values of natural features and landscapes are recognised and provided for.

**5.26** Overall, I consider the requested LDRZ in this location is consistent with Objective 3.1 and 3.2 and associated relevant policies.

**5.27** The relevant Chapter 4 objectives and policies include Objective 4.1 and Policies 4.1.1 to 4.1.6 in respect of natural hazards; Objective 4.3 and Policy 4.3.1 in respect of infrastructure; and Objective 4.4 in respect of energy supply. These issues have all been addressed in Mr. Bryant's evidence and Mr. Glasner's report.

**5.28** The requested LDRZ is, in my opinion, consistent with, and gives effect to, the relevant objectives and policies of the PORPS.

### **(iii) Regional Plan: Air and Water**

**5.29** The Regional Plans: Air and Water will be of relevance if the LDRZ is approved. It is likely that consents will be required for storm water disposal.

### **(iv) Proposed District Plan**

- 5.30 I have undertaken a thorough assessment of the proposed provisions in accordance with Section 32AA of the Act, and attach this assessment at **Appendix CV3** to my evidence.

**(d) Whether the proposal has had regard to any relevant management plans or strategies under other acts.**

- 5.31 In my opinion there are no other management plans or strategies prepared under other acts relevant to the consideration of the KRA submission.

**(e) Takes into account any relevant planning document recognised by an iwi authority.**

**(i) Kai Tahu ki Otago Iwi Management Plan**

- 5.32 The Kai Tahu ki Otago Resource Management Plan was prepared in 2005 and is the principal planning document for Kāi Tahu ki Otago. It was developed over a 2-year period through extensive consultation with the four Papatipu Rūnaka of Otago as well as consultation with, and input from, the Otago whānau and rōpū groups and Southland and South Canterbury Rūnaka.
- 5.33 At Section 2.5.6 the Plan states that '*Kāi Tahu ki Otago values have been incorporated, to varying extents, in the following Regional and District Plans and Policy Statements*'. Key issues identified in the Plan relate to wai maori, wahi tapu, mahika kai and biodiversity, cultural landscapes, air and atmosphere, coastal environment.
- 5.34 The Upper Clutha is located within the Clutha-Mata-au Catchment, and this is described at Section 10.1 as:

*"The Clutha/Mata-au Catchment centres on the Clutha/Mata-au River and includes all sub-catchments within this main Catchment.*

**10.2.2 Wai Maori Issues in the Clutha/Mata-au Catchment:**

...

**Land Use:**

- *Lack of reticulated community sewerage schemes.*
- *Existing sewage schemes are not effectively treating the waste and do not have the capacity to cope with the expanding population.*
- *Land use intensification, for example dairying in the Poumahaka Catchment.*
- *Increase in the lifestyle farm units is increasing the demand for water.*
- *Sedimentation of waterways from urban development.*

...

**10.2.3 Wai Maori Policies in the Clutha/Mata-au Catchment:**

...

**Land use:**

9. *To encourage the adoption of sound environmental practices, adopted where land use intensification occurs.*

10. *To promote sustainable land use in the Clutha/Mata-au Catchment.*

11. To encourage all consents related to subdivision and lifestyle blocks are applied for at the same time including, land use consents, water consents, and discharge consents.

12. To require reticulated community sewerage schemes that have the capacity to accommodate future population growth

...

### **10.3 WÄHI TAPU**

#### **10.3.1 Wähi Tapu in the Clutha/Mata-au Catchments**

There are a range of wähi tapu of particular significance within the Clutha/Mata-au Catchments. Urupā are the best modern day example of wähi tapu, but physical resources such as mountaintops, springs and vegetation remnants are other examples. Urupā and some significant sites of conflict are located all along the Clutha/Mata-au River.

...

#### **10.3.3 Wähi Tapu Policies in the Clutha/Mata-au Catchment**

1. To require that wähi tapu sites are protected from further loss or destruction.

2. To require accidental discovery protocols for any earth disturbance activities.”

**5.35** With respect to 10.2 development under the requested LDRZ provisions is likely to be in accordance with sound environmental management and promote sustainable land use practices.

**5.36** With respect to 10.3 there is no known wahi tapu associated with the site. The Accidental Discovery Protocol can be imposed by consent conditions on any future resource consents if deemed necessary.

#### **(f) Does not have regard to trade competition.**

**5.37** There are no trade competition issues relevant to the consideration of this submission.

## **6. Section 32AA evaluation.**

**6.1** Section 32AA of the RMA aims to ensure that any changes to plan provisions during the hearing process are subject to a similarly high level of analytical rigour and transparency as the original evaluation. A further evaluation under section 32AA must include all the matters in section 32, but only in relation to the changes that have been made to the proposal since the evaluation report for which it was completed.

**6.2** The Council's Section 32 evaluation applicable to the Kerr Ritchie land is applicable to the entire RZ. Of relevance, the Council's Section 32 analysis identified the following resource management issue:

#### **Issue 2: The management of Farming Activities**

*Existing and anticipated farming activities (Reverse Sensitivity)*

*A range of activities are expected to occur in the rural areas that create odour, noise and dust, traffic generation and heavy vehicle traffic. Provided these effects do not constitute a genuine nuisance or health risk, they shall be accepted as anticipated components of rural activities.*

*It is acknowledged the Rural Zone is considered by many a desirable place to live and to also undertake commercial activities. It is important to recognise the importance of farming and established activities to the District and protect the viability of farming.*

- 6.3 A further evaluation is for the changes sought are attached to my evidence as **Attachment CV3**. This further evaluation examines the extent to which the proposed objectives and policies of the plan are, or are not, the most appropriate way to achieve the purpose of the RMA.
- 6.4 I conclude from this evaluation that the requested LDRZ is the most appropriate zoning for the subject site.

## 7. The Section 42A Report and Recommendation

- 7.1 The section 42A report was received on 25 May 2017. Ms. Banks addresses the KRA submission at section 27 (pages 138 to 143) of her report. Ms. Banks overall recommendation is to reject the submission for the following reason:

*“The submitter seeks rezoning of two land parcels from Rural to LDRZ. The submission is rejected due to natural hazard risk, as I consider it to be inappropriate to enable the density possible under an LDRZ. The rural zoning is more appropriate to enable limited additional development” .*

- 7.2 Ms. Banks considers that a geotechnical report with specific site analysis would be necessary in order to determine the appropriate location for built form within the site, which is able to be adequately protected from the natural hazard and geotechnical risks. Mr. Bryant has prepared evidence in respect of this.
- 7.3 In summary Ms. Banks considers the RZ to be more appropriate for the consideration of the appropriate location of a building platform within the site, and that this framework will also enable appropriate landscape considerations at the time development is proposed. Ms. Banks states:

*“With regard to the landscape assessment of Dr Read, while I agree that the zoning of land below (submissions 533 and 661) is likely to have some effect, I note that the land on the northern side of Peninsula Road (and situated at lower elevation) is within the UGB, and as I have discussed in relation to submissions 533 and 661 I believe this location to be generally appropriate for urban development. However, even so, I consider that the current extent of the LDRZ provides an appropriate boundary in this location and that to extend this further, into these two allotments may result in cumulative effects such that the remainder of this eastern end of Peninsula Hill may also be subject to development creep over time.”*

- 7.4 With respect, I do not agree, as the subject site already contains some residential activity. Ms. Banks is

supportive of the submissions to the north of the subject land, particular in regard to a higher density option. As illustrated previously, the subject site appears as a tapering of existing LDRZ land to the LINZ land to the north that Ms. Banks supports subject to geotechnical investigation.

7.5 I cannot at this stage provide geotechnical commentary in respect to the eastern end of Peninsula Hill as Mr Bryant is currently overseas but Peninsula Hill appears very steep at this eastern end and the ground conditions considerably more broken than the subject sites.

7.6 Ms. Banks relies on the assessment and recommendations of Dr. Read (landscape), Mr. Davis (Ecology), Mr. Glasner (infrastructure) and Ms. Banks (traffic). These assessments and recommendations are summarised below:

Landscape	Not stated
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed

7.7 With respect to landscape and visual effects Dr. Read considers that KRA submission, Winton Group (#533) and LINZ (#661) are interrelated. Dr. Read states:

*“If the relief requested by submissions 533 and 661 is granted, then the effects of granting the relief requested by submission 48 would be insignificant. If the relief sought by 533 and 661 is not granted, then it is her opinion that the relief sought by this submission (48) would have adverse effects of significant extent and which would lead me to consider that it should not be granted”.*

7.8 With respect to Winton Group (#533) and LINZ (#661) submissions that Dr. Read notes finds:

*“It is the case that the subject site abuts HDR zoning to its west and LDR to its south, in the latter case along approximately 50% of its length. It is also bounded by roads on two sides. Consequently, while I consider it appropriately identified as ONL, the contribution which it makes to that ONL in a broader sense is limited, particularly when the development anticipated on the adjacent land is considered. Consequently, I consider that the relief sought by the submitters can be granted”.*

7.9 By way of report granting relief to this eastern end of Kelvin Heights is supported by Dr. Read.

## 8. Part II of the RMA.

### Section 7

8.1 The following other matters to which particular regard must be given are relevant to the consideration of Kerr Ritchie submission:

- (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.

8.2 The approval of requested LDRZ will, in my opinion, lead to efficient use and development of natural and physical resources given their strategic location adjoining an established LDRZ. The operative LDRZ provisions will ensure the amenity values of the site, and surrounding environment, is maintained and enhanced.

### Section 6

8.3 The following matters of national importance shall be recognised and provide for are relevant to the consideration of Kerr Ritchie submission:

- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

8.4 The requested LDRZ is located adjacent to the ONF of Peninsula Hill. In the context of surrounding submissions and the adjoining proposed LDRZ the requested LDRZ has capacity to absorb change without adversely affecting the ONF of Peninsula Hill. The requested LDRZ is significantly lower on the slopes than the adjoining proposed LDRZ and will consolidate development at this eastern end of Kelvin Heights. Therefore, it is not, in my opinion, an inappropriate use or development in relation to 6(b).

### Section 5

- 8.5** In my opinion the requested LDRZ achieves sustainable management of natural and physical resources. In particular the requested LDRZ manages the use, development and protection of this land resource in a way that enables people and communities to provide for their social, economic and cultural well-being through the supply of much needed residentially zoned land. The land has very desirable attributes being close to amenities, schools, recreational facilities while also have excellent outlook and solar exposure.

## 9. Conclusion.

- 9.1** I conclude there are three issues relevant to the consideration of the KRA submission.
- 9.2** The first, and in my opinion most important, issue is the need for urgent supply of residential land for housing in the Wakatipu basin. In my opinion, the requested LDRZ is a strategically placed parcel of land, adjoining an existing LDRZ, in a location that can be fully serviced with Council infrastructure. It is considered to be a very central and desirable area of the Wakatipu Basin to live. Proximity to the existing urban fabric of Frankton and Kelvin Heights, sun and outlook are very good. There is a desperate need to zone areas such as this in the district (particularly as central as this) for residential development as evidenced by the fact that the Wakatipu basin has SHA status and is a High Growth Area under the NPS for Urban Development Capacity. The requested LDRZ will go some way towards addressing the capacity issues of the NPS.
- 9.3** The second issue is landscape and visual amenity effects, in particular protection of the ONF of Peninsula Hill from inappropriate subdivision, use and development. In this regard, I refer to the report of Dr. Read who concludes that in the context of other adjoining submissions #533 and #661 and with existing LDRZ adjacent the requested LDRZ on the subject land will be insignificant.
- 9.4** The third issue is geotechnical. In this regard, I rely on the expert evidence of Mr. Bryant who concludes there are no geotechnical issues that would prevent development within the requested LDRZ.
- 9.5** With respect to section 32AA of the RMA I conclude that the requested LDRZ is the most appropriate zoning for the subject site.
- 9.6** Overall, I consider the requested LDRZ achieves the purpose and principles of the RMA.

# Attachment CV1 – Relevant RPS Objectives and Policies

## **4. Mana Whenua**

4.4.3 *Wai (Water)* To recognise the principle of wairua and mauri in the management of Otago's water bodies.

4.4.5 *Kaitiakitanga (Guardianship)* To incorporate the concept and spirit of kaitiakitanga in the management of Otago's natural and physical resources in a way consistent with the values of Kai Tahu.

## **5.4 Land – Objectives**

5.4.1 To promote the sustainable management of Otago's land resources in order: (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.

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

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

## **5.5 Land - Policies**

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

5.5.6 To recognise and provide for the protection of Otago's outstanding natural features and landscapes which:

(a) Are unique to or characteristic of the region; or

(b) Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or

(c) Represent areas of cultural or historic significance in Otago; or

(d) Contain visually or scientifically significant geological features; or

(e) Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.

## **6.4 Water - Objectives**

6.4.2 To maintain and enhance the quality of Otago's water resources in order to meet the present and reasonably foreseeable needs of Otago's communities.

## **6.5 Water - Policies**

6.5.1 To recognise and provide for the relationship Kai Tahu have with the water resource in Otago through:

(a) Working toward eliminating human waste and other pollutants from entering all water bodies; and

(b) Consulting with Kai Tahu over any application that would result in the mixing of waters from different water bodies and the setting of water flows and levels.

## **9. 4 Built Environment – Objectives**

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

(a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and

(b) Provide for amenity values, and

(c) Conserve and enhance environmental and landscape quality; and

(d) Recognise and protect heritage values.

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

9.4.3 To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.

## **9.5 Built Environment - Policies**

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

(a) Encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology; and

(b) Promoting co-ordination amongst network utility operators in the provision and maintenance of infrastructure; and

(c) Encouraging a reduction in the use of nonrenewable resources while promoting the use of renewable resources in the construction, development and use of infrastructure; and

(d) Avoiding or mitigating the adverse effects of subdivision, use and development of land on the safety and efficiency of regional infrastructure.

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

- (a) Discharges of contaminants to Otago's air, water or land; and
- (b) The creation of noise, vibration and dust; and
- (c) Visual intrusion and a reduction in landscape qualities; and
- (d) Significant irreversible effects on:
  - (i) Otago community values; or
  - (ii) Kai Tahu cultural and spiritual values; or
  - (iii) The natural character of water bodies and the coastal environment; or
  - (iv) Habitats of indigenous fauna; or
  - (v) Heritage values; or
  - (vi) Amenity values; or
  - (vii) Intrinsic values of ecosystems;

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

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

#### **10.4 Biota – Objectives**

10.4.1 To maintain and enhance the life-supporting capacity and diversity of Otago's biota.

10.4.2 To protect Otago's natural ecosystems and primary production from significant biological and natural threats.

10.4.3 To maintain and enhance the natural character of areas with significant indigenous vegetation and significant habitats of indigenous fauna.

#### **10.5 Biota - Policies**

10.5.3 To reduce and where practicable eliminate the adverse effects of plant and animal pests on Otago's communities and natural and physical resources through:

- (a) Developing strategies to effectively manage Otago's plant and animal pests; and
- (b) Educating about the responsibilities of all parties in the management of Otago's plant and animal pests; and
- (c) Adopting the most practicable method of pest control while safeguarding the environment.

#### **11.4 Natural Hazards – Objectives**

11.4.1 To recognise and understand the significant natural hazards that threaten Otago's communities and features.

11.4.2 To avoid or mitigate the adverse effects of natural hazards within Otago to acceptable levels.

#### **11.5 – Natural Hazards – Policies**

11.5.2 To take action necessary to avoid or mitigate the unacceptable adverse effect of natural hazards and the responses to natural hazards on:

- (a) Human life; and
- (b) Infrastructure and property; and
- (c) Otago's natural environment; and (d) Otago's heritage sites.

11.5.3 To restrict development on sites or areas recognised as being prone to significant hazards, unless adequate mitigation can be provided.

#### **13.4 Wastes & Hazardous Substances – Objectives**

13.4.1 To protect Otago's communities, environment and natural resources from the adverse effects of the waste stream.

13.4.2 To encourage a reduction in the amount, range and type of waste generated in Otago.

13.4.4 To minimise the risks to people and the wider environment arising from existing contaminated sites, and the storage, use, transportation and disposal of hazardous substances.

13.5.1 To recognise and provide for the relationship Kai Tahu have with natural and physical resources when managing Otago's waste stream through: (a) Providing for the management and disposal of Otago's waste stream in a manner that takes into account Kai Tahu cultural values; and (b) Working towards eliminating human wastes and other pollutants from entering Otago's waterways

13.5.7 To address the adverse effects of past waste disposal practices through:

- (a) Identifying sites of old landfills, hazardous substance dumps or contamination within Otago; and
- (b) Determining any adverse effects arising from those sites and requiring the remedying or mitigation of any adverse effects.

# Attachment CV2 – Relevant RPSDV

## Objectives and Policies

**Objective 2.1** *The principles of Te Tiriti o Waitangi are taken into account in resource management processes and*

**Policy 2.1.2** *Treaty principles Ensure that local authorities exercise their functions and powers, by:*

- a) *Recognising Kāi Tahu's status as a Treaty partner; and*
- b) *Involving Kāi Tahu in resource management processes implementation;*
- c) *Taking into account Kāi Tahu values in resource management decision-making processes and implementation;*
- d) *Recognising and providing for the relationship of Kāi Tahu's culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka;*
- e) *Ensuring Kāi Tahu have the ability to: i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka; ii. Determine how best to express that relationship;*
- f) *Having particular regard to the exercise of kaitiakitaka; g) Ensuring that district and regional plans:*
  - i. *Give effect to the Ngāi Tahu Claims Settlement Act 1998;*
  - ii. *Recognise and provide for statutory acknowledgement areas in Schedule 2;*
  - iii. *Provide for other areas in Otago that are recognised as significant to Kāi Tahu;*
- h) *Taking into account iwi management plans.*

**Objective 2.2** *Kāi Tahu values, interests and customary resources are recognised and provided for*

**Policy 2.2.1** *Kāi Tahu wellbeing Manage the natural environment to support Kāi Tahu wellbeing by all of the following:*

- a) *Ensuring the sustainable management of resources supports their customary uses and cultural values in Schedules 1A and B;*
- b) *Safeguarding the life-supporting capacity of natural resources.*

**Objective 3.1** *The values of Otago's natural resources are recognised, maintained and enhanced decisions*

**Policy 3.1.1** *Fresh water Manage fresh water to achieve all of the following:*

- a) *Maintain or enhance ecosystem health in all Otago aquifers, and rivers, lakes, wetlands, and their margins;*
- b) *Maintain or enhance the range and extent of habitats provided by fresh water, including the habitat of trout and salmon;*
- c) *Recognise and provide for the migratory patterns of freshwater species, unless detrimental to indigenous biological diversity;*
- d) *Avoid aquifer compaction and seawater intrusion in aquifers;*
- e) *Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded;*
- f) *Maintain or enhance coastal values;*
- g) *Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;*
- h) *Maintain or enhance the quality and reliability of existing drinking and stock water supplies;*
- i) *Recognise and provide for important recreation values;*
- j) *Maintain or enhance the amenity and landscape values of rivers, lakes, and wetlands;*
- k) *Control the adverse effects of pest species, prevent their introduction and reduce their spread;*
- l) *Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;*
- m) *Avoid, remedy, or mitigate adverse effects on existing infrastructure that is reliant on fresh water.*

**Policy 3.1.3** *Water allocation and use Ensure the efficient allocation and use of water by undertaking all of the following:*

- a) *Requiring that the volume of water allocated does not exceed what is necessary for its efficient use;*
- b) *Encouraging the development or upgrade of infrastructure that increases use efficiency.*

**Policy 3.1.10** *Natural features, landscapes, and seascapes Recognise the values of natural features, landscapes and seascapes are derived from the biophysical, sensory and associative attributes in Schedule 3.*

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

**Policy 3.2.5** *Identifying highly valued natural features, landscapes and seascapes Identify natural features, landscapes and seascapes, which are highly valued for their contribution to the amenity or quality of the environment but which are not outstanding, using the attributes in Schedule 3.*

**Policy 3.2.6** *Managing highly valued natural features, landscapes and seascapes* Protect or enhance highly valued natural features, landscapes and seascapes by all of the following:

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

**Objective 4.1** *Risk that natural hazards pose to Otago's communities are minimized*

**Policy 4.1.1** *Identifying natural hazards* Identify natural hazards that may adversely affect Otago's communities, including hazards of low likelihood and high consequence by considering all of the following:

- a) Hazard type and characteristics;
- b) Multiple and cascading hazards;
- c) Cumulative effects, including from multiple hazards with different risks;
- d) Effects of climate change;
- e) Using the best available information for calculating likelihood;
- f) Exacerbating factors.

**Policy 4.1.2** *Natural hazard likelihood* Using the best available information, assess the likelihood of natural hazard events occurring, over no less than 100 years. :

**Policy 4.1.3** *Natural hazard consequence* Assess the consequences of natural hazard events, by considering all of the following:

- a) The nature of activities in the area;
- b) Individual and community vulnerability;
- c) Impacts on individual and community health and safety; d) Impacts on social, cultural and economic wellbeing;
- e) Impacts on infrastructure and property, including access and services; f) Risk reduction and hazard mitigation measures;
- g) Lifeline utilities, essential and emergency services, and their co-dependence; h) Implications for civil defence agencies and emergency services;
- i) Cumulative effects;
- j) Factors that may exacerbate a hazard event.

**Policy 4.1.4** *Assessing activities for natural hazard risk* Assess activities for natural hazard risk to people and communities, by considering all of the following:

- a) The natural hazard risk identified, including residual risk;
- b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods;
- c) The long term viability and affordability of those measures;
- d) Flow on effects of the risk to other activities, individuals and communities;
- e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.

**Policy 4.1.5** *Natural hazard risk* Manage natural hazard risk to people and communities, with particular regard to all of the following:

- a) The risk posed, considering the likelihood and consequences of natural hazard events;
- b) The implications of residual risk, including the risk remaining after implementing or undertaking risk reduction and hazard mitigation measures;
- c) The community's tolerance of that risk, now and in the future, including the community's ability and willingness to prepare for and adapt to that risk, and respond to an event;
- d) The changing nature of tolerance to risk;
- e) Sensitivity of activities to risk.

**Policy 4.1.6** *Avoiding increased natural hazard risk* Manage natural hazard risk to people and communities by both:

- a) Avoiding activities that significantly increase risk including displacement of risk off-site; and
- b) Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years.

**Objective 4.3** *Infrastructure is managed and developed in a sustainable way*

**Policy 4.3.1** *Managing infrastructure activities* Manage infrastructure activities, to achieve all of the following:

- a) Maintaining or enhancing the health and safety of the community;
- b) Avoiding, remedying or mitigating adverse effects of those activities on existing land uses, including cumulative adverse effects on natural and physical resources;
- c) Supporting economic, social and community activities;
- d) Improving efficiency of use of natural resources;
- e) Protecting infrastructure corridors for infrastructure needs, now and for the future;
- f) Increasing the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events;

g) *Protecting the functional and operational requirements of lifeline utilities and essential or emergency services.*

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

**Objective 5.3** *Sufficient land is managed and protected for economic production*

**Policy 5.3.1** *Rural activities Manage activities in rural areas, to support the region's economy and communities, by all of the following:*

- a) Enabling primary production and other rural activities that support the rural economy;*
- b) Minimising the loss of significant soils;*
- c) Restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects;*
- d) Minimising the subdivision of productive rural land into smaller lots that may result in rural residential activities;*
- e) Providing for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities.*

# Attachment CV3 – S32AA Evaluation

## Chapter 3 – Strategic Direction

The purpose of the strategic directions chapter of the PDP is to set out the over-arching strategic direction for the management of growth, land-use and development in a manner that ensures sustainable management of the District’s special qualities:

- Dramatic alpine landscapes free of inappropriate development
- Clean air and pristine water
- Vibrant and compact town centres
- Compact and connected settlements that encourage public transport, biking and walking
- Diverse, resilient, inclusive and connected communities
- A district providing a variety of lifestyle choices
- An innovative and diversifying economy based around a strong visitor industry
- A unique and distinctive heritage
- Distinctive Ngai Tahu values, rights and interests

This direction is provided through a set of Strategic Goals, Objectives and Policies which provide the direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan. The following Objectives and Policies are relevant to the submissions and are addressed in the following table:

Objective 3.2.2.1 Ensure urban development occurs in a logical manner:			
<ul style="list-style-type: none"> <li>• to promote a compact, well designed and integrated urban form;</li> <li>• to manage the cost of Council infrastructure; and</li> <li>• to protect the District’s rural landscapes from sporadic and sprawling development</li> </ul>			
Policies			
3.2.2.1.1 Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Jack’s Point), Arrowtown and Wanaka.			
3.2.2.1.2 Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.			
3.2.2.1.3 Manage the form of urban development within the UGBs ensuring:			
<ul style="list-style-type: none"> <li>• Connectivity and integration with existing urban development;</li> <li>• Sustainable provision of Council infrastructure; and</li> <li>• Facilitation of an efficient transport network, with particular regard to integration with public and active transport systems</li> </ul>			
3.2.2.1.4 Encourage a higher density of residential development in locations close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails.			
3.2.2.1.5 Ensure UGBs contain sufficient suitably zoned land to provide for future growth and a diversity of housing choice.			
3.2.2.1.6 Ensure that zoning enables effective market competition through distribution of potential housing supply across a large number and range of ownerships, to reduce the incentive for land banking in order to address housing supply and affordability.			
3.2.2.1.7 That further urban development of the District’s			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>

<p>The requested LDRZ:</p> <ul style="list-style-type: none"> <li>○ occurs in a logical manner;</li> <li>○ represents compact and integrated urban form;</li> <li>○ can be serviced by reticulated infrastructure.</li> </ul> <p>The LDRZ provisions will ensure subdivision and development is well designed.</p> <p>The location of the requested LDRZ ensures development does not sprawl into rural areas (i.e. it is well contained).</p>	<p>As per <i>Efficiency and Effectiveness</i>.</p> <p>The requested LDRZ:</p> <ul style="list-style-type: none"> <li>○ has good connection to existing the existing LDRZ;</li> <li>○ Can be integrated with the existing LDRZ;</li> <li>○ is serviced with public transport and is very close to Frankton's amenities. Has highly desirable living conditions, proximity, sun and outlook.</li> </ul> <p>Ensures Kelvin Heights contains sufficiently suitable zoned land for future growth and a diversity of housing types.</p>	<p>The character of the area, will change discretely.</p>	<p>Risk of not acting likely to:</p> <ul style="list-style-type: none"> <li>○ result in decreased development capacity.</li> <li>○ Uncertainty and potential time delays with the resource consent process.</li> </ul>
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**3.2.3.1 Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.**

Policies 3.2.3.1.1 Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.

3.2.3.1.2 That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.

3.2.3.1.3 Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.

<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
<p>The requested LDRZ ensures bottom line standards for residential amenity.</p>	<p>The requested LDRZ provisions ensures that development responds to the character of the site.</p> <p>The size of the requested LDRZ is of a scale that can be comprehensively designed.</p>	<p>The character of the area, will change discretely.</p>	<p>Uncertainty with respect to the future development of this strategically located piece of land if retained in RZ.</p>

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

Policies 3.2.5.1.1 Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and protect them from the adverse effects of subdivision and development.

<i>Efficiency &amp; Effectiveness (a)</i>	<i>Benefits (b)</i>	<i>Costs (b)</i>	<i>Risk Acting/Not Acting (c)</i>
<p>The requested LDRZ is a logical extension to the existing urban area which does not impact on the ONF values of the Shotover River gorge.</p>	<p>The ONF values of the Shotover River gorge are unaffected by the requested LDRZ.</p>	<p>The character of the area, will change discretely.</p>	<p>Uncertainty with respect to the future development of this strategically located piece of land if retained in RZ.</p> <p>Lost opportunity for urban expansion – particularly in a very central location.</p>

3.2.5.3 Direct new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.			
Policies 3.2.5.3.1 Direct urban development to be within Urban Growth Boundaries (UGB's) where these apply, or within the existing rural townships.			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The requested LDRZ has significant potential to absorb development, being an extension to an existing LDRZ and topographically constrained by the steep slopes of Peninsula Hill.	The requested LDRZ will send a clear direction of where residential expansion is appropriate in Kelvin Heights. The requested expansion is towards key central facilities in central Frankton.	The character of the area, will change discretely.	Uncertainty with respect to the future development of this strategically located piece of land if retained in RZ.

#### **Chapter 4 – Urban Development**

4.2.1 Objective - Urban development is coordinated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.			
Policies			
4.2.1.1 Land within and adjacent to the major urban settlements will provide the focus for urban development, with a lesser extent accommodated within smaller rural townships.			
4.2.1.2 Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks.			
4.2.1.3 Encourage a higher density of residential development in locations that have convenient access to public transport routes, cycleways or are in close proximity to community and education facilities.			
4.2.1.4 Development enhances connections to public recreation facilities, reserves, open space and active transport networks.			
4.2.1.5 Urban development is contained within or immediately adjacent to existing settlements.			
4.2.1.6 Avoid sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values; or compromise the viability of a nearby township.			
4.2.1.7 Urban development maintains the productive potential and soil resource of rural land.			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
Development of the requested LDRZ be coordinated with the upgrade of infrastructure and services through the subdivision process.  Urban development under the LDRZ provisions ensures protection of the environment. No rural amenity of ONL/ONFs are affected.	The requested LDRZ: <ul style="list-style-type: none"> <li>○ is adjacent to a major urban settlement where there is a focus for urban development;</li> <li>○ can integrate with existing public infrastructure;</li> <li>○ has convenient access to public recreation facilities, reserves, open space and active transport networks.</li> </ul>	The character of the area, will change discretely.	Uncertainty with respect to the future development of this strategically located piece of land if retained in RZ.

4.2.2 Objective - Urban Growth Boundaries are established as a tool to manage the growth of major centres within distinct and defensible urban edges.			
Policies 4.2.2.1 Urban Growth Boundaries define the limits of urban growth, ensuring that urban development is contained within those identified boundaries, and urban development is avoided outside of those identified boundaries.			

4.2.2.2 Urban Growth Boundaries are of a scale and form which is consistent with the anticipated demand for urban development over the planning period, and the appropriateness of the land to accommodate growth.

4.2.2.3 Within Urban Growth Boundaries, land is allocated into various zones which are reflective of the appropriate land use.

4.2.2.4 Not all land within Urban Growth Boundaries will be suitable for urban development, such as (but not limited to) land with ecological, heritage or landscape significance; or land subject to natural hazards. The form and location of urban development shall take account of site specific features or constraints to protect public health and safety.

4.2.2.5 Urban Growth Boundaries may need to be reviewed and amended over time to address changing community needs.

<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The requested UGB is adjacent to a major urban area and its proposed boundary is distinct and defensible.	<p>The requested UGB is of a scale and form consistent with anticipated residential demand.</p> <p>The requested UGB is appropriate in terms of urban development.</p>	The character of the area, will change discretely.	Uncertainty with respect to the future development of this strategically located piece of land if retained in RZ.

4.2.3 Objective – Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision

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

- connectivity and integration;
- the sustainable use of public infrastructure;
- convenient linkages to the public and active transport network; and
- housing development does not compromise opportunities for commercial or community facilities in close proximity to centres.

<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The requested UGB topographically limits the spread of the Kelvin Heights urban area.	<p>The requested UGB is topographically constrained.</p> <p>Infrastructure can be upgraded to enable development.</p>	The character of the area, will change discretely.	Uncertainty with respect to the future development of this strategically located piece of land if retained in RZ.

4.2.4 Objective - Manage the scale and location of urban growth in the Queenstown Urban Growth Boundary.

Policies 4.2.4.1 Limit the spatial growth of Queenstown so that:

- the natural environment is protected from encroachment by urban development
- sprawling of residential settlements into rural areas is avoided
- residential settlements become better connected through the coordinated delivery of infrastructure and community facilities
- transport networks are integrated and the viability of public and active transport is improved
- the provision of infrastructure occurs in a logical and sequenced manner
- the role of Queenstown Town Centre as a key tourism and employment hub is strengthened
- the role of Frankton in providing local commercial and industrial services is strengthened

4.2.4.2 Ensure that development within the Queenstown Urban Growth Boundary:

- Provides a diverse supply of residential development to cater for the needs of residents and visitors

<ul style="list-style-type: none"> <li>• Provides increased density in locations close to key public transport routes and with convenient access to the Queenstown Town Centre</li> <li>• Provides an urban form that is sympathetic to the natural setting and enhances the quality of the built environment</li> <li>• Provides infill development as a means to address future housing demand</li> <li>• Provides a range of urban land uses that cater for the foreseeable needs of the community</li> <li>• Maximises the efficiency of existing infrastructure networks and avoids expansion of networks before it is needed for urban development</li> <li>• Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities</li> <li>• Does not diminish the qualities of significant landscape features</li> </ul>			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The requested UGB is managed through topography.	The topographical constraints to the east limit urban development encroachment into the rural area. The requested LDRZ provides a diverse supply of residential activities.	The character of the area, will change discretely.	Uncertainty with respect to the future development of this strategically located piece of land if retained in RZ.

## Chapter 5 – Tangata Whenua

The purpose of Chapter 6 Tangata Whenua is to recognise and provide for Ngāi Tahu as a partner in the management of the District's natural and physical resources through the implementation of this District Plan. The Council will actively foster this partnership through meaningful collaboration, seeking formal and informal advice, providing for Ngāi Tahu's role as kaitiaki, and protecting its values, rights and interests.

The following Objectives and Policies are relevant to the JBILs submission:

<b>5.4.1 Objective - Promote consultation with tangata whenua through the implementation of the Queenstown Lakes District Plan.</b>			
5.4.1.1 Ensure that Ngāi Tahu Papatipu Rūnanga are engaged in resource management decision-making and implementation on matters that affect Ngāi Tahu values, rights and interests, in accordance with the principles of the Treaty of Waitangi.			
5.4.1.2 Actively foster effective partnerships and relationships between the Queenstown Lakes District Council and Ngāi Tahu Papatipu Rūnanga.			
5.4.1.3 When making resource management decisions, ensure that functions and powers are exercised in a manner that takes into account iwi management plans.			
5.4.1.4 Recognise that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water sites, wāhi tapu, tōpuni and other taonga.			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
No specific consultation has been undertaken as part of this submission. Opportunity exists for consultation as part of the resource consent process (Discretionary activity for subdivision).	Consultation can occur as part of the subdivision process (proposed to be discretionary activity).	Inadequate consultation.	Nil.
<b>5.4.3 Objective - Protect Ngāi Tahu taonga species and related habitats.</b>			
5.4.3.1 Where adverse effects on taonga species and habitats of significance to Ngāi Tahu cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>

Ngai tahu taonga and related habitats can be assessed and protected through the resource consent process.	Consultation more effective when a development is proposed.	Nil.	Nil.
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<b>5.4.5 Objective - Wāhi tūpuna and all their components are appropriately managed and protected.</b>			
5.4.5.1 Identify wāhi tūpuna and all their components on the District Plan maps and protect them from the adverse effects of subdivision, use and development.			
5.4.5.2 Identify threats to wāhi tūpuna and their components in this District Plan.			
5.4.5.3 Enable Ngai Tahu to provide for its contemporary uses and associations with wāhi tūpuna.			
5.4.5.4 Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tūpuna.			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
No wāhi tūpuna have been identified in on the subject site.	Wāhi tūpuna can be identified and protected through the resource consent process.	Nil.	Nil.

## **Chapter 6 – Landscapes**

The purpose of Chapter 6 – Landscapes is to recognise the landscape as a significant resource to the district and region which requires protection from inappropriate activities that could degrade its qualities, character and values. The relevant Objectives and Policies are as follows:

<b>6.3.1 Objective - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.</b>			
6.3.1.1 Identify the District's Outstanding Natural Landscapes and Outstanding Natural Features on the Planning Maps.			
6.3.1.5 Avoid urban subdivision and development in the Rural Zones.			
6.3.1.7 When locating urban growth boundaries or extending urban settlements through plan changes, avoid impinging on Outstanding Natural Landscapes or Outstanding Natural Features and minimise disruption to the values derived from open rural landscapes.			
6.3.1.8 Ensure that the location and direction of lights does not cause glare to other properties, roads, and public places or the night sky.			
6.3.1.9 Ensure the District's distinctive landscapes are not degraded by forestry and timber harvesting activities.			
6.3.1.11 Recognise the importance of protecting the landscape character and visual amenity values, particularly as viewed from public places.			
6.3.1.12 Recognise and provide for the protection of Outstanding Natural Features and Landscapes with particular regard to values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including Tōpuni.			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The requested LDRZ will be excluded from the ONL or ONF.	The ONF of Peninsula Hill is protected from inappropriate development.	The character of the area, will change discretely.	Land suitable for residential development will be underutilised with little landscape benefit.

<b>6.3.2 Objective - Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.</b>			
...			
6.3.2.2 Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.			

...			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The requested LDRZ does not represent incremental development.	The ONF of Peninsula Hill is protected from inappropriate development.	The character of the area, will change discretely.	Land suitable for residential development will be underutilised with little landscape benefit.

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

6.3.4.1 Avoid subdivision and development that would degrade the important qualities of the landscape character and amenity, particularly where there is no or little capacity to absorb change.  
 6.3.4.2 Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities which may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected.  
 6.3.4.3 Have regard to adverse effects on landscape character, and visual amenity values as viewed from public places, with emphasis on views from formed roads.  
 6.3.4.4 The landscape character and amenity values of the Outstanding Natural Landscape are a significant intrinsic, economic and recreational resource, such that large scale renewable electricity generation or new large-scale mineral extraction development proposals including windfarm or hydro energy generation are not likely to be compatible with the Outstanding Natural Landscapes of the District.

<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The requested LDRZ will be excluded from the ONL or ONF classifications.	The ONF of Peninsula Hill is protected from inappropriate development.	The character of the area, will change discretely.	Land suitable for residential development will be underutilised with little landscape benefit.

**6.3.5 Objective - Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).**

6.3.5.1 Allow subdivision and development only where it will not degrade landscape quality or character, or diminish the visual amenity values identified for any Rural Landscape.  
 6.3.5.2 Avoid adverse effects from subdivision and development that are:  
 • Highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and  
 • Visible from public roads.  
 6.3.5.3 Avoid planting and screening, particularly along roads and boundaries, which would degrade openness where such openness is an important part of the landscape quality or character.  
 6.3.5.4 Encourage any landscaping to be sustainable and consistent with the established character of the area.  
 6.3.5.5 Encourage development to utilise shared accesses and infrastructure, to locate within the parts of the site where they will be least visible, and have the least disruption to the landform and rural character.  
 6.3.5.6 Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.

<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The requested LDRZ will be excluded from the ONL or Rural Landscapes classifications.	The ONF of Peninsula Hill is protected from inappropriate development.	The character of the area, will change discretely.	Land suitable for residential development will be underutilised with little landscape benefit.

**Chapter 7 - Low Density Residential**

The purpose of the LDRZ is as follows:

*“The Low Density Residential Zone is the largest residential zone in the District. The District Plan includes low density zoning that is within identified urban growth boundaries, and includes land that has already been substantively developed, as well as areas that will continue to be developed over time. Fundamentally the zone provides for traditional suburban densities and housing forms. Houses will typically be detached and set on sections between 450 and 1000 square metres in area. However, the zone will also support some increased density, whether*

through smaller scale and low rise infill development, or larger comprehensively designed proposals, to provide more diverse and affordable housing options. Community activities and facilities are anticipated in the zone provided adverse effects can be suitably addressed, as these activities are often best located within the residential communities they serve. Home occupations are also provided for. Commercial activities are generally discouraged, however may be accommodated where necessary to address a demonstrated local need provided residential amenity is not compromised.”

<b>7.2.1 Objective - The zone provides for low density residential living within the District's urban areas.</b>			
Policies 7.2.1.1 Low density zoning and development is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.			
7.2.1.2 The zone is suburban in character and provides for a low-density housing development on larger urban allotments primarily comprising dwellings up to two storeys in height.			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The requested LDRZ provides for low density residential living in an area well suited for such purpose.	The requested LDRZ can be serviced by public reticulated services.	The character of the area, will change discretely.	Risk of not acting likely to result in decreased development capacity.

<b>7.2.2 Objective - Ensure protection of amenity values in recognition of the zone's lower intensity character, whilst providing for subtle and low impact change.</b>			
Policies 7.2.2.1 Enable residential development on allotments of a size consistent with a low-density character, which are typically larger than 450 square metres, but enable infill development at a higher density where it is low scale and discrete, and relates well to existing land use.			
7.2.2.2 Apply height, building coverage, and bulk and location controls as the primary means of retaining the lower intensity character of the zone and ensuring protection of amenity values in terms of privacy, access to sunlight, and impacts arising from building dominance.			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The requested LDRZ will be subject to all of the amenity standards that are proposed within the zone.	All applicable height, coverage and bulk and location standards will apply to the requested LDRZ.	The character of the area, will change discretely.	Risk of not acting likely to result in decreased development capacity.

## **Chapter 22 Subdivision and Development**

<b>7.2.7 Objective - Ensure development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks.</b>			
Policies 7.2.7.1 Access and parking is located and designed to optimise efficiency and safety and minimise impacts to on-street parking.			
7.2.7.2 Development is designed consistent with the capacity of existing infrastructure networks and seeks low impact approaches to storm water management and efficient use of potable water supply.			
7.2.7.3 Development is integrated with, and improves connections to, public transport services and active transport networks (tracks, trails, walkways and cycleways).			
<i>Efficiency &amp; Effectiveness</i> <sup>(a)</sup>	<i>Benefits</i> <sup>(b)</sup>	<i>Costs</i> <sup>(b)</sup>	<i>Risk Acting/Not Acting</i> <sup>(c)</sup>
The requested LDRZ will require some upgrades to infrastructure.	The required upgrades are relatively simple to achieve.	The required upgrades can occur at no cost to the Council or the community.	Risk of not acting likely to result in decreased development capacity.