



**HEARING PANEL RECOMMENDATION ON  
PLAN CHANGE 41: SHOTOVER COUNTRY PRIVATE PLAN CHANGE**

Report and Recommendation of L Overton, C Gilmour and M Gazzard, acting as Commissioners appointed by the Queenstown Lakes District Council pursuant to Section 34 of the Resource Management Act 1991

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## **CONTENTS**

1.0	INTRODUCTION	2
2.0	POINTS OF CLARIFICATION	2
3.0	PLAN CHANGE PROPOSAL	2
4.0	HEARING	3
5.0	SUMMARY OF RECOMMENDATIONS AND REASONS	4
6.0	HEARING – RECOMMENDATIONS ON SUBMISSIONS	5
6.1	Urban Sprawl / Growth Management	5
6.2	Landscape	9
6.3	Amenity Values	11
6.4	Infrastructure and community facilities	12
6.5	Access / Traffic Effects	15
6.6	Affordable Housing	18
6.7	Hazards	19
6.8	Urban Design	20
6.9	Reverse Sensitivity Effects	23
6.10	Extension to Plan Change Area	24
6.11	Resource Management Act	25
6.12	Heritage	26
7.0	RECOMMENDATION	28
	APPENDIX: Recommended Shotover Country Special Zone Plan Provisions	29

## 1.0 INTRODUCTION

This report sets out the considerations and recommendations of the Hearing Commissioners on submissions lodged on proposed Plan Change 41 – Shotover Country Special Zone Private Plan Change to the Queenstown Lakes District Plan (PC41).

Although this report is intended as a stand-alone document, a more in-depth understanding of PC41, the process undertaken, and related issues may be gained by reading the Section 32 report and associated documentation prepared for PC 41 and publicly notified in July 2010. This information is available on the Council website: [www.qldc.govt.nz](http://www.qldc.govt.nz).

The relevant provisions in the Queenstown Lakes District Council's District Plan that are affected by the plan change are:

Plan Section	Provision
Part 12	Special Zones - Insertion of new set of provisions for the Shotover Country Special Zone including a Shotover Country Structure Plan
Part 15	Subdivision - 15.2.6.3 and 15.2.10 - New provisions relating to the Shotover Country Special Zone

A total of 133 original submissions and 43 further submissions from 6 further submitters were received on PC41. The Hearing Commissioners heard written and verbal evidence from Ladies Mile Partnership, and from a number of submitters at the hearing, as outlined in detail in Section 4 below. Following on consideration of PC41 itself together with all submissions and evidence received, the Hearing Commissioners recommend that PC41 is accepted in part, subject to a number of amendments as discussed below.

## 2.0 POINTS OF CLARIFICATION

This report generally assesses submissions in groups based on issues raised where the content of the submissions is the same or similar.

## 3.0 PLAN CHANGE PROPOSAL

The purpose of PC41 (as set out in the Section 32 report) is:

*“To rezone approximately 120 hectares of land located within the Rural General Zone to create a Special Zone under Part 12 of the District Plan. The Shotover Country Special Zone will enable development of a range of residential living environments, education and community activities within the framework of a specifically formulated structure plan that provides for the logical and ordered development of the zone.*

*The Plan Change provides for:*

- 1. The establishment of a maximum of 758 residential dwellings;*
- 2. Provision for education and community activities;*
- 3. The creation of areas of open space, ecological protection and enhancement, and recreation;*
- 4. The formation of roading, pedestrian and cycleway access;*
- 5. The provision of land to accommodate a park and ride facility and public*

- transport;*
6. *The protection of an early settlers cottage;*
  7. *The establishment of utility services for the reticulation of potable water, disposal of wastewater, disposal of stormwater, supply of gas, power and telecommunications”.*

In addition to the above the proposal seeks to provide for small scale convenience retail.

#### **4.0 HEARING**

A hearing was held 7-11 March 2011 at the Crowne Plaza Hotel, Queenstown. The Hearing Commissioners were Leigh Overton (Chairman), Cath Gilmour and Mel Gazzard.

At the hearing the Commissioners were assisted by Karen Page, Senior Policy Analyst for Queenstown Lakes District Council. Ms Page had prepared a report pursuant to Section 42A of the Resource Management Act, 1991 (RMA). This report had been pre-circulated.

A number of witnesses presented evidence on behalf of the Applicants. This included the following parties:

- 1) Warwick Goldsmith - Legal submission
- 2) Rob Potts - Infrastructure evidence
- 3) David Hamilton - Engineering evidence
- 4) Liz Kidson - Landscape evidence
- 5) Grant and Sharon Stalker - Applicants' evidence
- 6) Neil MacDonald – Surveyor/Development evidence
- 7) Nick-Barrat- Boyes - Urban Design evidence
- 8) Jeff Brown - Planning evidence
- 9) Karen Hansen - Planning Evidence

In addition to the above, the following submitters were heard:

- a) David Cole - Queenstown Lakes District Housing Trust
- b) Kevin Burdon - Lake Hayes Estate Community Association
- c) Luke Hinchey - Legal Counsel for NZTA
- d) Joseph Paul Durbin - Traffic Engineer for NZTA
- e) Ian McCabe - Planner for NZTA
- f) Keri Lemarie –Sicre - Ladies Mile Pet Lodge
- g) Sheena Haywood – Resident, Max's Way
- h) Sarah Valk - Planner, Otago Regional Council (ORC)
- i) Ramon Strong - Engineer ORC
- j) Colin Walker - ORC
- k) Karl Wood – Resident, Stalker Road
- l) Jim Castiglione - Legal Counsel for Arith Holdings Ltd, RCL Group Ltd, and Jacks Point Residents and Owners Association
- m) R Wolt - Legal Counsel for Queenstown Airport Corporation
- n) Alison Noble - Planner for Queenstown Airport Corporation
- o) Jean and Bob Britton – Residents, Old School Road
- p) Preston and Helen Stevens – Residents, Old School Road

The hearing was adjourned for further information. In order to adequately understand

the potential adverse hazard effects in respect to Activity Area 1A, the Commissioners requested that expert caucusing be undertaken between the ORC, and David Hamilton and Associates (on behalf of the Applicants), in respect to determining an agreed position on the following:

- The degree of potential flood risk arising from possible upstream rock fall events;
- An agreed set of flood hazard modelling figures and the resultant flood hazard modelling, focussing on a more detailed analysis of the peak flow versus return period relationship for the Shotover River and a more detailed analysis of the Kawarau River at Chards Road dataset to derive reliable high end return period flow estimates;
- The level of mitigation required to avoid any potential flood event within the plan change site; such as, but not limited to, the type of protection that is appropriate, a proposed minimum ground level within Activity Area 1A and the type and form of any proposed buffer (if both are deemed appropriate by both parties);
- The potential offsite downstream effects of reducing the flood plain area as a result of the proposed earthworks required to elevate the plan change site in order to mitigate the potential flood hazard;
- The geotechnical consequences that may arise, in respect to future development, as a result of the fill proposed to mitigate the potential flood hazard in Activity Area 1A.

The hearing was closed when the outcome of these further considerations was received on 16 June 2011.

## 5.0 SUMMARY OF RECOMMENDATIONS AND REASONS

It is recommended that the Queenstown Lakes District Council **accept in part** proposed PC 41, subject to the amendments discussed in the following section of this report.

In making a determination on PC41 the Commissioners have had to consider the objectives, policies and rules of the District Plan and a number of Council's strategies that have been adopted by Council, but at this stage sit outside the District Plan. The fact that there are a number of tensions between these plans has presented some challenges.

A number of non – statutory documents such as the Queenstown Growth Management Strategy (QGMS), The Growth Options Study and Tomorrow's Queenstown would suggest that PC41 is not necessary at this stage. Although not in the District Plan, the QGMS is an important document that is very relevant when considering such a plan. The QGMS suggests that currently there is ample zoning of residential land and that there is a need to consolidate development on existing zoned land. The proposed Queenstown urban boundary within this strategy, while only indicative, does not include the land to which this application applies. The Commissioners consider that the QGMS represents Council policy and so has given it some definite weight in making this determination.

In coming to a decision the Commissioners viewed the land in question as being possibly the last area in the Wakatipu basin of reasonable scale, which broadly meets

the requirements of the stringent landscape rules for residential development in our District Plan and has good residential amenity. Because of the existing consent to subdivide part of the land for rural lifestyle development (and the possibility that more could potentially be consented in the future), we consider it appropriate to deviate outside the normal District Plan time span of ten years, and so seek to secure this land for urban development well into the future. On the basis of present demand it appears hard to justify this zoning, but this may be the last opportunity to safeguard land that we consider more appropriate than most other areas within the basin for residential development. We do not consider rural lifestyle development to be a sustainable use of this land. Our decision gains support from the enabling high level provisions in the District Plan and the RMA favours sustainable use of natural resources.

Overall, the area that the Commissioners have agreed to provides a sunny and mainly flat site with potential for good quality residential amenity with little if any detrimental effect on landscape. There is also the ability to provide critical mass for public transport, retail and education facilities, in conjunction with Lake Hayes Estate. The benefits of this site, which is located in a topographically constrained, high land value area that has a high pressure for growth, in our opinion, outweigh potential adverse effects generated by the development.

The area in the application described as Activity Area 1A, has been the subject of further caucusing in an attempt to reach agreement on the issues around the risk of flooding from the Shotover River. This caucusing has in the Commissioners' views reached a result which is inconclusive, and as a consequence they have decided that it is unreasonable to accept the level of risk that applies to this area.

## **6.0 HEARING – RECOMMENDATIONS ON SUBMISSIONS**

In making the above recommendation the Commissioners have had regard to the matters raised by submitters and further submitters in their submissions and at the Council hearing; and to the provisions of the Resource Management Act 1991 (the Act), in particular the Applicants' Section 32 report and all the expert analysis that supported the Section 32 assessment.

The following sections of this report provide a summary of each issue raised in the submissions and a recommendation in response to each of these issues. In respect to this decision, the RMA only requires a summary of the issues raised in the submissions. It is noted that under the October 2009 amendments to the RMA, the requirement to address each submission point was deleted. The RMA specifically states:

*“To avoid doubt, the local authority is not required to give a decision that addresses each submission individually”*

The RMA requires that the submissions are addressed by grouping them according to the provisions of the proposed policy statement or plan to which they relate or the matters to which they relate.

### **6.1 Urban Sprawl / Growth Management**

#### ***Explanation***

PC41 received both supporting and opposing submissions in relation to the principle

of providing for development of the scale proposed in this location.

The majority of submitters in support of PC41 considered that it would provide an additional choice of residential living within the District. Opposing submissions, however, considered that PC41 would:

- create an oversupply of residential land
- result in urban sprawl,
- represent an ad hoc approach to growth management,
- and would therefore be contrary to the QGMS, Tomorrow's Queenstown and the District Plan Objectives and Policies.

### **Consideration**

#### *i) Residential land supply:*

The Planner's report to the hearing on PC41 suggested there is already an adequate supply of residential development land and therefore questioned whether it was appropriate to re-zone this area of rural land for residential purposes. This view was based upon housing report data supplied by Rationale, which suggests that there is an adequate residential housing supply in Queenstown for the next 20 years. The Applicants, however, referred the Commissioners to evidence previously produced by David Meade on behalf of QLDC in relation to the nearby Plan Change 19. This evidence provided a differing view of residential land supply and states that there will be a shortage of land for housing development by 2026.

In considering the merits of each of these views it is noted that a substantial element of the residential land supply accounted for in the Planner's report includes that proposed as part of Plan Change 19. However, it is noted that Plan Change 19 is still subject to appeals before the Environment Court and at present there is a degree of uncertainty over the future of that land, with regard to if and when it will be available for development and what the final form of development provided for by the Plan Change 19 will be.

It is also noted that in considering the data offered within the Planner's report, factors that affect the availability of land for residential development and the relative costs of delivery have not been taken into account.

We consider that PC41 offers significant advantages when considering deliverability and affordability of development. First, the land subject to this proposed plan change is relatively flat thereby allowing for relatively cheaper construction costs per unit. Secondly, the presence of long-term owners has reduced potential speculative inflationary pressure on the land price, and thirdly, the area is not subject to restrictive covenants. The affordability of the development is an important factor in terms of economic well-being in a region where housing affordability is recognised as a significant issue.

Furthermore, to maximize the potential amount of residential land available and also to remove potential inflationary price pressure on the land, we do not consider it appropriate to allow visitor accommodation to be provided within the PC41 area.

#### *ii) Sprawl and consolidation:*

Submissions both in support and opposition to PC41 have been based around arguments of whether or not the proposed development represents consolidation or sprawl. A number of submissions in support have argued that PC41 will consolidate

the development that has occurred at Lake Hayes Estate. Conversely submissions in opposition argued that this is not consolidating existing development but instead is promoting sprawl by failing to consolidate development within the Queenstown / Frankton area.

PC41 is located to the east of the Frankton / Queenstown area, (but separated by the Shotover River) and has Lakes Hayes Estate immediately to its east. We consider that proposed development will therefore represent a consolidation of existing urban areas. In particular it offers the ability to provide critical mass for public transport, retail and education facilities, in conjunction with Lake Hayes Estate.

The District Plan seeks that new development be provided in areas where the landscape impact can be absorbed. Consequently, when assessing the potential of whether PC41 will lead to urban sprawl, the focus of the District Plan relates to the visual impact of the proposed development in terms of what can be visible from publicly accessible locations. We therefore consider the primary concern for new development proposals in this location is the need to avoid the spread of urban development along the nearby State Highway 6 (SH6). PC41 is confined within well defined boundaries set back from SH6 and utilises the local landform to screen the development from the adjacent road network. There will be limited views of the development from the Shotover Bridge but from the evidence presented to the hearing it is considered that these views will be minimal. To ensure that the development within PC41 does not have a visual impact on SH6, we consider that the proposed 5A Activity Areas (i.e. those adjacent to the SH6) need to be kept free of any development. We therefore consider that PC41 as amended will avoid creating visual urban sprawl along the highway beyond the Shotover River.

*iii) Queenstown Growth Management Strategy:*

Evidence was presented to the hearing comparing PC41 to the QGMS. The principal issues raised relate to what weight (if any) should be given to the QGMS and, in particular, how PC41 related to the future potential for a growth boundary for Queenstown.

In considering what weight should be given to the QGMS, we have acknowledged that it is an adopted Council strategy document which has undergone extensive consultation to reflect the community's aspirations on how growth should be managed in the District. It therefore needs to be taken into account when considering how future growth within the District should be provided for. However, we also note that it is not an RMA document and as such we consider that greater weight must be placed on an assessment of PC41's merits in terms of Section 2 of the RMA and, in the main, how the proposed plan change accords with the District Plan.

The broad aims of the QGMS (i.e. to seek urban consolidation and to direct the majority of growth within the District to the main urban centres of Queenstown and Wanaka) generally reflect the direction given in the current District Plan. PC41 is not out of step with this general approach as, rather than promote dispersed urban development in a manner contrary to the landscape values espoused in the District Plan's District Wide Objectives and Policies, it instead seeks to provide for growth in the vicinity of the Queenstown/Frankton area, consolidating existing development at Lake Hayes Estate.

With the Lake Hayes Estate located immediately to the east, we consider that PC41 represents a logical progression for growth in this area, set within a well defined and contained landscape context restricting the visual impact of future residential

development on adjacent rural areas. It is also noted that in the long-term, the development envisaged would provide critical mass for services (e.g. public transport, school, convenience retail) when combined with Lake Hayes Estate population, to the benefit of both the residents of the proposed development and those at the existing Lake Hayes Estate.

Whilst we note that the QGMS promotes the use of growth boundaries to manage urban growth, these boundaries are not currently part of the District Plan. Plan Change 30 seeks to provide the mechanism for delivering growth boundaries, but does not provide any debate or analysis necessary to determine a specific boundary in relation to Queenstown. Plan Change 30 is currently under appeal, so it cannot be accorded full District Plan weight. The Applicants have not sought to delineate an urban boundary for Queenstown through PC41. We therefore do not propose to identify a growth boundary in this area through PC41.

The QGMS does however include an indicative growth boundary for Queenstown, which suggests that the extent of urban growth should be stopped at the Shotover River. It is acknowledged that PC41 extends beyond this indicative growth boundary. Submitters raised concerns that PC41 potentially prejudices the position of the future urban boundary of Queenstown and would, in particular, be contrary to the indicative growth boundary included in the QMGS. We acknowledge that the presence of a significant urbanised area in close proximity but beyond the Shotover River (Lake Hayes Estate and Shotover Country) may have the potential to undermine the merits of providing the growth boundary indicated in the QGMS.

The growth boundary as indicated in the QGMS is not part of the District Plan. It was included within the QGMS for indicative purposes only and detailed work and consultation is required to determine if a boundary should be imposed or where it should be located. We also acknowledge the Applicants' submission stating that due to its broad, indicative nature, this growth boundary incorporates significant areas of land that could not be developed for urban uses (such as the Deer Park Heights area which is identified in the District Plan as Outstanding Natural Landscape). Therefore, whilst we consider some weight can be afforded to the principles espoused in the QGMS, we do not consider the growth boundary identified within it should be afforded any weight in its current form.

It is also noted that, in terms of consultation responses to both the QGMS and PC41, there has been only minimal response from the Queenstown community with regard to the implications PC41 has in terms of the QGMS and the potential growth boundary for Queenstown.

*iv) Merits of location and lack of alternatives:*

We consider that PC41 offers significant benefits in that it offers the potential to provide for this amount of residential development in a manner that has minimal visual impact on the rural landscape, and in particular, does not create urban sprawl along the state highway the approach to Queenstown. This is the only large scale area within the Wakatipu basin available for providing this amount and type of development without having major adverse effects on the landscape. By supplying the market with significant residential development opportunities in this area, pressure for other new developments outside of existing urban zones, particularly in the rural landscape of the Wakatipu basin may be reduced and withstood. Also, when combined with Lake Hayes Estate population, development in this location offers the opportunity to provide a sustainable, economic base for the provision of public transport, education and retail facilities to the benefit of both the residents of the

proposed development and those at the existing Lake Hayes Estate.

v) *Efficient use of land resource:*

Part of the land currently has consent to be subdivided to create 16 countryside living units. Thus, the land has already been judged to be suitable for residential development. We consider that the development envisaged through PC41's provisions would be a better and more efficient use of the land, and therefore represents a more sustainable management of the land resource. In particular, allowing low to medium density housing is a far more sustainable use of this land than the currently consented rural residential use, of which there is a wealth in the district.

Both the development envisaged under PC41 and that already consented would remove the land from productive agricultural use and in terms of their visual impact, both would result in a domesticated landscape. However, the current consented development would only provide homes for some 16 families instead of the potential 750 plus units that would be provided under the Plan Change provisions.

We also agree with the Applicant's argument that once this area has been subdivided into lifestyle allotments, any opportunity to provide for more dense development in the future will be lost.

We also consider that, to ensure a more efficient, sustainable management of the land resource, there is an opportunity to secure a higher density of development within the zone without having an adverse effect on the rural landscape. We therefore recommend that part of the low density area (shown as Activity Area 1 on the Structure Plan) located to the south east of the Activity Areas 2B and 3B, should be included within Activity Area 2B.

***Recommendation***

Reject the submission points that PC41 will:

- create an oversupply of residential land
- result in urban sprawl,
- and that it represents an ad hoc approach to growth management, in a manner contrary to the QGMS, Tomorrow's Queenstown and the District Plan Objectives and Policies.

Amend the Structure Plan to include part of Activity Area 1 located to the south east of Activity Areas 2B and 3, within Activity Area 2B.

***Reason***

We have considered the arguments presented to us at the hearing in support and opposition to PC41 in respect to this issue. In our view, considering the extremely limited availability of flat, visually hidden, sunny land near to Frankton / Queenstown, which we note is historically, the fastest growing area in New Zealand, it is considered that housing is the most sustainable use of this land.

## **6.2 Landscape**

***Explanation***

There were mixed views in the submissions as to whether the development would protect or harm landscape values.

## **Consideration**

The District Plan classifies the land subject to PC41 to be within a Visual Amenity Landscape (VAL). VALs are defined in the District Plan as '*pastoral or arcadian landscapes*', generally located on the District's downlands, flats and terraces.

We have considered the Applicants' landscape assessment undertaken by Liz Kidson and the subsequent peer review by Dr Marion Read. We agree with their conclusions that in general the landscape has the ability to absorb the proposed development, primarily due to its location within an amphitheatre-like terrace system.

It is also noted that a number of submitters suggest that in principle the subdivisions shouldn't be hidden. We consider that the preservation of the rural landscape is vital to the future of Wakatipu and that the scale of development proposed would have adverse visual effects on the wider rural landscape of the basin in this area if it were highly visible.

We agree with the landscape assessment (and peer review), which conclude that the proposal is generally consistent with the District Plan Objectives and Policies in that the development will predominantly be screened from outside the site, particularly in terms of views from State Highway 6, the Shotover Bridge and from Lake Hayes Estate.

In our opinion, it is a rarity in this district to be able to provide for a development of this scale without compromising the wider landscape. We acknowledge that the development will be partially visible from a number of properties that immediately neighbour the plan change area, and will be seen from elevated positions on the Remarkables Ski-Field Road (e.g. those ascending or descending from the mountain road to the ski-field). It will also be visible from the air (by those landing and taking off from the airport). However, we consider that the positive effects of the development will outweigh potential adverse visual impact on the landscape when viewed from these locations and that overall, the development will predominantly be well screened from the views from outside the site, (particularly from State Highway 6, the Shotover Bridge and from Lake Hayes Estate).

We do, however, consider it important to maintain the terrace buffer clear of any development between Lake Hayes Estate and Shotover Country as this area is clearly visible from State Highway 6. We therefore consider that if developed in the nature proposed by submitters, Mr and Mrs Jones, this would result in two distinct neighbourhoods merging into one swathe of housing. In our opinion, this would have adverse implications for the local landscape as viewed from outside the site. In this regard, we reject the relief sought in the submission by Mr and Mrs Jones as outlined further in Section 6.10 below.

We have also considered the submission by Mr K Wood seeking the inclusion of part of his 7 hectare site (located immediately to the south east of the plan change site) within PC41. The landscape peer review concluded that this area should be included in the PC41 site as it sits between the proposed new zoning and an Outstanding Natural Landscape to its south. If left outside the PC41 area, this area would be left as a small isolated strip of rural land between these two areas. Including this land within PC41 would result in only a small extension to the zoning and in our opinion, (consistent with the landscape peer review), would not compromise any landscape values.

PC41 as proposed also includes a park and ride facility in Activity Area 5a which is to

be provided for as a Controlled Activity. We do not support the Landscape evidence of Liz Kidson which concludes that development on this terrace could be adequately mitigated. In our view retaining this terrace in its undeveloped state is critical if the visual amenity and landscape values of this area are to be protected along this important approach to Queenstown. In this respect, we support the peer review of Dr Marion Read who recommends that no further development be permitted in Activity Area 5a. As a result, we consider that PC41 should be amended to make any development in Activity Area 5a a Non Complying Activity and to provide for the park and ride facility within Activity Area 3.

### ***Recommendation***

Amend PC41 to make any development in Activity Area 5a a Non Complying Activity and to provide for the park and ride facility within Activity Area 3.

Reject the submission points seeking that PC41 be rejected on the grounds that it will compromise landscape values.

### ***Reason***

We accept the evidence presented to us from Landscape Architects Liz Kidson and Dr Marion Read that conclude that in general the proposed development will not compromise landscape values due to the land being located within a natural amphitheatre below State Highway 6.

## **6.3 Amenity Values**

### ***Explanation***

The majority of submitters on PC41 support the development, considering it would provide for a high level of residential amenity. Others contend that it would generate adverse amenity effects.

### ***Consideration***

We have considered the potential effects on amenity values particularly in terms of the potential impact on those neighbouring land owners. During the course of the hearing, we had the benefit of hearing from several of these land owners (Keri Lemaire-Sicre from the Pet Lodge, Mrs Sheena Haywood, Mr and Mrs Jean and Bob Britton, Mr and Mrs Preston and Helen Stevens and Mr Kevin Burdon on behalf of Lake Hayes Estate Community Association). With the exception of Mr Burdon all these submitters opposed PC41 on the basis that it would compromise their existing amenity values.

We have considered all the submissions at some length and we note that none of the neighbours opposing the proposal overlook the plan change site and therefore their existing outlook and visual amenity values will continue to be maintained. We do, however, accept that the proposed development will urbanise this existing rural environment, increasing noise levels and traffic generation in the vicinity and will therefore change existing amenity values in the local area. On balance, we are of the opinion that the potential adverse amenity effects generated by the urbanisation of this environment are outweighed by the benefits (discussed above in Section 6.1) that the PC41 offers to the wider community. In particular, PC41:

- will provide significant opportunities for future residential development for the district without compromising landscape values,

- will provide for development on land that is relatively flat and therefore has lower construction costs offering the opportunity to reduce the costs of residential units,
- is located where there is good solar access,
- will have easy access to recreation areas, and
- offers the opportunity to provide a critical population mass that, together with Lake Hayes Estate, could support community facilities, public transport and associated small scale service activities.

### ***Recommendation***

Reject the submission points seeking that PC41 be rejected on the grounds that it will result in adverse local amenity effects.

### ***Reason***

It is accepted that the proposal will urbanise this environment, but on balance we consider that the positive effects of providing for this number of additional residential allotments to the Queenstown housing market, without compromising landscape values, will outweigh the potential adverse amenity effects generated by the urbanisation of this environment.

## **6.4 Infrastructure and community facilities**

### ***Explanation***

A number of submissions raised issues around infrastructure, specifically in regard to waste water, water supply, stormwater, schools and transmission lines.

### ***Consideration***

#### *i) Water supply, wastewater and stormwater:*

We understand from both the CPG infrastructure report lodged with the PC41 application, and from the Council engineering review of this report, that there is capacity to adequately service the proposed development in respect to providing for potable water, and waste and stormwater reticulation.

We also had the benefit of advice at the hearing from Mr Potts of CPG Engineering Services, who was available for questions in relation to those matters raised in the infrastructure report.

We have been advised that the Applicants have the option of either providing for potable water via a new on site bore (Option 1) or via existing Council reticulation (Option 2). Option 1 would require an additional water reservoir to service the development. This would potentially have the additional benefit of providing for additional storage capacity to the wider environment, such as Lake Hayes Estate and Frankton. Both options are feasible and the proposed method will be determined at subdivision stage.

The Applicants' preferred option for wastewater disposal includes connecting to the existing sewer network along SH6 en route to the Queenstown wastewater treatment ponds across the Shotover River. A pump station within the development would feed the wastewater up to an existing manhole on SH6. The CPG report confirms that the sewer pipeline that connects to this manhole is currently being upgraded and could

have the potential to accommodate up to 400 dwelling units from the PC41 site. Due to the resultant shortage, it is likely that a new pipeline will need to be established over the Shotover Bridge. The Council's engineering review has confirmed that an existing redundant pipe under the bridge could be upgraded or replaced to service the PC41 site. It is noted that the treatment ponds also have capacity to accommodate the development.

In respect to stormwater discharge, the CPG report recommends an integrated treatment approach to water management that is premised on providing control at the catchment-wide level, as well as the individual allotment level. This report proposes that stormwater approach within the PC41 site will effectively be stormwater neutral. This would include various options at the collection level such as kerb and channel, swales, pipes and open channels; and at the treatment level including detention ponds and swales and disposal into the Kawarau River. We have also included an additional site standard to restrict impermeable surfaces on site as another mechanism to control the level of stormwater runoff from the development. It is also noted that consent will need to be obtained from Otago Regional Council to discharge water to water or onto land prior to any development.

With regard to stormwater disposal, we note that there was discussion at the hearing about the appropriateness of requiring a comprehensive stormwater management plan in respect to the whole catchment area being prepared prior to any development commencing on site. The Applicants advised that a provision requiring this through the District Plan was not necessary as this analysis would happen anyway as part of the master planning for the site. While we acknowledge this may be the case, it is our view that a more robust approach would be to include such provisions that would restrict any development within the plan change site until a stormwater catchment management plan has been approved by Council. Given the likely staged nature of this development, we consider that this approach will provide greater certainty of ensuring that the assessment of the effects of stormwater discharge on the receiving environment is undertaken comprehensively.

Consequently, we recommend that the provisions are amended to require that a comprehensive stormwater catchment management plan for the site is prepared and approved prior to the commencement of any development.

*ii) Education and Community facilities:*

A number of submitters support the proposal to provide for additional educational facilities within the PC41 site. The submission by the Ministry of Education confirms that it is actively assessing additional sites for schooling within the Frankton Flats and Remarkables Park area; however, the scarcity of land available for purchase has resulted in the Ministry looking elsewhere such as within the PC41 site. The Applicants are proposing to provide for a specific Activity Area (Activity Area 3) that will have an area of 3 hectares and will be identified as an education precinct. The provisions for Activity Area 3 as proposed by the Applicants, provide for education facilities, community activities, health and child care facilities as a Controlled Activities and residential activities as a Restricted Discretionary Activity. In the event that a residential activity was proposed in this area within 10 years of the zone becoming operative, consideration would be given to the likelihood of education facilities occurring on the site and whether the activity would compromise or hinder the establishment of education activities. Under these provisions Activity Area 3 could provide for additional residential units in the zone if no community or education facilities are provided.

It is our view that the centrality of a school and/or a community hub is vital towards creating a cohesive community neighbourhood as opposed to a dormitory residential suburb. We do not consider that the plan provisions proposed by the Applicants, as outlined above, go far enough to provide any surety around this. As a result, we propose amended provisions that will set aside a minimum of 2000m<sup>2</sup> of Activity Area 3 as an open space area for the purposes of establishing a village green. In our view this open space area should be established in addition to any schooling facilities in this Activity Area. We have therefore provided for it as a Standard, and failure to meet this would therefore be a Non Complying Activity.

We consider that Activity Area 3 is of sufficient size to enable the provision of educational facilities together with the provision of this village green facility. However, we acknowledge that the detailed design requirements for the school facility would ultimately determine how this would be provided.

There are a range of activities (school, "village green" open space area, community facilities, park and ride and potential residential development) which have been identified as options for Activity Area 3. The space available within Activity Area 3 is, however, limited and we recognise that it may not be possible to accommodate all these activities within the site. We consider that the priority for Activity Area 3 is that it be safeguarded for potential education facilities. If the Ministry of Education do not require this land for a school, the priority uses for Activity Area 3 are firstly to provide for the village green open space and community facilities and secondly to accommodate a park and ride facility. Residential development in Activity Area 3 should only be considered on land that has been confirmed as not being required for any of these activities. If residential development is to be provided in this area, it should be delivered at medium density in accordance with provisions of the adjacent Activity Area 2b.

The provision of education/community facilities in Activity Area 3 will be complemented by the neighbourhood retail activity in the adjacent Activity Area 2a or 2b. Failure to provide for this retail activity will also be a Non Complying Activity and consideration must be given to this requirement through the Outline Development Plan process.

In our opinion these amended provisions are necessary to ensure there is no discretion as to whether the zone will provide for these services / facilities which we consider are vital in ensuring a good and successful urban design outcome for this zone.

Further to the above, in respect to the provision for education facilities, we have extended the timeframe for this to 15 years, or alternatively, until the Ministry of Education confirms in writing that the site will not be required for education purposes during the 15 year period from the date the rule becomes operative. This confirmation is required from the Ministry for any resource consent for a residential activity in this activity area.

*iii) Transmission lines:*

The submission by Transpower seeks a number of changes to the proposed plan provisions in order to ensure the ongoing protection of the transmission lines that dissect the site. The Applicants have made the amendments to the plan provisions sought by Transpower and we understand that there are no outstanding issues in respect to this matter.

### ***Recommendation***

Accept the submission by QLDC that PC41 must result in good resource management outcomes in respect to servicing. To ensure a comprehensive approach to stormwater management we recommend that the provisions are amended to require that a stormwater catchment management plan for the site is prepared and approved prior to the commencement of any development.

Accept the submission points that if PC41 is adopted education facilities should be provided for within the plan change site. It is considered that amended provisions should be adopted to safeguard this option for education facilities. We also recommend that a village green open space area of at least 2000m<sup>2</sup> is provided in this location. The priority for Activity Area 3 is that it be safeguarded for potential education facilities. If the Ministry of Education do not require this land for a school, the priority uses for Activity Area 3 are firstly to provide for the village green open space and community facilities and secondly to accommodate a park and ride facility. Residential use of any residual land within Activity Area 3 should only be considered once the requirements for the educational, village green, community and park and ride activities have been met. Any residential development in this location will be medium density, carried out in accordance with the provisions of the Activity Area 2b.

Accept the submission by Transpower that seeks to protect the ongoing safe and efficient operation of the Cromwell - Frankton A Transmission lines.

### ***Reason***

The plan change site:

- can be adequately serviced in respect to water supply, wastewater and stormwater disposal (subject to amended provisions as outlined above);
- will provide for education and community facilities within the site, and;
- it will continue to safeguard the ongoing operations of the Transmission lines.

## **6.5 Access / Traffic Effects**

### ***Explanation***

A number of submissions raised issues around access and traffic effects, specifically regarding the State Highway, public transport and the park and ride facility, opportunities for pedestrian and cycleway networks, and Old School Road. We consider these issues separately below.

### ***Consideration***

#### *i) State Highway*

NZTA presented evidence at the hearing seeking that PC41 be rejected as the agency considered that the plan change does not promote integrated planning or sustainable growth management, that it is contrary to both regional and district statutory and non statutory documents, and that it would have significant adverse impacts on the safety and efficiency of SH6.

We have considered the legal submission, and expert engineering and planning evidence presented by NZTA as well as the traffic engineering report and associated

evidence presented by the Applicants. We note that in respect to effects on the State Highway, NZTA are of the view that the roundabout proposed by the Applicants would not adequately mitigate the potential adverse effects on SH6. We acknowledge that NZTA consider that the proposed roundabout could compromise the existing efficiency of SH6 and that directing growth to this location rather than to the south of Queenstown may in turn impact on the timeframe for the Kawarau Falls Bridge upgrade. However, in our opinion the above effects are not of such a scale that would warrant refusing consent due to the existing uncertainty around the timing of the bridge upgrade and to the relatively minor nature of any traffic inefficiency that may be generated by the roundabout.

Since adjourning the hearing, NZTA and the Applicants have come to an agreed position in respect to a threshold for when the proposed roundabout would need to be established in order to avoid an unacceptable Level of Service (LOS) at the existing SH6 intersection. Both parties have agreed that the trigger for when the roundabout would need to be available for public use is 450 residential units. Accordingly, no resource consents shall be granted for either land use or subdivision consents within the zone which, when taken cumulatively, results in more than 450 lots / residential units being established on site unless a roundabout has been built.

We acknowledge in agreeing to this figure, this does not constitute NZTA's support for the development and accept that NZTA continue to oppose the development on the basis that it will generate more than minor adverse effects on SH6.

NZTA confirmed in their evidence that Shotover Bridge has the capacity to cater for the additional demand that would be generated by the plan change.

It is our opinion that, based on the evidence presented to us from both the Applicants and NZTA, we are satisfied that any potential adverse effects in respect to this matter will be sufficiently mitigated.

*ii) Public Transport and Park and Ride Facility*

A park and ride facility was included in PC41 as originally proposed by the Applicants. This facility was proposed in order to help integrate public transport into the development and reduce the reliance on private vehicle trips. In respect to scale, the Applicants' traffic assessment identifies the provision of approximately 23-38 parking spaces, implemented on a gradual basis in response to development growth within the plan change site.

The Traffic Design Group (TDG) report submitted with the application for PC41 predicts a conservative uptake on the proposed park and ride facility of 10% of the car-borne travel from the PC41 site and a further 10% of trips associated with Lake Hayes Estate and on SH6. We have been advised that this uptake is dependent on other public transport networks being provided, i.e. if Connectabus provides services through Lake Hayes Estate and the plan change site. In order for effective and efficient public transport options to be provided, we consider that the provision of a road link between Lake Hayes Estate and the plan change site is essential.

It is also noted that the success of the park and ride facility could also depend on whether the Council establishes other park and ride facilities in Frankton Flats area, which would reduce the attractiveness of such a facility in this location.

There are a number of uncertainties around the park and ride facility, including whether it would actually be established. This is emphasised in the TDG report which

states that the facility is an optional outcome of PC41 rather than a certain one. We also note that the evidence presented by NZTA concluded that the park and ride facility would probably result in an overall neutral outcome for the transport system as a whole.

We have considered the evidence presented by the Applicants and NZTA in respect to this matter and find that, in the event that the park and ride facility was established, the positive effects of providing for public transport would outweigh any potential adverse effects such as a reduced LOS at the intersection of Howards Drive and SH6. We therefore support the provision of a park and ride facility within the plan change site if, at a later date, such a facility is deemed necessary. However, we have also had the benefit of the landscape analyses of both Landscape Architects Dr Marion Read and Liz Kidson. As discussed in Section 6.2 of this decision we concur with Dr Marion Read's assessment in respect to the potential adverse landscape effects of the proposed park and ride facility on the upper terrace of the plan change site. In our view, we consider built development in this location would be visually intrusive and would therefore have a detrimental effect on the rural landscape in this vicinity and the existing entrance experience to Queenstown. Development of a park and ride facility could partially be seen as a precedent to allowing further development within Activity Area 5A. We do not want to provide any such possible precedent. As a result, we propose that the park and ride facility should be relocated from Activity Area 5A to Activity Area 3 on the lower terrace within the plan change site. We consider that providing for this as a Controlled Activity within Activity Area 3 will allow for this facility to be established if, as outlined above, it is determined there is a demand in the future.

### *iii) Pedestrian and Cycleway Networks*

NZTA highlighted the inability of the site to provide for cycleway and pedestrian traffic between the plan change site and Frankton Flats via the Shotover Bridge due to lack of carriageway width. We acknowledge that this would not be a desirable pedestrian route between the plan change site and Frankton Flats. However, the Applicants propose to prohibit vehicular traffic between Old School Road and the plan change site (as discussed below), and it is understood that this will not preclude provision for walkway and cycleway access. This alternative route would cross over the Old Shotover Bridge below Quail Rise Estate and link through to SH6.

Through the Outline Development Plan (ODP) process consideration must be given to the provision of pedestrian and cycleway networks within the plan change site. In our view requiring an ODP process for each activity area will ensure a more comprehensive assessment of each neighbourhood and in our view a better urban design outcome. This includes a more considered approach to how pedestrian and cycleway networks will be established within and between Activity Areas. The ability to provide for good internal connectivity within and outside the plan change site is vital to ensuring a successful residential outcome.

Any ODP prepared needs to ensure that pedestrian and cycleway networks will deliver clear and logical linkages to the wider District's walking tracks and cycle routes. A cycle/walk track along Old School Road will be required as part of these pedestrian and cycleway networks. This will provide a link from the new development toward the Old Shotover Bridge, offering opportunities for cycle commuting and for leisure.

### *iv) Old School Road*

A number of submitters oppose the use of Old School Road as a through road into the plan change site due to the potential adverse amenity effect that would be generated by the increase in vehicle movements. Consequently, amended plan provisions are proposed that will prohibit any through vehicle traffic along Old School Road, including construction traffic. A zone standard will restrict any vehicular through access being established at subdivision approval. It is understood that the Applicants are also consulting with the residents of Old School Road regarding the option of stopping this road. This requires a separate process outside this plan change application.

### ***Recommendation***

Reject the submissions seeking to reject PC41 on the basis of access and traffic effects, subject to the following amendments:

- no resource consents shall be granted for either land use or subdivision consents within the zone which, when taken cumulatively, results in more than 450 lots / residential units being established on site until the roundabout junction with SH6 is provided.
- the proposed park and ride facility is to be relocated from Activity Area 5A to Activity Area 3
- the identification of pedestrian and cycle networks that provide for good connectivity within the new development and that provide clear and logical linkages to tracks and routes beyond the plan change site will be required as part of the Outline Development Plan process,
- prohibit any through vehicle traffic along Old School Road, including construction traffic.
- the requirement to provide a cycle/walk track along Old School Road to provide a connection to the Old Shotover Bridge

### ***Reason***

Potential adverse effects in respect to traffic and access matters will be sufficiently mitigated, subject to the amendments to the provisions as listed above.

## **6.6 Affordable Housing**

### ***Explanation***

A large number of submitters support PC41 on the basis that it will provide for more affordable housing in Queenstown, however, several submitters consider that the plan change does not provide any guarantee of this.

### ***Consideration***

As outlined in the Applicants' planning evidence, building on flat sections (as opposed to the prevalence of sloping, steeper sites seen in the District) should significantly reduce the development costs of each residential unit. We consider that the relative flatness of the plan change site offers such potential benefits and will therefore help to provide the opportunity to deliver affordable development.

David Cole of the Queenstown Lakes Community Housing Trust (QLCHT) spoke to QLCHT's submission regarding their desire to see affordable housing provided for within the plan change site. We were advised that a Heads of Agreement has been drafted between the land owners within the plan change site and QLCHT, which will provide QLCHT with 26 residential sites in an area of 9100m<sup>2</sup> within Activity Areas 2A

and 2B. Alternatively, the landowners may deliver a larger area of “bulk titled” land, which will be of such a size as to deliver to the QLCHT land of equal value.

The Applicants have proposed a plan provision restricting any residential activity within the zone until a Stakeholders’ Deed has been entered into between all landowners and the QLCHT, ensuring that 26 residential sites containing at least 9100m<sup>2</sup> will be delivered to the QLCHT.

We have considered the above at some length and are satisfied that this is a reasonable contribution to the QLCHT. While we are satisfied that this mechanism will ensure the required outcome is achieved, we have amended the proposed provision to a Zone Standard, as opposed to a Site Standard, as we consider this to give more certainty around this outcome.

Given that much of the support for PC41 was on the basis that it would provide affordable housing, we have also considered other mechanisms (such as limiting initial sales to individual allotments) that could ensure that PC41 meets this objective of providing for community/ affordable housing. However, we understand that any such control would fall outside the PC41 process.

### ***Recommendation***

The submission points that state that the development should provide for affordable housing are accepted.

### ***Reason***

In line with Council’s current Plan Change 24, we agree that affordable housing should be provided for as part of PC41.

## **6.7 Hazards**

### ***Explanation***

Several submitters (including the Otago Regional Council) sought the exclusion of Activity Area 1A from the plan change due to its location within a flood hazard zone.

### ***Consideration***

Activity Area 1A is located on the lower terraces of the plan change site and is identified, under the QLDC Hazard Register, as being susceptible to inundation. PC41 seeks to enable a development potential of approximately 150 residential units in this area.

A detailed River and Flood Risk Assessment, undertaken by David Hamilton & Associates, was lodged with the PC41 application. This report confirmed that the PC41 Wetland area (Activity Area 5D) had been flooded in the 1999 flood event and, if the lower Shotover River continues to aggrade, some minor flooding at the lower end of the plan change site, in Activity Area 1A, could potentially also be experienced. As a result, the assessment recommends that a stopbank or hardfill levels be provided within this area to counter this risk. Accordingly, the Applicants initially proposed a 1-1.6m high stopbank along the length of the western boundary of the Activity Area 1A. This proposed mitigation, however, was not supported by Council's engineering officer and therefore the proposal was amended to include 150,000m<sup>3</sup> of earthworks to raise the entire 15 hectares of Activity Area 1A above the flood level.

During the hearing we had the benefit of hearing engineering evidence presented by Mr Hamilton on behalf of the Applicants and from Mr Ramon Strong on behalf of Otago Regional Council (ORC). While Mr Hamilton considered that the level of mitigation being offered by the Applicants would sufficiently address any potential hazard issues within this area, in contrast, in Mr Strong's expert opinion the Applicants' engineering analysis was too narrow and was not sufficiently rigorous or comprehensive to give sufficient certainty in regard to the level of river flood and erosion risk that the proposed development will be subject to. The degree of potential flood risk arising from possible upstream rock fall events was seen to be of particular concern. Both the ORC and the Applicants discussed the implications a major rock fall event upstream in the Shotover which would dam the river, leading to a potential flood event downstream once this dam burst. Mr Strong's opinion was that the risks around such an event were too unclear as to give sufficient confidence that the flood risk for Activity Area 1A could be managed effectively.

Due to the level of uncertainty around the potential flood risk, we were not prepared to approve any development in this area unless the ORC and the Applicants' engineer agreed on mitigation appropriate to address this potential effect. As a result, further information was sought from these two parties on the potential flood risk and what level of mitigation would be required. Caucusing of the ORC's and the Applicants' experts was undertaken accordingly. However, agreement on the flood risk in Activity Area 1A was not reached. We therefore are not prepared to approve the rezoning of those parts of the proposed of Activity Area 1A that lie within the area of flood risk as identified on the Hazard Register. We consider that this land should therefore remain within the Rural General Zone.

Part of Activity Area 1A lies outside the identified flood hazard area (as shown on the hazard register). This area is the south-eastern portion of that identified on as Activity Area 1A on the Applicants' structure plan. It is located on slightly higher ground and is part of the area which has residential subdivision consent. We consider that as this area is not under the same level of risk and should therefore be available for residential development. As a consequence of this revision, we consider that the Riverside Protection Area no longer serves a function as a landscape buffer screening the western edge of Activity Area 1A and we recommend that this is brought back to act as a landscape buffer area to the edge of the reduced Activity Area 1A.

### ***Recommendation***

Accept the ORC's submission that those proposed residential areas which are subject to flood risk are deleted from PC41.

### ***Reason***

There is insufficient certainty with regard to the level of risk relating to river flood and erosion.

## **6.8 Urban Design**

### ***Explanation***

The submission by QLDC seeks that the development results in a good urban design outcome.

## ***Consideration***

We consider it important to note that PC41 lacked urban design input through its development and no urban design assessment process has informed the proposed structure plan and the proposed plan provisions as would normally be expected for a plan change of this size and importance.

An urban design assessment of the development has been undertaken by Council's Urban Designer Nick Karlovsky, and we have also had the benefit of urban design evidence presented at the hearing from Nick Barratt-Boyes of Studio Pacific Architecture, on behalf of the Applicants. We note that Mr Barratt-Boyes' evidence included a potential design brief and did not take into account, in any detail, the adequacies or inadequacies of the proposed plan provisions in terms of providing for a good urban design outcome. As a result we have placed no weight on the evidence presented by Mr Barratt-Boyes as there was no guarantee of outcomes.

We have considered the proposed plan provisions and consider that there are a number of areas where more certainty is required in order to ensure a good urban design outcome for this development. These are discussed below:

### *i) Subdivision Design and Layout.*

We consider it necessary to require there to be an Outline Development Plan (ODP) process applied to Activity Area 1 and the reduced Activity Area 1A (see Section 6.7 above) in order to ensure more certainty around the urban design outcome for these new residential areas. We understand, however, that the Applicants are opposed to an ODP in these two residential areas on the basis that it is unnecessary and the same result can be achieved through a Controlled Activity subdivision status. We do not support this argument. It is our view that in the absence of an ODP, these new residential areas could be developed in a piecemeal, ad hoc manner which fails to comprehensively consider good urban design principles such as successful connectivity and legibility. In our view an ODP is a much more robust process, as opposed to the subdivision process, for ensuring a successful urban design outcome for this zone, which in our opinion is vital in respect to any successful development in these areas.

We have included a number of additional assessment criteria as part of the required ODP process that will ensure a subdivision layout that will reflect urban design best practice. For example, this includes provisions restricting the use of cul-de-sacs, limiting the size of residential blocks, encouraging creativity in road design (as well as restricting the width of roads to encourage a sense of enclosure and reduce vehicle speed), and providing for good connectivity through walkways/cycleways and open space areas within and between each Activity Area and the wider District's track network.

We have also included a number of additional site standards such as restrictions around fencing, and setbacks in order to ensure future developments promote active edges and passive surveillance between lots and the street.

### *ii) Village Core*

As discussed in Section 6.4 above, we have also included additional provisions in relation to Activity Area 3 to ensure a village core or community hub is established within the zone. In this respect, we have amended the plan change provisions to ensure that a 2000m<sup>2</sup> area of open space is provided for within this Activity Area. This

area would be in addition to any school facility on site. We propose that the open space be used as a village green to facilitate and provide for a central hub for community activities which in our view is an essential component of this plan change. It will be an open, landscaped space that can be used facilitate community, social and recreational activities and will be a gathering space which will assist in fostering a sense of community. This area must be shown on any future ODP for this Activity Area. Part of this village core would also include the small scale retail activity to be located in Activity Areas 2A or 2B. Failure to provide for any retail activity would be a Non Complying Activity to be assessed at the ODP stage. Providing for these services will ensure the development does not become another dormitory residential subdivision.

*iii) Visitor Accommodation*

We consider that visitor accommodation will potentially result in inflationary land prices that, in our opinion, would be directly at odds with the intent of providing for affordable housing through this zone. This activity has therefore been deleted from the zone, as agreed to by the Applicants at the hearing.

*v) Building in Open Space Areas*

We note that the proposed open space areas consist of steep terrace faces (5B), the transmission corridor (5E), the upper terrace adjacent SH6 (5A), the river protection area (5C) and the wetland (5D). In our view built development of any kind would not be appropriate on the upper terraces for reasons outlined above in Section 6.2, nor would it be appropriate in the Wetland or River Protection Area that must be planted in accordance with Appendix 1 of the provisions prior to any subdivision in the zone.

Further to this, any development in the transmission corridor and the terrace faces will be limited due to the restrictions required to protect this infrastructure and due to the nature of the terrace topography and its visibility. In our view any development in 5B or 5E should be restricted to facilities such as ablution blocks or maintenance sheds ancillary to the open space use. As a result we have restricted built development in these locations to 50m<sup>2</sup>, which will be sufficient to cater for these facilities.

*vi) Terrace buffer area*

In respect to the terrace buffer area we have amended the proposed provisions from a site standard to a Controlled Activity for development that lies adjacent to this area. The proposed landscaping in the buffer area must appropriately mitigate any potential adverse visual effects of built development in this area. In our opinion, providing for this mitigation via a site standard created compliance and monitoring issues. We consider that a Controlled Activity is a more robust process towards ensuring that any potential adverse visual effects along this terrace face are mitigated.

*vii) General*

We have also made a number of additional general changes to the proposed plan provisions, such as imposing zone standards as opposed to site standards for density, fencing requirements within and adjoining open space areas and community housing. We consider that there should be no discretion over these matters and consider that a zone standard is more robust method to ensure this. We have also included additional site standards and assessment criteria for residential development in order to provide more certainty around the urban design outcomes in the zone.

This includes imposing setbacks for garages from the front facades of buildings, restrictions on fencing along the front road boundary, restrictions on roof colouring and lighting requirements. In our opinion all the above amendments to the plan provisions will ensure more certainty around the urban design outcomes for this zone.

### ***Recommendation***

Accept the submission by QLDC that the development should result in a good urban design outcome and that the provisions are amended to ensure this.

### ***Reason***

In our opinion it is vital that the proposed zone reflects current best practice urban design principles.

## **6.9 Reverse Sensitivity Effects**

### ***Explanation***

Several submitters raised reverse sensitivity issues between the proposed development and Queenstown Airport Corporation (QAC), and between surrounding rural activities.

### ***Consideration***

The issue of reverse sensitivity effects between the Airport and the plan change site was raised at the hearing by QAC, and in the legal submission presented on behalf of RCL Group Limited, Arith Holdings Limited and Jacks Point Residents & Owners Association. It was also raised in the Council Planner's report, which stated that the development could lead to potential reverse sensitivity effects due to the site's locality near to the airport runway.

We have considered the above evidence, as well as that presented by the Applicants, and find that we do not consider that the plan change development will generate reverse sensitivity effects between the Airport and future residents in this area. The development is located outside the proposed Outer Control Boundaries proposed by QAC under Plan Change 35 (PC35) and therefore, it is our view that mitigation outside this boundary is not appropriate or necessary.

We note that the Applicants, however, have agreed to impose, through the proposed plan provisions, acoustic insulation requirements within all residential units. In addition to this mitigation, QAC submit that mechanical ventilation should also be required in all residential units within the plan change site to ensure an internal level of 40DbA Ldn is achieved. This is based on evidence presented at the PC35 hearing, which found that inside the Outer Control Boundary new dwellings can achieve this internal level if windows are ajar (as opposed to windows and doors left open). As we understand, PC35 evidence also confirmed that between the 50 dBA Ldn and 55 dBA Ldn, at least 4% of the population in this area will be adversely affected by aircraft noise. As the plan change site is located within this area, QAC seek that mechanical ventilation is required to further mitigate any potential reverse sensitivity effects.

It is our view, however, that if QAC wanted control over development outside the Outer Control Boundary, this should have been achieved through PC35. Requiring all residents to incorporate mechanical ventilation (at a cost of several thousand dollars) for the sake of avoiding potential annoyance to 4% of residents (or the complaints

thereof) is not justified. In our opinion, covenants on further land titles will alert residents to any potential noise issues and noise sensitive people can respond accordingly. We cannot justify the expenditure of over \$3 million cumulatively by residents for this when acoustic insulation requirements are already included. We understand that this view is consistent with the Council's position on Plan Change 19.

We also note that as part of the appeal process for PC35 the parties (including QAC and the Council) have signed a Joint Witness Statement, which agrees a change to the District Plan Acoustic Insulation Table in relation to all affected zones. We consider that the Acoustic Insulation Table in the PC41 provisions should be amended in line with that agreed under PC35.

Reverse sensitivity effects between existing rural activities surrounding the site and the proposed plan change site were also raised by K and R Lemarie Sicre, who are the owners of the Pet Lodge located opposite Howards Drive along SH6. It is understood that their primary concern relates to the impacts an increase in traffic volumes, as a result of further domestication, would have on their rural amenity particularly the subsequent increase in noise levels. The Pet Lodge is located to the east of Stalker Road and traffic reports indicate that the increase in traffic would primarily be west of Stalker Road. The Pet Lodge is therefore not likely to be exposed to the full effects of the increase in traffic in this area. However, we acknowledge that, on balance, some increase in noise and traffic effects will be experienced by this submitter; however we consider that the overall positive effects of the proposed development will outweigh the potential adverse effects on this adjacent resident.

### ***Recommendation***

Reject the submission that the PC41 will generate reverse sensitivity effects between the plan change site and existing land use activities.

### ***Reason***

It is our view that the proposed mitigation is appropriate.

## **6.10 Extension to Plan Change Area**

### ***Explanation***

Two submitters seek that the plan change site be extended to include their adjoining properties. This included land owned by Mr and Mrs Jones on the upper terrace (the Jones land) between the plan change site and Lake Hayes Estate and the land owned by Mr Wood located to the south of the plan change site.

### ***Consideration***

We have considered both the above submissions and do not support the request by Mr and Mrs Jones to include their land in PC41, as in our opinion this area is not a natural continuation of the proposed zone. In our view there are potential privacy and landscape effects that would be generated by development in this area that are yet to be assessed. Furthermore, affected parties within Lake Hayes Estate have not had the opportunity to comment and potentially submit on any such proposal. We also consider that, as viewed from the Remarkables Ski-field Road and from above the site, any development on this terrace would compromise the visual relief that the terrace would otherwise provide between development in Lake Hayes Estate and the

plan change site. This plan change process has not considered the potential adverse effects of this. For these reasons we reject the submission by Mr and Mrs Jones that seeks to include their land within the PC41 site.

In respect to the submission by Mr Karl Wood, we find that this smaller area adjoining the southern boundary of the site is a natural continuation of the proposed zone. Further development in this area will not impact on any adjacent neighbours nor will it adversely affect surrounding landscape values. We also note that the landscape assessment carried out by Dr Marion Read recommended that this area be rezoned for residential use as it would alternatively be left as a small strip of Rural General zone located between an Outstanding Natural Landscape and proposed residential land. In our opinion, including this area within the plan change would result in a more efficient use of this land and as it is part of the same landscape as the adjoining land to its north it would not compromise any landscape values. The proposed structure plan has been amended accordingly to provide for this minor extension to the zone.

### ***Recommendation***

Reject the submission by Mr and Mrs Jones.

Accept the submission by Karl Wood to include part Lot 7 (as indicated on the approved structure plan) within the plan change area and include it as part of Activity Area 1A.

### ***Reason***

The inclusion of Mr Woods land (part Lot 7) represents a logical minor expansion of the plan change site that will provide for development in this area without compromising landscape and amenity values. In contrast, development of the Jones land on the upper terrace would potentially result in significant adverse effects on the landscape and the amenity of neighbouring properties. Due to the visibility of the upper terrace between Lake Hayes Estate and the subject site, further detailed analysis is considered necessary prior to any potential development in this area.

## **6.11 Resource Management Act**

### ***Explanation***

A number of submissions indicated that PC41 was contrary to the purpose and principles of the RMA or sound resource management practice.

### ***Consideration***

In assessing the merits of PC41 we must consider Part II of the RMA which establishes the purpose and principles of the Act, being to promote the sustainable management of natural and physical resources. Sustainable management means enabling communities to provide for their social and economic wellbeing while also avoiding, remedying and mitigating any adverse effects on the environment.

As outlined in the Council's Planner's report, Section 5(2) of the Act defines sustainable management identifying two key components to sustainable management – one enabling and one regulatory. The definition of sustainable management enables communities to use, develop and protect natural and physical resources to provide for their wellbeing. However, the use of these resources can only be

undertaken if the regulatory component is satisfied, requiring the potential of resources to be sustained, the life supporting capacity to be safeguarded and adverse effects on the environment to be avoided, remedied or mitigated.

In our opinion PC41 (subject to the amendments discussed in this decision) is consistent with Part II of the Act as it will ensure the sustainable management of this land resource especially when compared to the alternative of the consented rural lifestyle subdivision for this land. It will provide for a valuable housing resource in the area enabling future generations to meet their social and economic wellbeing. The benefits of this site, which is located in a topographically constrained, high land value area that has a high pressure for growth, in our opinion, outweigh potential adverse effects generated by the development. In this respect, we largely support the Applicants' landscape, traffic, and engineering evidence presented to us through the plan change application and in evidence at the hearing, which all conclude that this proposed development will avoid, remedy and mitigate adverse effects on this environment.

### ***Recommendation***

The submissions opposing PC41 on the grounds that it is contrary to the purpose and principles of the RMA or sound resource management practice are rejected.

### ***Reason***

We consider that PC41 as amended, is not contrary to the purpose and principles of the RMA or to sound resource management practice.

## **6.12 Heritage**

### ***Explanation***

Hicks Cottage is recognised as having historical significance and therefore its protection is sought by NZHPT through the proposed plan provisions.

### ***Consideration***

Hicks Cottage is located in the north western corner of the PC41 site. The building and the area around it have been identified in the PC41 proposed Structure Plan as being an "Historic Precinct". A suite of provisions aimed at preserving this heritage feature have also been provided as part of the plan change.

The Applicants have acknowledged NZHPT's concerns and has subsequently ensured that Hick's Cottage is scheduled as an historic structure in the District Plan, thereby ensuring that the proposed Historic Precinct provisions properly reflect the heritage value of the property.

We consider that the PC41 Historic Precinct provisions (amended to reflect the scheduling of Hicks Cottage) ensure that appropriate uses of the building have been identified that will assist in ensuring its future survival and will ensure its heritage value is retained.

### ***Recommendation***

The submission by NZHPT is accepted and amendments to the Heritage Precinct provisions are made to reflect the scheduled status of the Hicks Cottage.

***Reasons***

As amended, the provisions will assist in ensuring the future survival of Hicks Cottage and its heritage value.

## 7.0 RECOMMENDATION

In light of the above discussion and the reasons given, we recommend that PC41 be **accepted in part** subject to the amendments described above. Our recommended version with tracked changes is attached as an Appendix to this report.

**APPENDIX**

**RECOMMENDED SHOTOVER COUNTRY SPECIAL ZONE PLAN PROVISIONS**