

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER** of the Proposed District Plan  
Proposed Plan Review (Chapters 3,  
4 and 6)

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**STATEMENT OF EVIDENCE OF CHRISTOPHER BRUCE FERGUSON**

**29 February 2016**

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## INTRODUCTION

### Qualifications and Experience

- 1 My name is Christopher Bruce Ferguson. I hold the position of Associate Principal with the environmental consultancy firm Boffa Miskell Limited. I am based in Queenstown and Christchurch and have been employed by Boffa Miskell since April 2015.
- 2 I have 20 years' experience as a resource management practitioner and am a full member of the New Zealand Planning Institute. I have held positions as a Planner in both local Government and private practice within Selwyn District, Christchurch, Queenstown as well as London, England.
- 3 Prior to commencing employment at Boffa Miskell, I was employed by AECOM New Zealand Limited as a Principal Planner, based in Christchurch. My work experience in Queenstown has included employment with Civic Corporation Ltd from Feb 2000 to Nov 2011, planning manager at Clark Fortune McDonald & Associates Ltd from 2003 to 2010 and then as Director of planning consultancy company Ferguson Planning Ltd.
- 4 I have been involved with many policy processes within Queenstown over the last decade, including, Plan Change 6, 8 and 10 (Amenity in the High Density Residential Zone), Plan Change 11 (Ground Level), Plan Change 19 (Frankton Flats) throughout the process to final environment court decision, Plan Change 30 (Urban Boundary Framework), Plan Change 41 (Shotover Country) as well as preliminary work for the Council on the District Plan review (NPS-REG, Earthworks and Utilities).
- 5 More recently, I have been involved in the preparation of the Jacks Point Zone for inclusion into the PDP, including the formulation of the section 32 evaluation and the Chapter 41 package of objectives, policies and rules. This work built on my earlier involvement for the Jacks Point entities involved in private Plan Change 44 and was developed in consultation with the Council for notification with the remainder of the stage 1 topics.
- 6 My work in Christchurch has involved a secondment position with the Canterbury Earthquake Recovery Authority (CERA) providing planning support on several anchor projects as well as submissions for private

clients on the proposed Replacement Christchurch District Plan and hearings before the Independent Hearings Panel.

- 7 In accordance with the directions of the Hearing Panel Chair, this evidence has been prepared and presented in the same manner as expert evidence presented to the Environment Court. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **Scope of Evidence**

- 8 I have been asked to prepare evidence on Chapter 3 Strategic Directions, Chapter 4 Urban Development and Chapter 6 Landscapes of the Proposed District Plan ('PDP') by Darby Planning LP (#608), Soho Ski Area Limited (#610), Treble Cone Investments (#613) and Hansen Family Partnership (#751). For each of the above clients I was involved in the initial assessment of the notified provisions, the preparation of submissions and further submissions.
- 9 Following the minute and directions of the Hearings Panel Chair<sup>1</sup>, this brief of evidence has been structured to include all of the matters involved in this hearing topic, encompassing Chapters 3, 4 and 6. In addition, this evidence has also been prepared in respect all of the submitters I represent within this topic group (as detailed above). I have subdivided this evidence into three sections to present a structured assessment of the issues, as follows:
- (a) Section 1 – Darby Planning LP (#608)
  - (b) Section 2 – Treble Cone Investments Limited (#613) and Soho Ski Area Limited (#610)
  - (c) Section 3 – Hansen Family Partnership (#751)
- 10 In preparing this evidence I have reviewed:
- (a) The Otago Regional Policy Statement 2013 (“ORPS”);
  - (b) The proposed Otago Regional Policy Statement (“pOPS”);

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<sup>1</sup> Dated 25 January 2016

- (c) The section 32 reports associated with Chapters 3, 4 and 6;
- (d) The relevant submissions and further submissions of other submitters; and
- (e) The Council s.42A Reports prepared in relation to Chapters 3, 4 and 6 and including the associated evidence prepared by Mr P McDermott, Mr U Glasner, Mr C Bird, Mr F Colegrave and Dr M Read.

## **EXECUTIVE SUMMARY**

- 11 This Planning evidence has been prepared for the hearing on Chapters 3, 4 and 6 of the PDP. It addresses the key planning issues and matters raised in the Submissions to these chapters by Darby Planning LP (#608), Treble Cone Investments Limited (#613), Soho Ski Area Limited (#610) and Hansen Family Partnership (#751)

### *Darby Planning LP*

- 12 In this evidence I focus on two main issues:
- (a) To recognise and provide for the value of rural land as a resource which supports a broader range of activities than farming and includes conservation, recreation activities, tourism, employment and pockets of rural living; and
  - (b) The provisions relating to urban growth, including the management of growth occurring outside of UGBs.
- 13 I accept and agree with the evidence prepared as part of the s42A report for the need to establish UGBs as a technique to manage urban growth within the District's townships and in order to achieve the integrated management of the District's land resource.
- 14 In reflecting on the regime proposed for subdivision and development within the rural areas and the subjective nature of the definition of urban development, I consider it important for the Strategic provisions to have greater clarity relating to the expectations of development, which is not urban, outside of the UGBs.
- 15 The provisions relating to the values of the natural and physical resources within rural areas place considerable emphasis on agricultural land use. While I accept that farming and agriculture is an importance aspect to the economy and also to the characteristics of the District's landscape, I

consider that the strategic provisions should be framed in a broader way, in particular to recognise the values that are derived from the use of development of rural areas, but which acknowledge and provide for tourism, recreation, rural living, accommodation and recreation based activities. These are each important and significant activities undertaken within rural areas that contribute to the value of tourism for the District and should in my view be reflected within the strategic provisions.

- 16 I consider the roles of the commercial centres as they have been expressed within the PDP (as notified) to align with the functions of the commercial areas within the Jacks Point Zone. The particular approach taken within the EIC will further help to diversify the economic base and create opportunities for employment.

*Soho and Treble Cone Ski Areas*

- 17 The strategic provisions relating to the ski areas contained within the notified version of the PDP strike an appropriate balance between recognising the values of these activities to the District's economy while maintaining the values of the natural environment, landscape and amenity values.
- 18 I support the small number of amendments to the relevant provisions proposed within the s.42A report and in particular the addition of a new objective and related policy seeking to more explicitly recognise the value of tourism to the social and economic wellbeing of people and communities across the District.

*Hansen Family Partnership*

- 19 This part of my evidence examines the policies relating to Air Noise Boundaries and the Outer Control Boundary of the Queenstown Airport for Activities Sensitive to Aircraft Noise. I support the development of strategic policies for ASANs and the Airport generally, however in respect to the methods which are proposed to manage ASANs within these areas I have found that the wording of the policies are misaligned and suggest separation of the policy direction for each to better achieve the overall objectives and align with the lower order rules.
- 20 An additional objective and policies are proposed to be added to Chapter 3 by the s.42A author to better recognise and provide for the current use and planned development within the wider Frankton area. I support the

basis for this policy and in particular the mixed use role of this area. I also support the recognition of this area as a single entity for the purposes of the strategic provisions. I suggest amendments to the new provisions that better achieve the purposes without referring to the individual entities or to Frankton as a “commercial area”.

## STATUTORY FRAMEWORK

- 21 Section 79 provides for a review of the district plans in the manner set out in Part 1 of Schedule 1 of the RMA.
- 22 In changing the district plan, the Council is required to:
- (a) “give effect to” any national policy statement<sup>2</sup>
  - (b) “give effect to” any regional policy statement<sup>3</sup>
  - (c) “must not be inconsistent with” a regional plan<sup>4</sup>
  - (d) “have regard to” any proposed regional policy statement<sup>5</sup>.
- 23 The Council s.32 reports have identified the provisions of the operative and proposed Otago Regional Policy Statements but has not identified any relevant provisions of any National Policy Statement or Regional Plans. In relation to the scope of the topics within this hearing and raised through the submission by Darby Planning LP, I agree there are no other higher order documents of relevance.
- 24 The relevant policies of the ORPS are contained within **Appendix 2** with the relevant provisions of the pRPS contained within **Appendix 3**. These provisions are referred to throughout the analysis and discussions below.

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<sup>2</sup> s.75(3) Resource Management Act 1991

<sup>3</sup> Ibid

<sup>4</sup> s.75(4) Ibid

<sup>5</sup> s.74(2) Ibid

## **SECTION 1 – DARBY PLANNING LP (#608)**

### **Darby Planning LP's Submission**

- 25 The proposed relief sought within the submission by Darby Planning LP ('DPL') to the strategic directions, urban development and landscape chapters of the PDP is contained within **Appendix 1**.
- 26 The submission by DPL is an umbrella submission to address the strategic parts of the PDP and the compliment the relief sought within the submissions from related entities each having more site specific interests, including:
- (a) Glendhu Bay Trustees Limited (#583) – the owner of land on the shores of Lake Wanaka, at Glendhu Bay and contains the approved Parkins Bay Preserve development
  - (b) Soho Ski Area (#610) – a developing ski area located on the southern and western slopes of Mount Cardrona
  - (c) Treble Cone Investments (#613) – an established ski area located at Treble Cone, on the West Wanaka Road
  - (d) Jacks Point entities (#762 and #856) – a range of entities with land interests within the Jacks Point zone
  - (e) Lake Hayes Ltd (#763) – the owner of land located within the rural lifestyle zone on Hogans Gully and the Arrowtown - Lake Hayes Road
  - (f) Lake Hayes Cellar Ltd (#767) – the landowner of land containing the Amisfield Bistro and Cellar Door on the Arrowtown – Lakes Hayes Road
  - (g) Mount Christina Limited (#764) – the owner of the land within the rural residential zone near Mount Christina alongside the Glenorchy - Paradise Road, approximately 440 m south of Lovers Leap Road and 12 km north of Glenorchy Township.
- 27 These entities have interests in a range of locations throughout the district, and are subject to different zones and landscape classifications, and different development aspirations.
- 28 The key drivers for and rationale behind the changes sought to the objectives and policies for these chapters are as follows:

- (a) To reduce repetition, avoid confusion and to aid understanding;
- (b) To recognise and provide for the value of rural land as a resource which enables a broader range of activities than farming and includes conservation, recreation activities, tourism, employment and pockets of rural living.
- (c) In relation to the suite of objectives and policies proposed in relation to urban growth:
  - (i) To ensure that the methods to achieve the objectives, including the formulation of urban growth boundaries, have a clear purpose having regard to:
    - The ability to provide opportunities for rural living outside urban areas.
    - The definition of urban development; and
    - The regime proposed for the management of landscape values.

### **The Value of Rural land**

- 29 The submission by DPL sought to make a number of changes to the objectives and policies within Chapter 3 Strategic Directions to better recognise the value of the rural land resource. These include changes to the following provisions:

#### Chapter 3 Strategic Directions:

- Objective 3.2.1.4
- Objective 3.2.5.5 and Policy 3.2.5.5.1

#### Chapter 6 Landscapes

- Objective 6.3.8 and Policies 6.3.8.1 and Policy 6.3.8.2.

- 30 The DPL submission is seeking to recognise the importance of tourism recreation based activities, employment and a diversity of industries based on the natural and physical resources of rural areas. Within the structure of Chapters 3, 4 and 6, this would best fit under the group of objectives and policies relating to Goal 3.2.1 – ‘Develop a prosperous, resilient and equitable economy’.



- 31 The second element of the DPL submission affects the management of landscape values and challenges the preference for farming in rural areas that is expressed in the objectives and policies as notified.

#### Section 42A Report

- 32 The author of the S.42A report captures part of the issue being raised by DPL in the discussion at para 12.26 – 12.32, where there is some agreement with the relief sought in the submission by Real Journeys Ltd (#621) to provide greater recognition of tourism within Chapter 3. In particular, the report recommends the creation of a new objective together with a supporting policy that more explicitly recognises the value of tourism value. Given the value of tourism to the social and economic wellbeing of people and communities across the Queenstown Lakes District, I agree with and support the creation of a stand alone objective for this purpose. It will have application across all of the zones within the District Plan and this is appropriate.
- 33 In terms of the potential for rural land owners to diversity land uses, the report also recommends some changes to Objective 3.2.1.4 (now renumbered as 3.2.1.6) to address issues relating to the use of the words 'sensitive approach'.

#### Regional Policy Statement

- 34 The ORPS provides a very general policy framework for the management of the natural and physical resources within rural areas. The objectives of most relevance are 5.4.1 relating to the sustainable management of Otago land resource, 5.4.2 seeking to avoid, remedy or mitigate degradation of the natural and physical resources from activities using the land resource and 5.4.3 seeking to protect outstanding natural features and landscapes.
- 35 In terms of land that is not located within urban areas or within an outstanding natural feature or landscape, the focus of the policies is on the productive capacity of high class soils, the adverse effects of activities on the qualities and values of soils. Policy 5.5.4 however promotes the diversification and use of the land resource to achieve sustainable land use and management systems and uses wording similar to proposed Objective 3.2.1.4.

### Discussion

- 36 Acknowledging the benefits of the approach proposed in the s.42A report to create a new objective relating to the value of tourism, the purpose of the changes promoted within the submission by DPL to Objective 3.2.1.4 were to recognise:
- (a) the diversity of the natural and physical resources within the rural areas; and
  - (b) the diverse range of activities that rely on the resources of the rural area and which are an important aspect of the social and economic wellbeing of people and communities within rural areas.
- 37 Soho Ski area Ltd and Treble Cone Investments Ltd have a particular interest in the operation and development commercial ski areas. This represents one aspect of the use of rural land, but there are others which I consider should be captured within an objective.
- 38 It is helpful to provide some context to the type of natural and physical resources that are included within the rural areas of the District. This zone occupies by far the largest land area of any zone in the PDP and includes:
- (a) All of the rivers and lakes
  - (b) All of the national parks and considerable areas of conservation land
  - (c) The lowland valleys, hills and mountain ranges
- 39 Within this area are a range of activities important to the districts economy, including all of the districts ski areas (recreation), all of the water based activities (all of the Jet Boat operators, the Earnslaw and other water based activities), a network of back country walking tracks and one Great Walk and the network of other locally developed cycle and walking trails (Wakatipu Trails Trust).
- 40 Objective 3.2.1.4 frames the values of rural areas in a rather narrow way to simply recognise potential for diversification beyond the strong productive value of farming. In my view the District Plan should contain within the strategy directions chapter wider recognition of the values which are derived from the use and development of the natural and physical

resources within rural areas. Below are my recommended changes to Objective 3.2.1.4:

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

i) enable tourism, employment, rural living, visitor accommodation and recreation based activities; and

ii) accommodate a diverse range of rural based activities and industries, including farming and agriculture, which have a functional need to locate in rural areas

- 41 Following from the above is Objective 3.2.5.5 and Policy 3.2.5.5.1 seeking to recognise agricultural land use as fundamental to the character of our landscapes and to give a preference to farming activity in rural areas, except where it conflicts with significant conservation values. The submission from DPL seeks to delete both the objective and policy.
- 42 These provisions also place an unreasonable expectation that district's landscape can only be managed by farming. Farming is an important activity for management of land within the rural areas and is complimentary to many other activities existing on rural land. However, I consider this policy too prescriptive in having this preference for farming and that the focus of the policies should be on ensuring any activity is undertaken in a manner that has regard to landscape values.
- 43 I recognise that within large parts of the district agriculture forms the predominant use of the landscape and while that has led to the maintenance of the open character of some landscapes it can also detrimentally effect natural character through the activities designed to promote exotic grass growth over native vegetation. Expressing a preference for agriculture as being the preferred method to balance the tension between the openness of ONF/Ls and the natural character of the landscape is not the most appropriate means of achieving the purpose of the Act and in particular s.6(b).
- 44 Another way this issue could be addressed, is to remain neutral on the use of the land within the landscape, would be to recognise openness of a particular characteristic of the ONF/L's of the Queenstown Lakes and deal with the value of agricultural to the district's economy through the earlier provisions grouped under the goal of developing a prosperous, resilient and equitable economy. The operative District Plan has a suitably worded

policy relating to the open character of outstanding natural landscapes (District Wide), as follows:

- (a) *To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*<sup>6</sup>

### **Urban Development**

- 45 DPL lodged a range of submissions on the objectives and policies with Chapters 3 and 4 on the topic of urban development and the management of urban growth. The submissions from DPL were concerned primarily with the use of Urban Growth Boundaries (UGBs), as a technique to manage urban growth. The submission supports the fundamental need for the PDP to include provisions controlling the effects of urban growth on the land resources of the Queenstown Lakes District, but considered that UGBs were not justified as a method. The detail of the changes sought through this submissions is included within **Appendix 1**.
- 46 The reason for DPL's submissions on the objectives and policies relating to urban growth are twofold:
- (a) To ensure provision for the integrated management of the land resource within existing urban areas, particularly in relation to the Jacks Point Zone where large areas of the zone remain undeveloped and are subject to change through the PDP process; and
- (b) To ensure that the urban growth policies are clear in their intended application to urban development and do not have the unintended consequence of preventing opportunities for appropriate development within rural areas, outside of the UGBs.

### Otago Regional Policy Statement (October 1998)

- 47 The relevant provisions of the ORPS, which must be "given effect to", are contained within **Appendix 2**.
- 48 Policy 9.5.4, in particular, addresses the effects of urban development and settlement. This policy is concerned with the management of the effects of urban growth and in particular the discharges to the environment,

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<sup>6</sup> Policy 2(a), Part 4.2 Landscape and Visual Amenity, Queenstown Lakes District Plan (Page 4-9)

landscape qualities and a range of further matters including community values, Kai Tahu cultural and spiritual values, heritage, amenity, ecosystems and the habitats of trout and salmon.

- 49 Associated with this is Policy 9.5.5 addressing the quality of life for people and communities within Otago's built environments, though the identification and provision of an acceptable level of amenity; management of effects on communities' health and safety from the use, development and protection of natural and physical resources; and managing effects on landscape values.
- 50 Taken together the relevant provisions of the ORPS relating to urban development and the management of the effects of urban development, provide wide scope for how territorial authorities may wish to manage this issue at the local level. The objectives and policies of the ORPS do not conflict with either of the approaches taken by the Council within the notified PDP of the relief sought by DPL in its submission.

Proposed Otago Regional Policy Statement (notified version May 2015)

- 51 The relevant provisions of the pRPS, which must be "had regard to", are contained within **Appendix 3**.
- 52 DPL has submitted on many of the provisions within the pRPS and following the hearing in 2015 is waiting on the release of a decision from the Otago Regional Council. The final form of the provisions of pRPS are not yet determined and are required to "*have regard to*" in terms of district plan formulation.
- 53 Objective 3.8 and Policies 3.8.1 and 3.8.3 relate to the management of urban growth, including the fragmentation of rural land. Through these provisions the pRPS takes a more directive approach to urban growth than under the operative RPS.

**Discussion**

- 54 This discussion on the urban development provisions is prefaced on the understanding the term "Urban Development" as it has been defined within the PDP, as follows:

*Means any development/activity within any zone other than the Rural Zones, including any development/activity which in terms of its characteristics (such as density) and its effects (apart from bulk and location) could be established as of right in any such zone; or any*

*activity within an urban boundary as shown on the District Planning Maps.*

- 55 This definition has been rolled without modification over from the operative District Plan, having its origins in Plan Change 30 and the mediated outcome resulting from appeals. DPL has not submitted on this definition.
- 56 This definition has deliberately avoided the use of quantitative measures to inform the definition, such as lot size and density. I understand that part of the reason for that is the regime for subdivision and development under the rural zones of the operative District Plan and also carried over into the PODP, where there is no minimum allotment size. This regime seeks to promote development within landscapes that have the greatest capacity to absorb development. The design outcomes that result from this regime often result in smaller lots and the use of techniques such as clustering to make an efficient use of the available area of the landscape and protecting areas of open space and farmland which have greater landscape sensitivity.
- 57 For a complete understanding of what is urban development, the definition incorporates the subjective elements of “characteristics” and “effects” of subdivision and development. Through clustering and smaller lots to achieve good landscape outcomes, there is potential for such development to exhibit urban like qualities such as higher densities. Typically subdivision within rural areas contains a larger overall proportion of open space surrounding the subdivision or development and these characteristics and effects would most often ensure development falls outside of the definition of urban development.
- 58 With the regime for subdivision and development within rural areas enabling small lot subdivision and the subjective nature of the definition of urban development, I considered there to be a significant responsibility resting on the definition of urban development under the proposed policy framework. Because of that I consider it important for the balance of the strategic provisions to be clear around the expectations of development outside of the UGBs. Just in the same way the provisions are clear about what is expected to occur from development within the UGBs.
- 59 In terms of the use of UGBs as a method to control and manage urban development, I have reviewed the evidence of Mr Glasner on this matter

and understand the benefits that can be derived from taking an integrated approach for the planning and delivery of Council infrastructure. I also agree with and support the evidence of Mr Bird relating to the benefits to good urban design outcomes from using a combination of the proposed urban development policies and UGBs to:

- (a) Enable intensification of development around town centres
- (b) Promote compact towns
- (c) Increase variety and choice in housing types
- (d) The benefits of increased density for efficient and effective delivery of public transport and on other Council infrastructural services
- (e) Creation of more vibrant and attracts towns.

60 Based on this, my evidence below focusses on the more detailed aspects of the provisions relating to urban development within UGBs, particularly for Jacks Point and the range of development opportunities that may occur outside of the UGBs, recognising the distinct issues arising within rural areas.

#### Development within UGBs

61 One aspect of the submissions by DPL concerning the urban growth policies is to ensure an integrated approach is taken to the management of land within UGBs, including the existing settlement at Jacks Point together with areas for planned expansion adjacent to this settlement.

62 The Jacks Point Zone (Chapter 41) is proposed to be entirely contained within the Queenstown UGB. Hearings on the detail of the provisions relating for this chapter will be held further in the review process under the hearings stream for the Special Zones and again in relation to the planning maps (and structure plan).

63 Jacks Point is seeking to ensure that the provisions of the Jacks Point Zone remain aligned within the high order provisions within Chapter 3, given submissions to this zone seeking to change or modify the provisions.

64 Objective 41.2.1 for the Jacks Point Zone is for “*Development of an integrated community, incorporating residential living, visitor accommodation, community, and small-scale commercial activities within a framework of open space and recreation amenities*”. A key mechanism

for achieving this objective is a Structure Plan for the zone, as outlined within Policy 41.2.1.1. This policy seeks to establish the spatial layout of development within the zone, to accommodate a diversity of living and other commercial and community activities together with key design elements such as roads, state highway connection points, open space and trails.

*Objective 3.2.2.1*

- 65 Under the notified version of the PDP the objective and policy for Jacks Point are aligned well with Objective 3.2.2.1 ensuring that urban development occurs in a logical manner; to promote compact, well designed and integrated urban form. I support the submission by the Jacks Point entities to retain this objective, subject to a few minor change to wording that are designed to improve clarity of the language, as follows:

Urban development: ~~occurs in a logical manner:~~

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

- 66 In suggesting these changes to this objective I proposed using the term “urban sprawl”, rather than “sporadic and sprawling”, to reflect the terminology used within the Urban Design evidence prepared as part of the s.42A report by Mr Bird<sup>7</sup>.

*Objective 3.2.5.3*

- 67 Under the group of objectives and policies related to the Goal – ‘Our distinctive landscapes are protected from inappropriate development’ is Objective 3.2.5.3 which directs new subdivision and development to those areas which have the potential to absorb change.
- 68 The s.42A report recommends an amendment to the objective to direct new urban subdivision, use or development in those areas with greatest potential to absorb change.

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<sup>7</sup> Paragraph 4.7 (and elsewhere), page 7, Evidence of Clinton Arthur Bird (19 February 2016)



- 69 In my view the wording to “direct” subdivision and development implies a high level of certainty in relation to those areas. In my view the benefits of the objective are in its ability to enable an assessment of an area's absorption capacity and to encourage development within those areas with more capacity. In making that evaluation of absorption capacity there will be a range of competing demands, including protection of natural areas, capacity of infrastructure and other matters which could be lost through a directive approach to landscape absorption alone. In addition, I also note that the relief sought in the submission by DPL to the provisions of Chapter 6 and 21 seek to create a more balanced approach to the policies that are less directive and more effects based. For these reasons I support amending the objective to replace the word “direct” with “encourage and enable”.
- 70 In terms of the suggested changes made in the s.42A report, I consider the impact of this change will be to considerably weaken the objective by limiting its utility to just urban development and in doing so fail to capture other forms of development, such as and including rural living.
- 71 On this basis, I recommend amending Objective 3.2.5.3, as follows:
- ~~Direct~~ Encourage and enable new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.
- Policy 4.2.4.1*
- 72 The submission by DPL sought to amend Policy 4.2.4.1, as detailed within **Appendix 1**.
- 73 I support the intent of the policy as part of the suite of measures to achieve the objectives of the PDP relating to urban growth. I do not however support the “protection” of the natural environment because of the high threshold set and the broadness of the words natural environment. To be effective and efficient, the policy needs to identify what aspects of the natural environment are to be protected otherwise its broadness will render it meaningless. Drawing on the language of the Act, s.6(c) provides for protection in relation to areas of “*significant indigenous vegetation and significant habitats of indigenous fauna*” and this would help target the worded.
- 74 The second bullet point of the policy seeks to address sprawling residential settlements into rural areas. This outcome is addressed within

the Chapter 4 provisions, including 4.2.1.6 to avoid sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values and Policy 4.2.2.1 seeking to avoid urban development outside of identified UGBs. In my view there is no need to duplicate these policies further.

75 The fifth bullet seeks to address the provision of infrastructure in a logical and sequenced manner and following the evidence of My Glasner I understand the benefits of taking an integrated approach to infrastructure and land use planning and consider that this part of the policy remain unchanged. There are aspects of infrastructure planning and delivery which occur within a private context, including within Jacks Point and I address this further in terms of Policy 4.2.1.2 below.

76 Taking into account the matters raised above, I recommend amending Policy 4.2.4.1, as follows:

*Limit the spatial growth of Queenstown, so that:*

- ~~*the areas of significant indigenous flora and fauna natural environment is*~~ *are 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*
- *the role of other settlements and townships in providing local commercial services and a variety of activities and sufficient land to accommodate business growth and diversification.*

*Policy 4.2.1.2*

- 77 The submission by DPL sought to amend Policy 4.2.1.2 to avoid the reference to just existing infrastructure and networks. I support the integration of urban development with all public and private infrastructure and networks, however in many instances that will give rise to the need for upgrades, extensions or development of new infrastructure to accommodate planned growth within urban areas. In addition, the area of Jacks Point is serviced mostly with private infrastructure with the Jacks Point Residents and Owners Association being responsible for its management. For this reason I consider that the benefit of the policy would be greater to more communities if it was amended to delete the word “public”.
- 78 The suggested changes to Policy 4.2.1.2 to address these concerns are detailed below.

*Urban development is integrated with ~~existing public~~ infrastructure, and is designed and located in a manner consistent with the capacity of ~~existing~~ networks, including planned expansion to accommodate growth within urban areas.*

*Policy 4.2.4.1*

- 79 Policy 4.2.6.1 sets out the particular issues underpinning the UGBs provision for Wanaka. As with the parallel policy within Queenstown, and having considered the evidence prepared as part of the Council’s s.42A report, I accept the benefits of the UGB’s as part of a suite of measures supporting the integrated management of land.
- 80 My evidence relating to the policy framework outside of UGB’s below identifies a range of activities and development which occurs within the rural areas that is distinct from urban development and important to sustain the communities that rely on them for their social and economic wellbeing. Given that the plan anticipates development of rural land, I am concerned with that part of Policy 4.2.6.1 stating that “*ad hoc development of rural land is avoided*”. The use of the word avoid sets a very high bar and I am unsure of how ad hoc would be interpreted in the rural context. If that is construed to mean any development that is not anticipated through permitted or controlled activity status, legitimate and sustainable proposals could be prevented. On this basis, I recommend deleting the third bullet from Policy 4.2.6.1.

- 81 I have similar concerns with the strength of the language used in the second bullet of Policy 4.2.6.1 seeking to “*protect*” the quality and character of the environment and visual amenity”. Qualities and characteristics of the environment are s.7 matters where the Act seeks to “*maintain and enhance*” the quality of the environment and amenity values. I have suggested wording appropriate changes to reflect the language used in the Act.

#### Framework for development outside UGBs

- 82 In light of the discussion above relating to the definition of urban development, it is my view that the plan needs to provide a clear framework for recognising and providing for development occurring within rural areas, outside of the UGBs, including making provision for areas of rural living, employment and commercial activity. This will help to better articulate the expected outcomes for development of the rural areas (Outside UGBs) and any tensions arising from the interpretation of “urban development”.
- 83 Outside of the UGBs the strategic directions, urban development and landscape chapters provide for, and manage the effects of, growth development through the following objectives and policies:
- (a) Objective 3.2.1.3 and Policies 3.2.1.3.1 providing for the development of innovative and sustainable enterprises contributing to the diversification of the District’s economic base and the creation of employment opportunities.
  - (b) Objective 3.2.1.4 recognising the potential for rural areas to diversify their land use.
  - (c) Objective 3.2.5.3 directing new subdivision, use or development to those areas which have potential to absorb change without detracting from landscape and visual amenity values.
  - (d) Objective 3.2.5.4 and Policy 3.2.5.4.2 recognising the finite capacity for residential activity in rural areas and to provide for rural living opportunities in appropriate locations.
  - (e) Objective 4.2.1 and Policies 4.2.1.1 – 4.2.1.7 – establishing a framework of provisions encouraging urban development within the

major settlements, avoiding sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values or compromises the viability of a nearby township.

- (f) Objective 3.2.6.2 and Policy 3.2.6.2.1 seeking to ensure a mix of housing opportunities and promoting mixed densities of housing in new and existing communities
- (g) Objective 6.3.1 and Policies 6.3.1.5 and 6.3.1.6 seeking to avoid urban subdivision and development within the rural zones and to enable rural lifestyle living through applying rural lifestyle zone and rural residential zone plan changes in areas where the landscape can accommodate changes.

84 The s.42A reports have suggested further changes, including:

- (a) The addition of a new Objective 3.2.1.4 and policy seeking to recognise and provide for the significant socioeconomic benefits of tourism activities across the District;
- (b) The deletion of the UGB Policies 3.2.2.1.1 to 3.2.2.1.7 (Chapter 3) – in reliance on the further urban development and UGB policies contained within Chapter 4;
- (c) Amendments to Policy 6.3.1.6, as follows: “Enable rural lifestyle living through applying Rural Lifestyle, ~~Zone and~~ Rural Residential and Resort Zone plan changes in areas where the landscape can accommodate change.”

85 I support each of the above changes, particularly the addition of the new objective relating to the benefits of tourism and clarification to the landscape policies enabling areas of rural living and rural residential. I address below further changes with respect to Policy 6.3.1.6 to better align with the Special Zones, rather than just the Resort Zones.

*Policy 6.3.1.6*

86 I consider that the changes proposed to Policy 6.3.1.6 should apply to Special Zones (Part 6) rather than the Resort Zone. Based on the chapters notified through Stage 1, the existing resort zone at Millbrook and the former Jacks Point Resort Zone (now called the Jacks Point Zone) are included within Part 6 Special Zones. Presumably this will be further expanded at the time the Stage 2 topics are notified. Recognition

of these wider group of zones within Policy 6.3.1.6 would in my view provide better linkages to the individual chapters and a more effective and efficient means of achieving the objectives of the PDP.

- 87 I also suggest deletion of the words “plan change”, as the policy should also apply to those zones introduced through the District Plan review. Accordingly, I recommend further amendments to Policy 6.3.1.6, as follows:

*Enable rural lifestyle living through applying Rural Lifestyle, ~~Zone and Rural Residential~~ and Special Zones ~~plan changes~~ in areas where the landscape can accommodate change.*

- 88 Policy 6.3.1.6 recognises the opportunities for rural living and is accompanied by a range of associated policies within Chapter 6 (Landscape) to implement Objective 6.3.1 protecting the district’s landscapes from inappropriate subdivision, use and development.

*Policy 6.3.2.2*

- 89 Policy 6.3.2.2 seeks to allow residential subdivision and development in locations where the District’s landscape character and visual amenity would not be degraded. In landscape terms, the test for landscape character would be change, rather than quality. Because the policy incorporates both of the concepts of landscape character and visual amenity values, I suggest re-wording to “maintain” through the suggested changes detailed below.

*~~Allow~~ Enable residential subdivision and development ~~only in locations where the character and value of the District’s landscapes are maintained.~~ ~~character and visual amenity would not be degraded~~*

**Commercial and Employment Based Activities within Jacks Point**

- 90 The submission to the PDP by DPL sought greater definition of the strategy and centres based approach to managing business activity within the strategic provisions, including greater direction on the relationship and interdependencies between centres.
- 91 The objectives proposed to achieve Goal 1 – development of a prosperous resilient and equitable economy define the roles of the commercial centres of the District, as follows:

- (a) Objective 3.2.1.1 recognise, develop and sustain the Queenstown and Wanaka central business areas;
  - (b) A new Objective 3.2.1.2 recommended within the s.42A report to recognise, develop, sustain and integrate the key mixed use function of the wider Frankton commercial area; and
  - (c) Objective 3.2.1.3<sup>8</sup> to address the development of the key commercial and industrial areas outside of the Queenstown, Wanaka and Frankton areas.
- 92 The three objectives and their associated policies define the primary roles of the commercial centres within the District. Within the evidence of Dr McDermott prepared on the Centres based approach to business activity, I understand that the functions of the main retail and commercial centres overlap through meeting the retail and services needs of local communities, they also services needs of local communities and distinctive roles. I accept and agree with the evidence of Dr McDermott that the planning provisions (above) seek to recognise and support these roles.
- 93 Commercial activity within Jacks Point falls under Objective 3.2.1.3 and the related policies seek to:
- (a) Avoid rezoning that would undermine their local service and employment roles (Policy 3.2.1.3.1);
  - (b) Support township commercial precincts and local shopping centres servicing local needs (Policy 3.2.1.3.2); and
  - (c) Avoid non industrial activities in industrial zones (Policy 3.2.1.3.3).
- 94 Commercial functions within the Jacks Point Zone are contained primarily within the Village Activity Area and the Education Innovation Campus Activity Area and are also provided for throughout the Hanley Downs Residential Activity Areas under a restricted discretionary consent regime. The role and function of the Village Activity Area has been largely carried over from the operative District Plan provisions, and enables residential and visitor accommodation activities, small-scale commercial activities, health activities, educational activities, office and administration activities, and indoor and outdoor recreation facilities.

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<sup>8</sup> Renumbered from Objective 3.2.1.2 within the notified version of the PDP

- 95 The Education Innovation Campus however is a new area of business and employment activity seeking to provide for technology based activities including commercial and medical research, laboratories, training, educational facilities, specialist health care and associated administrative, office, accommodation, retailing and recreation facilities.
- 96 The Village, EIC and the Hanley Downs Residential areas (in part) are considered to fulfil the framework established through Objective 3.2.1.2 to recognise, development and sustain the key local service and employment functions served by commercial centres outside the Queenstown CBD.
- 97 Objective 3.2.1.3 provides further and specific support for the intended role of the EIC in seeking to enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.
- 98 The s.42A report recommends changes to Policy 3.2.1.2.1, as follows:

*Avoid commercial rezoning that would ~~fundamentally~~ undermine the key local service and employment function role that the ~~larger urban centres outside Queenstown, and Wanaka central business areas and Frankton~~ fulfil.*

- 99 As outlined within the evidence of Dr McDermott, the role of commercial centres overlaps with respect to retail and service needs of local communities. Due to these overlapping functions, I consider the amendment to delete "fundamentally" will create greater and unnecessary tensions between centres and the Queenstown CBD and Frankton. In my view this tension is unnecessary because there is already sufficient protection for the viability and sustainable management of existing commercial centres making the policy a less efficient method for achieving the relevant objectives. This is especially given the basis of the policy to "avoid" and the addition of Frankton to this policy as a further higher order centre to manage. In my view the notified version of the policy would lessen this tension and provide a more efficient and effective means of meeting the objectives of the PDP.
- 100 The report sets out the reasons in support for the creation of a new objective and policies, as follows:

*Given the essentially contiguous nature of the Frankton commercial area (Remarkables Park – Airport – Five Mile), and the fundamental*



*interrelationship between its disparate parts (borne out by proximity, and improving connectivity facilitated by new roading projects), I consider it more appropriate to recognise the various Frankton precincts as one entity, from a strategic perspective. This also partly addresses the submission by Queenstown Airport Corporation, which sought greater strategic recognition of the airport's important role.<sup>9</sup>*

- 101 I support the basis for the addition of these provisions and in particular:
- (a) To recognise the role of Frankton as a significant commercial centre in the context of the Queenstown Lakes District
  - (b) Providing an integrated approach to the management of the land within Frankton, including the provision of a roading network and servicing infrastructure;
  - (c) Recognising and providing for the Queenstown Airport; and
  - (d) Recognising the value of the land to support a variety activities.
- 102 Given the above, I consider that the provisions should not focus on the particular needs to Remarkables Park, Five Mile and the Airport. The basis of the provisions are to support these precinct “as one entity, from a strategic perspective”, which is then undermined by singling out these entities in the wording of the Objective.
- 103 I understand and support the application of the provisions across the wider Frankton area and that they seek to recognise and provide for the mixed use function of this area. I believe that message is confused in referring to the “wider Frankton commercial area” and this could be more clearly expressed in referring to it as the “Frankton area”. As detailed within paragraph 98 (above), there are overlapping functions between commercial centres and for these reasons, I consider that Policy 3.2.12.3 should be amended in a manner consistent with the other commercial centres Policy 3.2.1.2.1 through the addition of the word “fundamentally” to minimise the potential for conflicts between commercial areas. The wording of this policy is also ambiguous in that it would seem to apply to any commercial rezoning across the District. Respecting the roles and functions of the different commercial centres, it would be more effective

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<sup>9</sup> Para 12.22.3, *Ibid.*

for this policy to be related to the Frankton area, rather than the District generally.

- 104 My suggested edits to this objective and the related policies to address the matters above are as follows:

**3.2.1.2 Objective** – *Recognise, develop, sustain and integrate the key mixed use function of the wider Frankton ~~commercial~~ area, comprising Remarkables Park, Queenstown Airport, and Five Mile.*

*Policies*

*3.2.1.2.1 Provide a planning framework for the wider Frankton ~~commercial~~ area that facilitates the integrated development of the various mixed use development nodes.*

*3.2.1.2.2 Recognise and provide for the varying complementary functions and characteristics of the various mixed use development nodes within the Frankton ~~commercial~~ area.*

*3.2.1.2.3 Avoid additional commercial rezoning within Frankton that will fundamentally undermine the function and viability of the Frankton's commercial areas, or which will undermine increasing integration between the nodes in the area.*

- 105 In summary, I consider the roles of the commercial centres as they have been expressed within the PDP (as notified) align with the functions of the commercial areas within the Jacks Point Zone. The particular approach taken within the EIC will further help to diversify the economic base and create opportunities for employment. I have some concerns with suggested changes to Policy 3.2.1.2.1 as they relate to Jacks Point and consider the notified version more appropriate.

### **Structure of Chapter 3 (Strategic Directions)**

- 106 The submission by DPL raised concerns with the structure of the strategic directions chapter in relation to its relative importance within the framework of the PDP and other chapters and the inclusion of goals in addition to objectives and policies.
- 107 Section 3.1 includes statements relating to the over-arching nature of the chapter, which provide the direction for the more detailed provisions relating to zones and specific topics. It appears from these statements the objectives and policies within this chapter are intended to achieve primacy over the other district wide and zone specific chapters within the district plan.

- 108 The s.42A addresses this concern, by stating that the goals can be considered “*both as policy category headings, that help to provide order to the various objectives and policies, and as the framing of the environmental results expected from the policies*”<sup>10</sup>.
- 109 As a practitioner involved in the interpretation of policy within District Plan administration, I understand and am familiar with the statutory significance the Act places on objectives and policies, particularly in relation to non-complying activities. In planning terms, objectives are goals and I can see the two becoming interchangeable. I have no difficulty with a heading, but as the goals are currently worded, they provide an additional layer of direction within the PDP without statutory recognition and it is unclear to users which provisions should apply. For these reasons, I recommend deleting each of the goals and incorporating into each of the relevant objectives.
- 110 In terms of the intended policy hierarchy within the PDP, the s.42A author states:
- In terms of the hierarchical structure of the PDP, the Strategic Direction chapter sits both over the other chapters in the Strategic Part (Part 2) of the plan and over the PDP as a whole*<sup>11</sup>.
- 111 It is clear from this statement and the Purpose of the chapter within section 3.1 that the provisions within the strategic directions chapter are intended to have primacy over the remaining chapters of the PDP. I support this general approach as a means of reconciling competing demands and of achieving the integrated management of the natural and physical resources for the District.
- 112 In my view the structure and wording of the provisions within Chapter 3 fails to achieve this primacy. The submission by DPL sought to emphasise this higher function through the removal of policies and for the provisions within Chapter 3 to be limited to just the strategic objectives of most importance to the District.
- 113 The following amendments, borrowed from the decision of the Independent Hearings panel on the Strategic Directions Chapter of the proposed Christchurch Replacement District Plan, are one means by

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<sup>10</sup> Para 12.4, Page 15, s.42A Report – Chapter 3 Strategic Direction (19 February 2016)

<sup>11</sup> Para 8.4, *Ibid*

which the intended hierarchy of this chapter could be better implemented. These changes are suggested as part of the package of relief outlined within thin the submissions by DPL and this evidence, from which a logical hierarchy could operate effectively. If the commission decides on objectives and policies that are different to what I have recommending, I would have to re-evaluate whether or not this hierarchy is still appropriate.

### **3.1 Purpose:**

*This Chapter:*

- (a) *Provides the overarching direction for the District Plan, including for developing the other chapters within the Plan, and for its subsequent implementation and interpretation; and*
- (b) *Has primacy over the objectives and policies in the other chapters of the Plan, which must be consistent with the objectives in this Chapter.*

### **New Objective - Interpretation**

*For the purposes of preparing, changing, interpreting and implementing this District Plan the objectives and policies in all other Chapters of the District Plan are to be expressed and achieved in a manner consistent with the objectives in this Chapter.*

**SECTION 2 – TREBLE CONE INVESTMENTS LIMITED (#613) AND SOHO SKI AREA LIMITED (#610)**

114 Treble Cone Investments Ltd ('TC') and Soho Ski Area Ltd ('Soho'), submitted on only a limited number of the strategic policies, including:

- (a) Policy 6.3.8.2 - recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes.
- (b) Policy 6.3.8.3 Exclude identified Ski Area Sub Zones from the landscape categories and full assessment of the landscape provisions while controlling the impact of the ski field structures and activities on the wider environment; and
- (c) Rule 6.4.1.3 - The landscape categories do not apply to the following within the Rural Zones:
  - a. Ski Area Activities within the Ski Area Sub Zones.
  - b. ...

115 The s.42A Report sets out further changes to the wording of Rule 6.4.1.3, removing the general exemption for SASZs from the provisions associated with landscape categories, and narrowing the exclusion to only "landscape assessment matters". The impact of this change will be that development within the SASZs would not be subject to the landscape assessment matters within the rural zones, but would however be subject to the objectives and policies that would then apply to the relevant landscape classification (ONL).

116 The submission by Soho and TC sought to retain the exemption to landscape categories as notified.

117 At paragraph 9.222 (Page 37) of the s.42A report, the author states:

*The provision provides clarification that these areas located within the rural section of the PDP are not subject to the landscape categories. This is particularly critical for the areas in (a) and (b) because they are zoned Rural, but belong within a sub-zone/sub set of the Rural Zone.*

118 The comment made in the s.42A report in respect of the amended text indicates the basis for the change is submission 836.19 (Arcadian

Triangle Ltd). Within the related discussion at paragraph 9.227, the report then states:

*A valid point made by Arcadian Triangle Ltd is the provision that confirms that landscape categories apply only to the Rural Zones would be better suited in provision 6.4.1.3, than as notified within 6.4.1.2. Changes are recommended to Provision 6.4.1.3. This matter is related to clarity.*

- 119 I do not understand the submission by Arcadian Triangle Ltd to be requesting a change to the way in which this guidance and clarification provision excludes SASZs from the landscape categories and to narrow its scope to apply this exclusion to just the assessment matters only. Based on the preceding analysis, this appears to be a drafting mistake.
- 120 In case the suggested change was deliberate, and I do not take the submission from Arcadian Triangle as providing the basis for that, I consider the merit of that change to be in fundamental conflict with the enabling policies which apply to SASZs and in particular Policy 6.3.8.3, which is to “*exclude identified Ski Area Sub Zones from the landscape categories and full assessment of the landscape provisions ...*”
- 121 The suggested change to Rule 6.4.1.3, if deliberate, conflicts with the Policy to which this rule relates. This conflict can be simply resolved by reinstating the notified version of guidance Rule 6.4.1.3.
- 122 Apart from this issue relating to Rule 6.4.1.3, I support the objectives and policies proposed for the SASZs. In my view the provisions appropriately balance the benefits derived to the community from the use and development of land for ski area activities within defined SASZs with the environmental impacts of those activities.

**SECTION 3 – HANSEN FAMILY PARTNERSHIP (#751)**

- 123 The Hansen Family Partnership ('HFP') has made a one submission on Chapter 4 Urban Development, seeking changes to Policy 4.2.3.8 relating to land use within the Air Noise Boundary and the Outer Control Boundary of the Queenstown Airport.
- 124 The HFP owns land on located on the northern side of State Highway 6 at Frankton. Under the PDP the Council has proposed to establish a new area of Medium Density Residential Zone, located immediately opposite the roundabout to the Eastern Access Road. The notified medium density residential zone boundary has been drawn to follow, and thereby be located outside of, the Outer Control Boundary of the Queenstown Airport. The submission by the HFP seeks to extend urban zoning of the land to the west of this zone, which would provide for the establishment or further residential and /or community activities within the Queenstown UGB. Both activities are included within the definition of Activities sensitive to Aircraft Noise (ASAN's).
- 125 As part of the suite of urban development provisions under Chapter 4, the PDP includes Policy 4.2.3.8, as follows:
- Land use within the Air Noise Boundary or Outer Control Boundary of the Queenstown Airport is managed to prohibit or limit the establishment of Activities Sensitive to Aircraft Noise.*
- 126 The policy is one of the method proposed to implement Objective 4.2.3 – Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.
- 127 The submission from the HFP opposes this policy as it has the potential to prevent ASANs from being able to establish within the Outer Control Boundary. This occurs through the wording of the policy seeking to prohibit or limit the establishment of ASANs. In my view this wording fails to appropriate distinguish between where ASANS are prohibited or limited by grouping the approach for land use within the Air Noise Boundary and the Outer Country Boundary.
- 128 In addition, the Council's s.42A report has recommended the addition of a further objective and policy within Chapter 3 (Strategic Direction) to recognise, develop, sustain and integrate the key mixed use function of the wider Frankton commercial area, comprising Remarkables Park,

Queenstown Airport, and Five Mile. The ambit of this new objective and the related policies will encompass planned growth within the HFP land. This evidence supports the PDP providing recognition for this significant area of land within the greater Queenstown urban area, but suggests further refinements to recognise that mixed use role of Frankton is not confused with its description as a “commercial area”.

### **Relevant Statutory Documents**

- 129 The operative RPS establishes objectives relating to the sustainable management of Otago’s infrastructure, as follows:

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

- 130 The related Policy 9.5.3 expands on the objective further in relation to transportation infrastructure, as follows:

*To promote and encourage the sustainable management of Otago’s transport network through:*

*(a) Promoting the use of fuel efficient modes of transport; and*

*(b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and*

*(c) Promoting a safer transport system; and*

*(d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards.*

- 131 The PRPS recognises the national and regional significance of airports through Policy 3.5.1 but is otherwise silent on the techniques to do that, including Air Noise Boundary, Outer Country Boundaries and Activities Sensitive to Aircraft Noise.

### **Proposed District Plan**

- 132 Elsewhere in Frankton the Council has retained the areas of land located within the Outer Control Boundary within the Low Density Residential.

- 133 The provisions for the Low Density Residential Zone (Chapter 7) include Objective 7.2.10 and Policies 7.2.10.1 and 7.2.10.2, as follows:

*7.2.10 Ensure residential amenity is maintained through pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs*



*7.2.10.1 Require, as necessary, mechanical ventilation of any Critical Listening Environment within new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.*

*7.2.10.2 Require, as necessary, sound insulation and mechanical ventilation for any Critical Listening Environment within any new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.*

## **Discussion**

### *Policy 4.2.3.8*

- 134 Based on an analysis of the provisions of the Low Density Residential Zone at Frankton, I have found that the approach taken within the policies for this zone recognise the differences between the Air Noise Boundary and the Outer Control Boundary and applies separate rules accordingly. The policies and rules seek to ensure new buildings containing an ASAN be designed to achieve an indoor design sound level within any critical listening environment with compliance to be demonstrated by:
- (a) Adhering to the sound insulation requirements within Table 4 of Chapter 36 and installation of mechanical ventilation within the ANB; or
  - (b) Installation of mechanical ventilation to achieve the requirements of Table 4 of Chapter 36 within the OCB.
- 135 There is a permissive structure to these standards, enabling such activities, subject to being able to meet the sound and or mechanical ventilation requirements. The approach taken within the Low Density Residential Zone to ASAN's does not therefore align with the higher order direction provided within the Urban Development chapter through Policy 4.2.3.8 to "prohibit or limit" these activities.
- 136 The relief sought in the submission by the HFP is to separate out the components of Policy 4.2.3.8 to provide separate direction for ASAN's located within the Air Noise Boundary from the Outer Control Boundary. I consider this could be achieved more effectively and efficiently through the amendments outline below.

- (a) *Land use within the ~~Air Noise Boundary or Outer Control~~ Boundary of the Queenstown Airport is managed to ~~prohibit or limit~~ minimise the adverse effects of ~~the establishment of~~ Activities Sensitive to Aircraft Noise on the operations of Queenstown Airport.*
- (b) *Land within the Air Noise Boundary of the Queenstown Airport is managed to limit the adverse effects of Activities Sensitive to Aircraft Noise on the operations of the Queenstown Airport.*

*New Objective 3.2.1.2 and related Policies*

- 137 The s.42A report recommends adding a new Objective 3.2.1.2 and related policies, as follows:

**3.2.1.2 Objective** – *Recognise, develop, sustain and integrate the key mixed use function of the wider Frankton commercial area, comprising Remarkables Park, Queenstown Airport, and Five Mile.*

*Policies*

*3.2.1.2.1 Provide a planning framework for the wider Frankton commercial area that facilitates the integrated development of the various mixed use development nodes.*

*3.2.1.2.2 Recognise and provide for the varying complementary functions and characteristics of the various mixed use development nodes within the Frankton commercial area.*

*3.2.1.2.3 Avoid additional commercial rezoning that will undermine the function and viability of the Frankton commercial area, or which will undermine increasing integration between the nodes in the area.*

- 138 The addition of these provisions stem from submissions raising concerns with the lack of recognition of Remarkables Park / Frankton under Goal 1's objectives and policies. Given its current and future function, the report recommends the wider Frankton commercial area be recognised, to be more consistent with the overall approach of not adopting a centres hierarchy framework, and in favour of an approach that recognises major centres and their roles<sup>12</sup>.
- 139 The report sets out the reasons in support for the creation of a new objective and policies, as follows:

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<sup>12</sup> Paragraph 12.22, Page 17, s.42A Report – Chapter 3 Strategic Direction (19 February 2016)

*Given the essentially contiguous nature of the Frankton commercial area (Remarkables Park – Airport – Five Mile), and the fundamental interrelationship between its disparate parts (borne out by proximity, and improving connectivity facilitated by new roading projects), I consider it more appropriate to recognise the various Frankton precincts as one entity, from a strategic perspective. This also partly addresses the submission by Queenstown Airport Corporation, which sought greater strategic recognition of the airport's important role.<sup>13</sup>*

- 140 I support the basis for the addition of these provisions and in particular:
- (a) To recognise the role of Frankton as a significant commercial centre in the context of the Queenstown Lakes District
  - (b) Providing an integrated approach to the management of the land within Frankton, including the provision of a roading network and servicing infrastructure;
  - (c) Recognising and providing for the Queenstown Airport; and
  - (d) Recognising the value of the land to support a variety activities.
- 141 Given the above, I consider that the provisions should not focus on the particular needs to Remarkables Park, Five Mile and the Airport. The basis of the provisions are to support these precinct “as one entity, from a strategic perspective”, which is then undermined by singling out these entities in the wording of the Objective.
- 142 I understand and support the application of the provisions across the wider Frankton area and that they seek to recognise and provide for the mixed use function of this area. I believe that message is confused in referring to the “wider Frankton commercial area” and this could be more clearly expressed in referring to it as the “Frankton area”. As detailed within paragraph 98 (above), there are overlapping functions between commercial centres and for these reasons, I consider that Policy 3.2.12.3 should be amended in a manner consistent with the other commercial centres Policy 3.2.1.2.1 through the addition of the word “fundamentally” to minimise the potential for conflicts between commercial areas. The wording of this policy is also ambiguous in that it would seem to apply to any commercial rezoning across the District. Respecting the roles and functions of the different commercial centres, it would be more effective

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<sup>13</sup> Para 12.22.3, *Ibid.*

for this policy to be related to the Frankton area, rather than the District generally.

- 143 My suggested edits to this objective and the related policies to address the matters above are as follows:

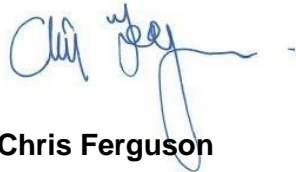
**3.2.1.2 Objective** – *Recognise, develop, sustain and integrate the key mixed use function of the wider Frankton ~~commercial~~ area, comprising Remarkables Park, Queenstown Airport, and Five Mile.*

*Policies*

*3.2.1.2.1 Provide a planning framework for the wider Frankton ~~commercial~~ area that facilitates the integrated development of the various mixed use development nodes.*

*3.2.1.2.2 Recognise and provide for the varying complementary functions and characteristics of the various mixed use development nodes within the Frankton ~~commercial~~ area.*

*3.2.1.2.3 Avoid additional commercial rezoning within Frankton that will fundamentally undermine the function and viability of ~~the~~ Frankton's commercial areas, or which will undermine increasing integration between the nodes in the area.*



**Chris Ferguson**

29 February 2016

## APPENDIX 1 – SUMMARY OF RELIEF SOUGHT

Notified	Submitter	Submission	S.42A Recommendation	CF Evidence version
3.1 Purpose and structure	Darby Planning LP	<ol style="list-style-type: none"> <li>1. Delete Goals, 3.2.1 to 3.2.7 and incorporate each into the relevant objective.</li> <li>2. Integrate all of the policies within Chapter 3 into the relevant objectives so that all policies are removed.</li> <li>3. Or, in the alternate, amend the relevant policies in the manner set out within this submission and detailed below.</li> </ol>	Retain current structure	Refer to discussion on the Structure of Chapter 3 at para 106 – 113.
3.2.1 Goal – Develop a prosperous, resilient and equitable economy	Darby Planning LP	<ol style="list-style-type: none"> <li>1. Introduce objectives supported by policies to the Strategic Direction chapter with the purpose of:               <ol style="list-style-type: none"> <li>(a) Establishing the overarching strategy and centres based approach to management of business activity;</li> <li>(b) Defining the role of centres, including the Queenstown and Wanaka CBD's;</li> <li>(c) Providing direction on the</li> </ol> </li> </ol>	No change	<p>Accept the proposed provisions as they seek to define the roles and function of the commercial centres of the District, including the additional objective relating to Frankton.</p> <p>Refer to specific amendments suggested for Objective 3.2.1.3 to achieve better alignment for Jacks Point.</p>

Notified	Submitter	Submission	S.42A Recommendation	CF Evidence version
		<p>relationship and interdependencies between centres; and</p> <p>(d) Recognising that Act's purpose can be achieved by appropriate use, management and development, including in rural areas, where a balance is struck between enabling proposed activities and protection and enhancement of important visual, recreational, conservation and ecological values through measures such as management plans, consent notices and private covenants that form part of applications for resource consent</p>		
			<p><b>New Objective 3.2.1.2</b></p> <p><u>Recognise, develop, sustain and integrate the key mixed use function of the wider Frankton commercial area, comprising Remarkables</u></p>	<p><b>3.2.1.2 Objective</b> – Recognise, develop, sustain and integrate the key mixed use function of the wider Frankton commercial area, comprising Remarkables Park, Queenstown Airport, and Five Mile.</p>

Notified	Submitter	Submission	S.42A Recommendation	CF Evidence version
			<u>Park, Queenstown Airport, and Five Mile</u>	
			<p><b>New Policy 3.2.1.2.1</b></p> <p><u>Provide a planning framework for the wider Frankton commercial area that facilitates the integrated development of the various mixed use development nodes.</u></p>	3.2.1.2.1 Provide a planning framework for the wider Frankton <del>commercial</del> area that facilitates the integrated development of the various mixed use development nodes.
			<p><b>New Policy 3.2.1.2.2</b></p> <p><u>Recognise and provide for the varying complementary functions and characteristics of the various mixed use development nodes within the Frankton commercial area.</u></p>	3.2.1.2.2 Recognise and provide for the varying complementary functions and characteristics of the various mixed use development nodes within the Frankton <del>commercial</del> area.
			<b>New Policy 3.2.1.2.3</b>	3.2.1.2.3 Avoid additional commercial rezoning

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			<p><u>Avoid additional commercial rezoning that will undermine the function and viability of the Frankton commercial area, or which will undermine increasing integration between the nodes in the area.</u></p>	<p><u>within Frankton that will fundamentally undermine the function and viability of the Frankton's commercial areas, or which will undermine increasing integration between the nodes in the area.</u></p>
<p>Objective 3.2.1.2 Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka central business areas in the District.</p>	<p>Darby Planning LP</p>	<p>Retain Objective 3.2.1.2</p>	<p><b>Objective 3.2.1.3</b> (old Objective 3.2.1.2)</p> <p>Recognise, develop and sustain the key local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka <del>central business areas</del> <u>town centres and Frankton.</u></p>	<p>Support the amended objective as the basis for recognising the local service and employment functions of the commercial and mixed use zoned located within the Jacks Point Zone. No further evidence proposed.</p>
<p>Policy 3.2.1.2.1 Avoid commercial rezoning that would fundamentally undermine the key local service and employment function role that</p>	<p>Darby Planning LP</p>	<p>Delete Policy 3.2.1.2.1</p>	<p><b>Policy 3.2.1.3.1</b> (old Policy 3.2.1.2.1)</p> <p>Avoid commercial rezoning</p>	<p>Retain notified version of this policy. Refer to discussion at para 99.</p>



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the larger urban centres outside of the Queenstown and Wanaka central business areas fulfil.			that would <del>fundamentally</del> undermine the key local service and employment function role that the <del>larger urban</del> centres outside Queenstown, and Wanaka <del>central business areas and Frankton</del> fulfil.	
			New <b>Objective 3.2.1.4</b> <u>Recognise and provide for the significant socioeconomic benefits of tourism activities across the District.</u>	Support, refer to para 85.
			New Policy 3.2.1.4.1 <u>Enable the use and development of natural and physical resources for tourism activity where adverse effects are avoided, remedied or mitigated.</u>	Support, refer to para 85.
Objective 3.2.1.3 Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and	Darby Planning LP	Retain Objective 3.2.1.3	Now Objective 3.2.1.5 No change	No change – this objective complements Objective 3.2.1.3 (commercial centres outside the town centres) and in particular the role of the EIC located within the Jacks Point Zone to enable innovative and sustainable enterprises. There is

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create employment opportunities.				good alignment between this objective and the policies within the JPZ. Refer to discussion at para 97.
Policy 3.2.1.3.1 Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.	Darby Planning LP	Retain Policy 3.2.1.3.1	Now Policy 3.2.1.5.1 No change	No change – as above, complementary policy.
Objective 3.2.1.4 Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.	Darby Planning LP	<p><u>The natural and physical resources of the rural areas are valued for their potential to:</u></p> <p>i) <u>enable tourism, employment, rural living, visitor accommodation and recreation based activities; and</u></p> <p>ii) <u>accommodate a diverse range of rural based activities and industries that have a functional need to locate in rural areas</u></p>	<p>Objective 3.2.1.6 (was 3.2.1.4)</p> <p>Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to adverse effects on rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests are avoided, remedied or mitigated.</p>	<p><u>The natural and physical resources of the rural areas are valued for their potential to:</u></p> <p>i) <u>enable tourism, employment, rural living, visitor accommodation and recreation based activities; and</u></p> <p>ii) <u>accommodate a diverse range of rural based activities and industries, including farming and agriculture, which have a functional need to locate in rural areas.</u></p>
Objective 3.2.2.1 Ensure urban development occurs in a logical manner: • to promote a compact, well		<p><del>Ensure Urban development occurs in a logical manner:</del></p> <p>• <del>to promote a</del> <u>has a</u> well designed</p>	No change	<p><u>Urban development occurs in a logical manner:</u></p> <p>• <del>to promote a</del> <u>has a</u> well designed and integrated urban form;</p>

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<p>designed and integrated urban form;</p> <ul style="list-style-type: none"> <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>		<p>and integrated urban form;</p> <ul style="list-style-type: none"> <li><del>to manage</del> the cost of Council infrastructure; and</li> <li><del>to protect</del> the District's rural landscapes from <del>sporadic and sprawling</del> <u>urban</u> development</li> </ul>		<ul style="list-style-type: none"> <li><del>to manage</del> the cost of Council infrastructure; and</li> <li><del>to protect</del> the District's rural landscapes from <del>sporadic and sprawling</del> <u>urban sprawl</u> development</li> </ul>
<p>Policy 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.</p>	Darby Planning LP	<p><del>Apply Urban Growth Boundaries (UGBs)</del> <u>is concentrated</u> around the urban areas in the Wakatipu Basin (including Jack's Point), Arrowtown and Wanaka.</p>	Delete	Support deletion of policy
<p>3.2.2.1.2 Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs.</p>	Darby Planning LP	Delete Policy 3.2.2.1.2	Delete	Support deletion of policy
<p>3.2.2.1.3 Manage the form of urban development within the UGBs ensuring:</p> <ul style="list-style-type: none"> <li>Connectivity and integration</li> </ul>	Darby Planning LP	<p>Manage the form of <del>urban</del> development within the <u>urban areas</u> of the District to provide <u>UGBs</u> ensuring:</p>	Delete	Support deletion of policy.

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<p>with existing urban development;</p> <ul style="list-style-type: none"> <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>		<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>		
<p>3.2.2.1.5 Ensure UGBs contain sufficient suitably zoned land to provide for future growth and a diversity of housing choice.</p>	<p>Darby Planning LP</p>	<p>Delete Policy 3.2.2.1.5</p>	<p>Delete</p>	<p>Support deletion of policy.</p>
<p>Policy 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.</p>	<p>Darby Planning LP</p>	<p>Delete Policy 3.2.2.1.6</p>	<p>Delete</p>	<p>Support deletion of policy.</p>
<p>Objective 3.2.4.4 Avoid exotic vegetation with the potential to spread and naturalise.</p>	<p>Darby Planning LP</p>	<p><u>Reduce wilding tree spread</u> <del>Avoid exotic vegetation with the potential to spread and naturalise.</del></p>	<p>Avoid <u>the spread of wilding exotic vegetation</u> <del>with the potential to spread and naturalise</del> <u>to protect nature</u></p>	<p>Refer to reasons contained within original submission.</p>

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			<u>conservation values.</u>	
Policy 3.2.4.4.1 That the planting of exotic vegetation with the potential to spread and naturalise is banned	Darby Planning LP	<del>Avoid</del> That the planting of exotic vegetation with the potential to spread and naturalise is banned	That <u>Prohibit</u> the planting of <u>identified</u> exotic vegetation with the potential to spread and naturalise <del>is banned</del> .	Refer to reasons contained within original submission.
Objective 3.2.5.2 Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.	Darby Planning LP	<del>Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</del> <u>Recognise the landscape and amenity values of the Rural Landscapes and manage the adverse effects of subdivision, use and development on those values.</u>	<del>Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</del> <u>Maintain and enhance the landscape character of the Rural Landscape Classification, whilst acknowledging the potential for managed and low impact change.</u>	Support s.42A version. No further evidence proposed.
Policy 3.2.5.2.1 Identify the district's Rural Landscape Classification on the district plan maps, and minimise the effects of subdivision, use and development on these landscapes.	Darby Planning LP	Identify the district's Rural Landscapes <del>Classification</del> on the District Plan maps, and <del>minimise</del> <u>avoid, remedy or mitigate</u> the effects of subdivision, use and development on these landscapes.	Delete	Refer to reasons contained within original submission.
Objective 3.2.5.3 Direct new	Darby	1. To amend Objective 3.2.5.3, as	Direct new <u>urban</u> subdivision,	<del>Direct</del> <u>Encourage and enable</u> new subdivision,

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subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.	Planning LP	<p>follows:</p> <p><del>Direct</del> <i>Encourage new subdivision, use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.</i></p> <p>2. Restate the amended Objective 3.2.5.3 as a Policy; and</p> <p>3. Shift this policy into Chapter 6 Landscape Values</p>	use or development to occur in those areas which have potential to absorb change without detracting from landscape and visual amenity values.	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	Darby Planning LP	Delete Policy 3.2.5.3.1	Delete	Support s.42A. No further evidence proposed.
Objective 3.2.5.5 Recognise that agricultural land use is fundamental to the character of our landscapes.	Darby Planning LP	Delete Objective 3.2.5.5	No change	Refer to original submission for reasons and the evidence relating to the value of rural land.
Policies 3.2.5.5.1 Give preference to farming activity in rural areas except where it	Darby Planning LP	Delete Policy 3.2.5.5.1	No change	Delete and replace with: <u>To maintain the openness of those outstanding</u>

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conflicts with significant nature conservation values.				<u>natural landscapes and features which have an open character at present</u>
Objective 3.2.6.2 Ensure a mix of housing opportunities	Darby Planning LP	<del>Ensure a mix of housing opportunities</del> <u>Urban areas provide a mix of housing densities and typologies</u>	No change	Support notified version. No further evidence proposed.
<b>Chapter 4 Urban Development</b>				
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.	Darby Planning LP	Urban development is coordinated with infrastructure and services <del>and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features</del>	No change	Refer to reasons within original submission.
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.	Darby Planning LP	Urban development is integrated with <del>existing</del> public infrastructure, and is designed and located in a manner consistent with the capacity of <del>existing</del> networks, <u>including planned expansion to accommodate growth within urban areas.</u>	No change	Urban development is integrated with <del>existing</del> public infrastructure, and is designed and located in a manner consistent with the capacity of <del>existing</del> networks, <u>including planned expansion to accommodate growth within urban areas.</u>
4.2.1.3 Encourage a higher density of residential	Darby Planning LP	Retain Policy 4.2.1.3	No change	Support notified policy. No further evidence proposed.

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development in locations that have convenient access to public transport routes, cycleways or are in close proximity to community and education facilities.				
4.2.1.6 Avoid sporadic urban development that would adversely affect the natural environment, rural amenity or landscape values; or compromise the viability of a nearby township.	Darby Planning LP	Delete Policy 4.2.1.6	No change	Refer to original submission for reasons.
4.2.1.7 Urban development maintains the productive potential and soil resource of rural land.	Darby Planning LP	<u>To minimise the loss of high value soils within rural areas from the urban development.</u>	Urban development <u>is located so as to</u> maintains the productive potential and soil resource of rural land.	Support s.42A amendments. No further evidence proposed.
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 to 4.2.2.5	Darby Planning LP	Delete Objective 4.2.2 and Policies 4.2.2.1 to 4.2.2.5.	No change	Addressed within evidence relating to urban development, commencing at para 45.
4.2.3 Objective – Within Urban Growth Boundaries, provide for a compact and integrated urban	Darby Planning LP	Within <del>Urban areas Growth Boundaries</del> , provide for a compact and integrated urban form that limits	No change	Support notified objective. Refer to evidence for discussion on UGBs.



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form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.		the lateral spread of <del>urban areas</del> , and maximises the efficiency of infrastructure operation and provision.		
4.2.3.7 The edges of Urban Growth Boundaries are managed to provide a sensitive transition to rural areas.	Darby Planning LP	<p><u>To manage the edges interface between of urban and rural areas</u>  <del>Urban Growth Boundaries are managed to address: provide a sensitive transition to rural areas</del></p> <p>(a) <u>reverse sensitive effects, including from noise, odour and dust; and</u></p> <p>(b) <u>impacts on rural character and amenity values.</u></p>	No change	Refer to original submission for reasons.
Policy 4.2.3.8 Land use within the Air Noise Boundary or Outer Control Boundary of the Queenstown Airport is managed to prohibit or limit the establishment of Activities Sensitive to Aircraft Noise	Hansen Family Partnership	<p><u>Land within the Air Noise Boundary</u>  <del>...</del></p> <p><u>Land use within the Air Noise Boundary or Outer Control Boundary of the Queenstown Airport is managed to prohibit or limit minimise the adverse effects of the establishment of Activities Sensitive to Aircraft Noise on the operations of</u></p>	No change	<p>(a) <u>Land use within the Air Noise Boundary or Outer Control Boundary of the Queenstown Airport is managed to prohibit or limit minimise the adverse effects of the establishment of Activities Sensitive to Aircraft Noise on the operations of Queenstown Airport.</u></p> <p>(b) <u>Land within the Air Noise Boundary of the Queenstown Airport is managed to limit the adverse effects of Activities Sensitive to Aircraft Noise on the operations of the</u></p>

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		<u>Queenstown Airport.</u>		<u>Queenstown Airport.</u>
<p>Objective 4.2.4 - Manage the scale and location of urban growth in the Queenstown Urban Growth Boundary.</p> <p>And related diagram identifying the Wanaka Urban Growth Boundary</p>	Darby Planning LP	<p>1. Amend Objective 4.2.4, as follows:</p> <p style="padding-left: 40px;">Manage the scale and location of urban growth in the Queenstown <u>urban area</u> <del>Urban Growth Boundary</del>.</p> <p>2. Delete the diagram identifying the urban growth boundary for Queenstown</p>	No change	Refer to evidence relating to UGBs.
<p>Policies 4.2.4.1 Limit the spatial growth of Queenstown so that:</p> <ul style="list-style-type: none"> <li>• the natural environment is protected from encroachment by urban development</li> <li>• sprawling of residential settlements into rural areas is avoided</li> <li>• residential settlements become better connected through the coordinated delivery of infrastructure and community facilities</li> <li>• transport networks are</li> </ul>	Darby Planning LP	<p>Limit <del>the spatial growth outward expansion of the Queenstown urban area into the surrounding rural environment,</del> so that:</p> <ul style="list-style-type: none"> <li>• <del>the areas of significant indigenous flora and fauna natural environment</del> <u>is are</u> protected from encroachment by urban development</li> <li>• <del>sprawling of residential settlements into rural areas is avoided</del></li> <li>• residential settlements become better connected through the coordinated delivery of infrastructure and community facilities</li> </ul>	No change	<p>Limit the spatial growth of Queenstown, so that:</p> <ul style="list-style-type: none"> <li>• <del>the areas of significant indigenous flora and fauna natural environment is</del> <u>are</u> protected from encroachment by urban development</li> <li>• <del>sprawling of residential settlements into rural areas is avoided</del></li> <li>• residential settlements become better connected through the coordinated delivery of infrastructure and community facilities</li> <li>• transport networks are integrated and the viability of public and active transport is improved</li> </ul>

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<p>integrated and the viability of public and active transport is improved</p> <ul style="list-style-type: none"> <li>the provision of infrastructure occurs in a logical and sequenced manner</li> <li>the role of Queenstown Town Centre as a key tourism and employment hub is strengthened</li> <li>the role of Frankton in providing local commercial and industrial services is strengthened</li> </ul>		<ul style="list-style-type: none"> <li>transport networks are integrated and the viability of public and active transport is improved</li> <li>the <del>provision</del> <u>cost of additional infrastructure does not burden existing communities</u> <del>occurs in a logical and sequenced manner</del></li> <li>the role of Queenstown Town Centre as a key tourism and employment hub is strengthened</li> <li>the role of Frankton in providing local commercial and industrial services is strengthened</li> </ul>		<ul style="list-style-type: none"> <li>the provision of infrastructure occurs in a logical and sequenced manner</li> <li>the role of Queenstown Town Centre as a key tourism and employment hub is strengthened</li> <li>the role of Frankton in providing local commercial and industrial services is strengthened</li> <li><u>the role of other settlements and townships in providing local commercial services and a variety of activities and sufficient land to accommodate business growth and diversification.</u></li> </ul>
<p>4.2.4.2 Ensure that development within the Queenstown Urban Growth Boundary:</p> <ul style="list-style-type: none"> <li>Provides a diverse supply of residential development to cater for the needs of residents and visitors</li> <li>Provides increased density in locations close to key public transport routes and with convenient access to the Queenstown Town Centre</li> </ul>	Darby Planning LP	<p>4.2.4.2 Ensure that development within the Queenstown <u>Urban Area Growth Boundary</u>:</p> <ul style="list-style-type: none"> <li>Provides a diverse supply of residential development to cater for the needs of residents and visitors</li> <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</li> </ul>	No change	Support notified version. No further evidence proposed.

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<ul style="list-style-type: none"> <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>		<p>enhances the quality of the built environment</p> <ul style="list-style-type: none"> <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> </ul> <p>Supports the coordinated planning for transport, public open space, walkways and cycleways and community facilities</p> <ul style="list-style-type: none"> <li>• Does not diminish the qualities of significant landscape features</li> </ul>		
Objective 4.2.6 - Manage the scale and location of urban growth in the Wanaka Urban Growth Boundary	Darby Planning LP	Amend Objective 4.2.6, as follows:  Manage the scale and location of urban growth in the Wanaka <u>urban area</u>	No change	Support notified version. No evidence proposed.

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And related diagram identifying the Wanaka Urban Growth Boundary		<p style="text-align: center;"><del>Urban Growth Boundary.</del></p> <p>Delete the diagram identifying the urban growth boundary for Wanaka;</p>		
<p>4.2.6.1 Limit the spatial growth of Wanaka so that:</p> <ul style="list-style-type: none"> <li>• The rural character of key entrances to the town is retained and protected, as provided by the natural boundaries of the Clutha River and Cardrona River</li> <li>• A distinction between urban and rural areas is maintained to protect the quality and character of the environment and visual amenity</li> <li>• Ad hoc development of rural land is avoided</li> <li>• Outstanding Natural Landscapes and Outstanding Natural Features are protected from encroachment by urban development</li> </ul>	Darby Planning LP	<p>Limit <del>the spatial growth outward expansion of the Wanaka urban area into the surrounding rural environment,</del> so that:</p> <ul style="list-style-type: none"> <li>• The rural character of key entrances to the town is retained and protected, as provided by the natural boundaries of the Clutha River and Cardrona River</li> <li>• A distinction between urban and rural areas is maintained to protect the quality and character of the environment and visual amenity</li> <li>• <del>Ad hoc development of rural land is avoided</del></li> <li>• Outstanding Natural Landscapes and Outstanding Natural Features are protected from encroachment by urban development</li> </ul>	No change	<p>4.2.6.1 Limit the spatial growth of Wanaka so that:</p> <ul style="list-style-type: none"> <li>• The rural character of key entrances to the town is retained and protected, as provided by the natural boundaries of the Clutha River and Cardrona River</li> <li>• A distinction between urban and rural areas is maintained to <del>protect</del> <u>maintain</u> the quality of the <u>landscape</u>, and character of the environment and visual amenity <u>values</u></li> <li>• <del>Ad hoc development of rural land is avoided</del></li> <li>• Outstanding Natural Landscapes and Outstanding Natural Features are protected from encroachment by urban development</li> </ul>
4.2.6.2 Ensure that development within the Wanaka Urban	Darby	Ensure that development within the Wanaka <del>Urban area Growth</del>	No change	Support notified version. No evidence proposed.

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<p>Growth Boundary:</p> <ul style="list-style-type: none"> <li>• Supports increased density through greenfield and infill development, in appropriate locations, to avoid sprawling into surrounding rural areas</li> <li>• Provides a sensitive transition to rural land at the edge of the Urban Growth Boundaries through the use of: appropriate zoning and density controls; setbacks to maintain amenity and open space; and design standards that limit the visual prominence of buildings</li> <li>• Facilitates a diversity of housing supply to accommodate future growth in permanent residents and visitors</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</li> </ul>	<p>Planning LP</p>	<p><del>Boundary:</del></p> <ul style="list-style-type: none"> <li>• Supports increased density through greenfield and infill development, in appropriate locations, to <del>avoid sprawling</del> <u>minimise expansion</u> into surrounding rural areas</li> <li>• Provides a sensitive transition to rural land at the edge of the <del>Urban area Growth Boundaries</del> through the use of: appropriate zoning and density controls; setbacks to maintain amenity and open space; and design standards that limit the visual prominence of buildings</li> <li>• Facilitates a diversity of housing supply to accommodate future growth in permanent residents and visitors</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</li> </ul>		

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<p>facilities</p> <ul style="list-style-type: none"> <li>• Does not diminish the qualities of significant landscape features</li> <li>• Rural land outside of the Urban Growth Boundary is not developed until further investigations indicate that more land is needed to meet demand.</li> </ul>		<p>significant landscape features</p> <ul style="list-style-type: none"> <li>• <del>Rural land outside of the Urban Growth Boundary is not developed until further investigations indicate that more land is needed to meet demand.</del></li> </ul>		
<b>Chapter 6 Landscape</b>				
6.2 Values	Darby Planning LP	<p>Add a new paragraph:</p> <p><u>However, tourism, rural living, visitor accommodation and recreation based activities can be enabled in certain locations if landscape character and visual amenity values are not unduly compromised through appropriate siting of the activity, mitigation and protection and enhancement of important values.</u></p>	No change	Recognised through the proposed new Objective relating to the value of tourism and further amendments to Objective 3.2.1.6 (was 3.2.1.4).
<p><b>6.3.1 Objective</b> - The District contains and values Outstanding Natural Features, Outstanding Natural Landscapes, and Rural Landscapes that require protection from inappropriate subdivision and development.</p>	Darby Planning LP	<p><u>Clear processes and effective provisions are established within the District Plan to manage the effects of the subdivision, use and development on landscape values</u></p>	No change	Refer to original submission for reasons.

Notified	Submitter	Submission	S.42A Recommendation	CF Evidence version
<p><b>Policy 6.3.1.4</b> That subdivision and development proposals located within the Rural Landscape be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.</p>	Darby Planning LP	<p>That subdivision and development proposals located within the Rural Landscape <u>Classification be located and designed in such a manner that adverse effects on landscape character and visual amenity values are avoided, remedied, or mitigated.</u> <del>Be assessed against the assessment matters in provisions 21.7.2 and 21.7.3 because subdivision and development is inappropriate in many locations in these landscapes, meaning successful applications will be, on balance, consistent with the assessment matters.</del></p>	No change	Refer to original submission for reasons.
<p><b>Policy 6.3.1.6</b> Enable rural lifestyle living through applying Rural Lifestyle Zone and Rural Residential Zone plan changes in areas where the landscape can accommodate change.</p>	Darby Planning LP	<p><u>Enable rural living through rural living zones in areas where the landscape can absorb change and through carefully considered development proposals. lifestyle and residential living through applying Rural Lifestyle Zones and Rural Residential Zones plan changes in areas where the landscape can accommodate change.</u></p>	Enable rural <del>lifestyle</del> living through applying Rural Lifestyle, <del>Zone and</del> Rural Residential <u>and Resort</u> Zone plan changes in areas where the landscape can accommodate change.	Enable rural <del>lifestyle</del> living through applying Rural Lifestyle, <del>Zone and</del> Rural Residential <u>and Special</u> Zones <del>plan changes</del> in areas where the landscape can accommodate change.
<p><b>Policy 6.3.1.11</b> Recognise the importance of protecting the landscape character and visual</p>	Darby Planning LP	<p>Recognise the importance of <del>protecting</del> <u>avoiding, remedying, or mitigating</u> adverse effects on</p>	No change	Refer to original submission for reasons



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amenity values, particularly as viewed from public places.		landscape character and visual amenity values, particularly as viewed from public places.		
<b>Objective 6.3.2</b> Avoid adverse cumulative effects on landscape character and amenity values caused by incremental subdivision and development.	Darby Planning LP	Avoid <del>remedy or mitigate</del> adverse cumulative effects on landscape character and <u>visual</u> amenity values caused by <del>incremental</del> <u>inappropriate</u> subdivision and development.	No change	Refer to original submission for reasons
<b>Policy 6.3.2.2</b> Allow residential subdivision and development only in locations where the District's landscape character and visual amenity would not be degraded.	Darby Planning LP	<del>Allow</del> <u>Provide for</u> residential subdivision and development <del>only in locations where the</del> <u>which has regard to</u> the District's landscape character and visual amenity <u>values would not be degraded.</u>	No change	<del>Allow</del> <u>Provide for</u> residential subdivision and development <del>only in locations where the</del> <u>character and value of the District's landscapes</u> are maintained. <del>character and visual amenity would not be degraded</del>
<b>6.3.5 Objective</b> - Ensure subdivision and development does not degrade landscape character and diminish visual amenity values of the Rural Landscapes (RLC).	Darby Planning LP	<del>Ensure</del> <u>Enable</u> subdivision and development <del>does not degrade which</del> <u>will avoid, remedy, or mitigate any adverse effects on</u> landscape character and <del>diminish</del> visual amenity values of the Rural Landscapes (RLC).	No change	Refer to original submission for reasons.
<b>Policy 6.3.5.1</b> Allow subdivision and development only where it will not degrade landscape quality or character, or diminish	Darby Planning LP	<u>Avoid, remedy, or mitigate adverse effects from inappropriate</u> subdivision and development <del>only where it will not degrade</del> on landscape quality or	No change	Refer to original submission for reasons

Notified	Submitter	Submission	S.42A Recommendation	CF Evidence version
the visual amenity values identified for any Rural Landscape.		character, <del>or diminish the</del> or visual amenity values identified for any Rural Landscape.		
<p><b>Policy 6.3.5.2</b> Avoid adverse effects from subdivision and development that are:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Visible from public roads.</li> </ul>	Darby Planning LP	<p>Avoid <u>remedy, or mitigate adverse</u> effects from subdivision and development that are:</p> <ul style="list-style-type: none"> <li>• 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); <del>and</del></li> <li>• <del>Visible from public roads.</del></li> </ul>	No change	Refer to original submission for reasons
<p><b>Policy 6.3.5.3</b> 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.</p>	Darby Planning LP	<p>Avoid planting and screening, particularly along roads and boundaries, which would degrade <del>openness—</del><u>views</u> where such <del>openness—</del><u>views are</u> an important <del>part of the—</del> <u>for the appreciation of landscape quality</u> or character.</p>	No change	Refer to original submission for reasons
<p><b>Policy 6.3.5.6</b> Have regard to the adverse effects from subdivision and development on the open landscape character where it is open at present.</p>	Darby Planning LP	<p>Have regard to the adverse effects from subdivision, <u>use</u> and development on <del>the open views of the</del> landscape character <u>where those views are uninterrupted at present</u> <del>it is open at present.</del></p>	No change	Refer to original submission for reasons

Notified	Submitter	Submission	S.42A Recommendation	CF Evidence version
New Policy 6.3.4.5 Offsetting for wilding tree control	Darby Planning LP	<p><u>Provide offsetting for wilding tree control against landscape values within ONLs or ONFs, where:</u></p> <p><u>i) the adverse effects of subdivision, use or development on landscape values cannot be avoided, remedied or mitigated; and</u></p> <p><u>ii) the offset achieves a no net loss and preferably a net gain in landscape values; and</u></p> <p><u>iii) mechanisms are established to enable the offset to be sustained over the long term; and</u></p> <p><u>iv) the offset is undertaken close to the location of development.</u></p>	No change	Refer to original submission for reasons
New Policy 6.3.7.3 offsetting for indigenous biodiversity	Darby Planning LP	<p><u>Provide offsetting for indigenous biodiversity enhancement against landscape values, where:</u></p> <p><u>i) the adverse effects of subdivision, use or development on landscape values cannot be avoided, remedied or mitigated; and</u></p> <p><u>ii) the offset achieves a no net loss and preferably a net gain in landscape values; and</u></p> <p><u>iii) mechanisms are established to</u></p>	No change	Refer to original submission for reasons

Notified	Submitter	Submission	S.42A Recommendation	CF Evidence version
		<p><u>enable the offset to be sustained over the long term; and</u></p> <p><u>iv) the offset is undertaken close to the location of development.</u></p>		
6.3.8 Objective - Recognise the dependence of tourism on the District's landscapes.	Darby Planning LP	Retain Objective 6.3.8	No change	No change required
Policy 6.3.8.1 Acknowledge the contribution tourism infrastructure makes to the economic and recreational values of the District.	Darby Planning LP	Retain Policy 6.3.8.1	No change	No changes required
Policy 6.3.8.2 Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.		Retain Policy 6.3.8.2	No change	No changes required
Policy 6.3.8.3 Exclude identified Ski Area Sub Zones from the landscape categories and full	Soho Ski Area Ltd and Treble Cone	Retain Policy 6.3.8.3	No change	No further changes required

Notified	Submitter	Submission	S.42A Recommendation	CF Evidence version
assessment of the landscape provisions while controlling the impact of the ski field structures and activities on the wider environment.	Investments Ltd			
<p>Rule 6.4.1.3</p> <p>The landscape categories do not apply to the following within the Rural Zones:</p> <p>a. Ski Area Activities within the Ski Area Sub Zones.</p> <p>b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.</p> <p>c. The Gibbston Character Zone.</p> <p>d. The Rural Lifestyle Zone.</p> <p>e. The Rural Residential Zone.</p>	Soho Ski Area Ltd and Treble Cone Investments Ltd	Retain Rule 6.4.1.3	<p>The landscape <del>categories</del> <u>assessment matters apply only to the Rural Zone, and for clarification purposes</u> do not apply to the following <u>areas</u> within the Rural Zones:</p> <p>a. Ski Area Activities within the Ski Area Sub Zones.</p> <p>b. The area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps.</p> <p>c. The Gibbston Character Zone.</p> <p>d. The Rural Lifestyle Zone.</p> <p>e. The Rural Residential Zone.</p>	Reinstate the notified version of this rule.



## APPENDIX 2 – RELEVANT RPS OBJECTIVES AND POLICIES

### Chapter 5 Land

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

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

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

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

**Policy 5.5.2** *To promote the retention of the primary productive capacity of Otago’s existing high class soils to meet the reasonably foreseeable needs of future generations and the avoidance of uses that have the effect of removing those soils or their life-supporting capacity and to remedy or mitigate the adverse effects on the high class soils resource where avoidance is not practicable.*

**Policy 5.5.3** *To maintain and enhance Otago’s land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to, among other adverse effects:*

- (a) *Reduce the soil’s life-supporting capacity*
- (b) *Reduce healthy vegetative cover*
- (c) *Cause soil loss*
- (d) *Contaminate soils*
- (e) *Reduce soil productivity*
- (f) *Compact soils*
- (g) *Reduce soil moisture holding capacity.*

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

**Policy 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.*

## **Chapter 9 Built Environment**

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

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

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

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

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

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

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

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

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

- (a) *Promoting the identification and provision of a level of amenity which is acceptable to the community; and*



- (b) *Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and*
- (c) *Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

## **APPENDIX 3 RELEVANT PROVISIONS OF THE PROPOSED OTAGO REGIONAL POLICY STATEMENT (NOTIFIED VERSION MAY 2015)**

### **Part B Chapter 2 – Otago has high quality natural resources and ecosystems**

#### **Objective 2.1**

***The values of Otago’s natural and physical resources are recognised, maintained and enhanced***

#### **Policy 2.1.7**

##### ***Recognising the values of natural features, landscapes, and seascapes***

*Recognise the values of natural features, landscapes, seascapes and the coastal environment are derived from the following attributes, as detailed in Schedule 4:*

- a) *Biophysical attributes, including:*
  - i. *Natural science factors;*
  - ii. *The presence of water;*
  - iii. *Vegetation (indigenous and introduced);*
  - iv. *The natural darkness of the night sky;*
- b) *Sensory attributes, including:*
  - i. *Legibility or expressiveness;*
  - ii. *Aesthetic values;*
  - iii. *Transient values, including nature’s sounds;*
  - iv. *Wild or scenic values;*
- c) *Associative attributes, including:*
  - i. *Whether the values are shared and recognised;*
  - ii. *Cultural and spiritual values for Kāi Tahu;*
  - iii. *Historical and heritage associations.*

#### **Objective 2.2**

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

#### **Policy 2.2.3**

##### ***Identifying outstanding natural features, landscapes and seascapes***

*Identify areas and values of outstanding natural features, landscapes and seascapes, using the attributes as detailed in Schedule 4.*

#### **Policy 2.2.4**

##### ***Managing outstanding natural features, landscapes, and seascapes***

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

- a) *Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape; and*
- b) *Avoiding, remedying or mitigating other adverse effects on other values; and*
- c) *Assessing the significance of adverse effects on values, as detailed in Schedule 3; and*

- d) *Recognising and providing for positive contributions of existing introduced species to those values; and*
- e) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and*
- f) *Encouraging enhancement of those areas and values.*

**Policy 2.2.5**

**Identifying special amenity landscapes and highly valued natural features**

*Identify areas and values of special amenity landscape or natural features which are highly valued for their contribution to the amenity or quality of the environment, but which are not outstanding, using the attributes detailed in Schedule 4.*

**Policy 2.2.6**

**Managing special amenity landscapes and highly valued natural features**

*Protect or enhance the values of special amenity landscapes and highly valued natural features, by:*

- a) *Avoiding significant adverse effects on those values which contribute to the special amenity of the landscape or high value of the natural feature; and*
- b) *Avoiding, remedying or mitigating other adverse effects on other values; and*
- c) *Assessing the significance of adverse effects on those values, as detailed in Schedule 3; and*
- d) *Recognising and providing for positive contributions of existing introduced species to those values; and*
- e) *Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; and*
- f) *Encouraging enhancement of those values.*

**Part B Chapter 3 – Communities in Otago are resilient, safe and healthy**

**Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments**

**Policy 3.8.1**

**Managing for urban growth**

*Manage urban growth and creation of new urban land in a strategic and co-ordinated way, by:*

- a) *Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for demand for such land, projected over at least the next 10 years; and*
- b) *Co-ordinating urban growth and extension of urban areas with relevant infrastructure development programmes, to:*
  - i. *Provide infrastructure in an efficient and effective way; and*
  - ii. *Avoid additional costs that arise from unplanned infrastructure expansion; and*
- c) *Identifying future growth areas that:*
  - i. *Minimise adverse effects on rural productivity, including loss of highly valued soils or creating competing urban demand for water and other resources; and*

- ii. *Maintain or enhance significant biodiversity, landscape or natural character values; and*
- iii. *Maintain important cultural or heritage values; and*
- iv. *Avoid land with significant risk from natural hazards; and*
- d) *Considering the need for urban growth boundaries to control urban expansion; and*
- e) *Ensuring efficient use of land; and*
- f) *Requiring the use of low or no-emission heating systems in buildings, when ambient air quality in or near the growth area is:*
  - i. *Below standards for human health; or*
  - ii. *Vulnerable to degradation given the local climatic and geographical context; and*
- g) *Giving effect to the principles of good urban design, as detailed in Schedule 6; and*
- h) *Giving effect to the principles of crime prevention through environmental design.*

### **Policy 3.8.2**

#### **Controlling growth where there are identified urban growth boundaries or future urban development areas**

*Where urban growth boundaries, as detailed in Schedule 8, or future urban development areas, are needed to control urban expansion, control the release of land within those boundaries or areas, by:*

- a) *Staging development, using identified triggers to release new stages for development; or*
- b) *Releasing land in a way that ensures a logical spatial development, and efficient use of existing land and infrastructure before new land is released; and*
- c) *Avoiding urban development beyond the urban growth boundary or future urban development area.*

### **Policy 3.8.3**

#### **Managing fragmentation of rural land**

*Manage subdivision, use and development of rural land, to:*

- a) *Avoid development or fragmentation of land which undermines or forecloses the potential of rural land:*
  - i. *For primary production; or*
  - ii. *In areas identified for future urban uses; or*
  - iii. *In areas having the potential for future comprehensive residential development; and*
- b) *Have particular regard to whether the proposal will result in a loss of the productive potential of highly versatile soil, unless:*
  - i. *The land adjoins an existing urban area and there is no other land suitable for urban expansion; and*
  - ii. *There highly versatile soils are needed for urban expansion, any change of land use from rural activities achieves an appropriate and highly efficient form of urban development; and*
  - iii. *reverse sensitivity effects on rural productive activities can be avoided; and*

- c) *Avoid unplanned demand for provision of infrastructure, including domestic water supply and waste disposal; and*
- d) *Avoid creating competing demand for water or other resources.*