

# SHOTOVER COUNTRY

## PRIVATE PLAN CHANGE REQUEST



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REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

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**February 2010**

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- [B] Certificates of Title and Private Covenant with Queenstown Airport Corporation
- [C] Kidson Landscape Consulting Ltd – Landscape Report
- [D] P.G. Petchey Southern Archaeology – Archaeological Assessment
- [E] Geoconsulting Limited – Geotechnical Assessment
- [F] CPG – Conceptual Study for Wastewater, Water, Stormwater and Gas
- [G] David Hamilton and Associates – River and Flooding Risk Assessment
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## **PART 1**

# **PURPOSE AND REASON FOR PLAN CHANGE**

### *Contents*

- Introduction
- Purpose and Reasons for the Plan Change
- Structure and Methodology of Plan Change
- Site and Context
- Outline of Plan Change and approach taken
- Overview of Plan Change
- Shotover Country Structure Plan
- Planning Approach
- Resource Management Issues, Objectives and Policies
- Rules



## Part 1 - Purpose and Reason for Plan Change

### 1.1 Introduction

This is a privately initiated plan change request made in accordance with Section 73(2) and Clause 21 of the First Schedule of the Resource Management Act 1991 (the 'Act').

The promoter of the plan change is Terence McCashin, Beverly McCashin and Grant Stalker, together comprising the Ladies Mile Partnership (the 'requestor' or 'LMP').

This report is prepared in support of a private plan change request and contains a description of the purpose and reasons for the plan change, an evaluation under Section 32 of the objectives, policies, rules and other methods<sup>1</sup> as well as an assessment of environmental effects in such detail as corresponds with the scale and significance of the actual or potential effects anticipated from the implementation of the proposed change<sup>2</sup>.

### 1.2 Purpose and Reasons for the Plan Change

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

The Plan Change provides for:

- (i) The establishment of 758 residential dwellings and ancillary buildings
- (ii) Provision for education and community activities
- (iii) The creation of areas for open space, ecological protection, ecological enhancement, recreation and amenity
- (iv) The formation of roading, pedestrian and cycleway access
- (v) Provision for a park and ride facility and public transport
- (vi) The protection of an early settler's cottage
- (vii) The establishment of utility services for the reticulation of potable water, disposal of wastewater, disposal of stormwater, supply of gas, power and telecommunications.

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<sup>1</sup> Clause 22(1), First Schedule, Resource Management Act 1991

<sup>2</sup> Ibid, Clause 22(2)



### 1.3 Structure and Methodology of Plan Change

The purpose of this report is to fulfil the statutory requirements of the Resource Management Act for lodgement and consideration of a privately initiated plan change request. This report is the culmination of a range of reports and assessments that have been commissioned to report on a range of issues and to investigate the natural and physical resources affected by the proposal.

These following assessments and reports have been prepared in the process of formulating the plan change application:

- Kidson L, Kidson Landscape Consulting Ltd (February 2010), *Shotover Country: Plan Change Application, Landscape Effects Assessment Report*
- Petchey P.G, Southern Archaeology (2008) *Archaeological Assessment of Ladies Mile Partnership Residential Development*
- Bryant J, Geoconsulting Limited (February 2010), *Plan Change Geotechnical Assessment*
- CPG (January 2010), *Shotover Country Conceptual Study for Wastewater, Water, Stormwater and Gas*
- Hamilton D, David Hamilton and Associates (February 2010), *Shotover Country Plan Change River and Flooding Risk Assessment*
- Wilton E and Baynes M, Environet Limited (February 2010), *Air Quality Impacts Assessment – Shotover Country Proposed Development*
- Palmer D, Natural Solutions for Nature Limited (February 2010), *Ecological Assessment and Recommendations for Enhancement*
- Traffic Design Group Ltd (February 2010), *Transportation Assessment Report*

Each of these reports accompanies this request.

This report has been structured into six main parts:

- (i) Part 1 - Purpose and Reason for Plan Change, describing the purpose and reasons for the plan change in summary, a description of the site and surrounding environment and the consultation undertaken during the preparation of the plan change.
- (ii) Part 2 – Statutory Framework, including an analysis of the relevant provisions of the Act, National Policy Statements, Regional Policy Statement, Regional Plans and the Queenstown Lakes District Plan.



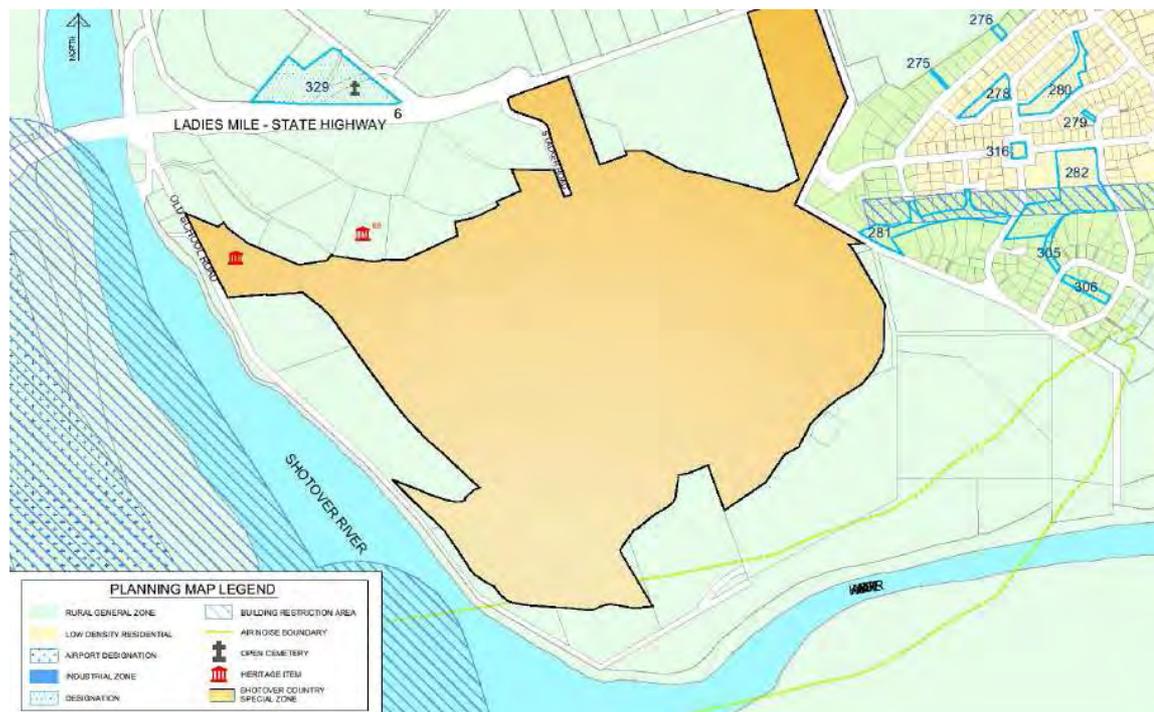
- (iii) Part 3 - Management Plans and Strategies Prepared Under Other Acts, including an analysis of the provisions of the Local Government Act 2002, the Queenstown Lakes District Council Long Term Council Community Plan and a range of Strategies and other non-statutory documents prepared by the Queenstown Lakes District Council.
- (iv) Part 4 – Assessment of Actual or Potential Effects on the Environment
- (v) Part 5 – A detailed evaluation under Section 32 of the Act
- (vi) Part 6 – Schedule of Amendments to the Operative District Plan

## 1.4 Site and Context

The site is located to the south of the Ladies Mile Highway on a series of ancient river terraces. The Shotover River borders the site to the west, with the Kawarau River bordering the site to the south. The site is located below the State Highway, with a terrace escarpment forming the eastern boundary which forms a topographical buffer between the Lake Hayes Estate Low Density Residential and Rural Residential Zone located within a similar river terrace to the east).

The area and scope of the plan change is identified in Figure 1, below.

**Figure 1: Area of Plan Change Request**



This Plan Change affects part of land owned by four separate landowners. The legal descriptions and owners of the land affected by the Plan Change are outlined below:



- (i) Proprietor: Terence McCashin and Beverley McCashin as to a two thirds share and Grant William Stalker as to a one third share, together comprising the Ladies Mile Partnership:  
Legal Description: Lot 101 Deposited Plan 325561 and Section 96 – 99 Block III Shotover Survey District, being 97.0330 hectares in area and contained with computer freehold register identifier 103223.
- (ii) Proprietor: Joseph William Bagrie, Lucille Miriam Bagrie and Graham Stuart Dick  
Legal Description: Lot 7 Deposited Plan 325561, being 4.0724 hectares in area and contained within computer freehold register identifier 103220.
- (iii) Proprietor: Donald Sutherland Moffat and Brian Robert Dodds  
Legal Description: Lot 1 Deposited Plan 300109, being 20.4030 hectares in area and contained within computer freehold register identifier 1415.
- (iv) Proprietor: Russell Douglas Jones as to a one quarter share; Russell Douglas Jones, Margaret Ruth Jones and Tarbert Trustees (2007) Limited as to a one half share; and Margaret Ruth Jones as to a one quarter share.  
Legal Description: Lot 2 Deposited Plan 300109 and Lot 2 Deposited Plan 20797 and Section 92 Block III Shotover Survey District, being 41.9302 hectares in area and contained within computer freehold register identifier 1416.

A copy of each of these computer freehold registers are contained within Attachment [B] to this request.

The geology of the site is described by Bryant<sup>3</sup> as comprising several river terrace platforms successively cut down by meanders of the Shotover River over the past few thousand years. Six distinct river terraces that decrease in elevation from the northeast to the southwest have been identified with several degraded intermediary terraces also visible. To the south the site is separated from the Kawarau River by a prominent hill comprising schist bedrock and simply known as Trig 'M'. These bedrock features are described by Kidson as a product of glacial action, whereas the river terraces reflect the more recent actions of the Shotover River.

The terraces identified by Bryant are relatively flat and occupy the bulk of the land within the area of the plan change. The areas of each terrace have been tabulated by Kidson and occupy a total of 99.5 hectares of land within the site.

The site is flanked to the west by the lower reaches of the Shotover River where it flows into the Kawarau River. Within the vicinity of the confluence and the boundary of the site is a wetland

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<sup>3</sup> Bryant J, Geoconsulting Limited (February 2010), *Structure Plan and Geotechnical Assessment*



system of some 20 hectares in area. The wetland has been modified by installation of drains and ponds. The vegetation within the wetland has been surveyed by Palmer<sup>4</sup> and categorised into three communities relating to standing water, permanently saturated and seasonally saturated. The seasonally saturated area comprises the largest proportion of the wetland and hosts a mosaic of sedgeland, rushland and willows.

The terrace risers range in height between 15 to 20 metres with slope angles typically from 30° to 40° and sometimes up to 50°. These terrace escarpments are defined from the area of introduced pasture grasses on the terrace flats by well defined shelterbelts comprising *Pinus radiata* and Douglas fir, grey shrubland vegetation and grassland swards. Grey shrubland species are the most dominant and comprise indigenous matagouri and lesser amounts of *Carmichaelia petriei* and *Oleria odorata*. Gorse and broom have also infested some areas.

The majority of the site has been modified through the introduction of pastoral farming with sheep grazing and cropping continuing on the majority of the upper terrace areas. More recently a commercial gravel supply operation has established over a part of the bottom terrace and this consists of several large aggregate stock piles and associated machinery. Residential dwellings have been established on the land owned by Bagrie, Moffat and Jones along with several farm buildings and haysheds. The western corner of the Ladies Mile Partnership land, near Old School Road, contains an historic settlers cottage. The age and value of the cottage as an item of historic heritage was revealed by the investigations of Petchey undertaken in 2008<sup>5</sup>.

## Outline of plan change and approach taken

### 1.5 Overview of plan change

The private plan change is for the creation of a new zone – the Shotover Country Special Zone that would become an addition to the Special Zones under Part 12 of the District Plan. The new zone introduces a comprehensive suite of issues, objectives, policies, methods of implementation and assessment matters. Other changes to the operative District Plan include:

- Additions to Part 15 (Subdivision, Development and Financial Contributions) to include objectives and policies relevant to the new Shotover Country Special Zone, rules relating to minimum allotment sizes, additional controlled activities, including related assessment matters, and some new zone standards;
- The addition of new definitions for 'Park and Ride Facility' and 'Convenience Retail';

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<sup>4</sup> Palmer D, Natural Solutions for Nature Limited (February 2010), *Ecological Assessment and Recommendations for Enhancement*, Pages 7-8.

<sup>5</sup> Petchey P.G, Southern Archaeology (2008) *Archaeological Assessment of Ladies Mile Partnership Residential Development*



- The addition of 'Hicks Cottage' to the inventory of protected features under Appendix 3;
- Relevant changes to the Planning Maps in Volume 3 identifying the area of the Shotover Country Special Zone.

## 1.6 Shotover Country Structure Plan

The new zone is based on a masterplan that involved a detailed process of analysis and investigations into the nature of the receiving environment including topography, slope, landscape absorption, existing land use activities, ecological patterns and geology. The masterplan has been simplified to create a structure plan that forms part of the Plan Change.

The purpose of the structure plan is to guide the form of development within the Shotover Country Special Zone in order to enable an integrated high quality development which protects landscape values and amenity values. The structure plan addresses:

- Activity Areas that provide for a range of living environments and compatibility of activities;
- The retention of open space to protect landscape values, enhance ecological values and provide areas for recreation;
- The general location of major roading access connections and a park and ride facility;
- The general location of the main trail routes.

## 1.7 Planning Approach

The approach to the plan change is to follow the existing format of the Queenstown Lakes District Plan in terms of objectives, policies, rules and the 'cascade' model of site and zone standards used to trigger the various status of activities. The Plan Change provides for a balanced mixture of enabling development and appropriate protection mechanisms, broadly summarised as follows:

1. Enabling residential housing development as a permitted activity, subject to conventional bulk and location controls, except in relation to multi-unit medium density housing where controlled activity status triggers an assessment of impacts on private amenity, external appearance, parking and landscaping;
2. Protecting open space areas from building development, including terrace escarpments, utility corridors and the margins of the adjoining wetland;
3. Enabling education and community activities within Activity Area 3 for a 15 year period, beyond which the area could be used for medium density housing;



4. Protection of Hicks Cottage through listing within the inventory of protected features;
5. Limiting retail activities within the medium density areas to small format convenience oriented activities. In other areas non-residential activities are limited in scale to small home occupations that do not disrupt residential coherence;
6. Providing noise insulation standards across the zone to mitigate the effects of aircraft noise beyond the Queenstown Airport Outer Control Boundary; and
7. Limiting the scale of visitor accommodation to the medium density activity area and subject to an assessment of parking, access, noise and hours of operation.

The Plan Change sets out a hierarchy of activities to support these main objectives, allowing some activities, discouraging some and controlling the effects of others. The focus has been on simplicity to promote easy administration and readily understood outcomes for the community. Controls are promoted only where genuine environmental results can be achieved clearly and efficiently through a resource consent process.

## 1.8 Resource Management Issues, Objectives and Policies

The nature of a special zone requires a stand along suite of issues, objectives and policies that can be read as a coherent whole. A range of issues have been identified that reflect the nature of the particular environment, development outcomes and appropriate controls. The issues provide context for the development of goals and outcomes for the zone and include:

### ***i*** **Landscape**

*The site is located within a part of the visual amenity landscape of the Wakatipu Basin adjacent to a high use public road and an outstanding natural landscape. The values of the setting and the landscape need to be recognised and provided for.*

### ***ii*** **Community**

*Development should occur in a manner that provides for the integration of activities important for the social wellbeing of the community. The zone has the potential to accommodate education and community related activities that provide wider public benefit.*

### ***iii*** **Ecology**

*Years of pastoral farming have degraded natural values and there is potential to improve indigenous ecosystems and species endemic to this environment.*

### ***iv*** **Heritage Values**

*The zone contains a valuable remnant of cultural heritage value in the form of an early settler cottage that needs to be appropriately recognised and protected.*

### ***v*** **Open Space**



*Areas of open space can contribute to the wellbeing of the community, including the shared benefits of these areas for ecological enhancement and the functional relationship to utility corridors.*

**vi Infrastructure**

*Development of the zone will require the provision of services including water supply, sewage disposal, stormwater, telecommunications, electricity and gas supply.*

**vii Vehicle Access**

*Development will place additional demand for vehicle access onto State Highway 6 and the surrounding local road network. The ability to provide connections to existing communities, facilitate public transport connections, integrate non-vehicle based modes of transport, and implement measures to reduce overall vehicle demands are important to the management of the safety and efficiency of the road network.*

Eight objectives are developed to set the overall goals for the management of these issues. Related to each of the goals are specific policies that set out how the policy is to be achieved. The proposed objectives are:

*Objective 1 Landscape and Urban Form*

*Development which recognises and responds to the values and character of the landscape.*

Landscape values are very important to the sustainable management of growth within the Queenstown Lakes District. Objective 1 recognises the special qualities of the landscape that contribute to the enjoyment of the Wakatipu Basin and seeks to establish goals and parameters that manage the growth in a way that protects landscape values while also enabling the creation of a viable and attractive urban environment.

*Objective 2 Integrated Community*

*A complementary mix of uses which creates an integrated community.*

The long term sustainability of the zone is dependent on the integration of a range of compatible activities as well as a range of living environments. Objective 2 seeks to guide development of the zone to achieve this goal.

*Objective 3 Ecological Values*

*Retained and enhanced ecological values within the Zone.*

The site has an historical association with agricultural dating back to European settlement. Over this time ecological values have been degraded and the zone seeks to improve and build on the remnants of indigenous vegetation to improve ecological values and the amenity of the area generally.

*Objective 4 Heritage Values*

*Recognition and protection of cultural heritage values and features.*



Investigations into the historical use of the site have uncovered a significant historical aspect in the form of an early settler's cottage. The Plan Changes seeks to recognise the importance of cultural heritage values and facilitate appropriate protection.

*Objective 5 Open Space and Recreation*

*Protection of areas of the natural environment including vegetation, landform and landscape that contribute significantly to amenity values, assist in preventing land instability and erosion and contribute to ecological diversity and sustainability, while providing for and encouraging recreational opportunities and activities within the zone and their linkage with recreational activities within the surrounding area.*

Open space forms a significant proportion of the overall zone and is necessary to provide for the protection of more sensitive areas of the landscape, facilitate enhancement of ecology and provide a basis for recreation networks. Objective 5 recognises these qualities and sets out a number of related policies that seek to manage this resource.

*Objective 6 Infrastructure*

*Provision of servicing infrastructure catering for the demands of development within the zone in an environmentally sustainable manner.*

Development places demands on the environment from the addition of human activity. This requires a necessary level of infrastructure to ensure proper standards of health, safety and amenity.

*Objective 7 Vehicle Access*

*Safe and Efficient use of the District's transportation network.*

The location of the zone within the Districts' road network requires the formulation of specific goals to maintain the safety and efficiency of the adjoining road network. Transportation has been considered on a holistic basis and supports the principles of travel demand management and the use of non-vehicle based modes of transport to minimise effects on the transportation network.

## 1.9 Rules

Residential activities are provided for as permitted activities within the Shotover Country Special Zone. Across the majority of the zone buildings associated with residential activity are also permitted, subject to compliance with site and zone standards that seek to provide appropriate levels of access to daylight, views, outdoor living, privacy and visual amenity values.

Table 1 below, sets out the status of activities for – or not intended to be provided for within - the Zone.



**Table1: Status of Activities**

<b>Activity</b>	<b>Status</b>	<b>Comment</b>
Residential dwellings	Permitted	Subject to compliance with relevant site and zone standards, controlled setbacks from boundaries, site coverage, height, outdoor living, etc.
Education Facilities and Community Activities	Controlled	Consideration of effects on visual amenity, site access, parking, noise and location of outdoor activities.
Visitor Accommodation	Controlled	Provided for in Activity Area 2 only, subject to a review of parking, access, noise and hours of operation.
Park and Ride (or incentive parking) Facilities	Controlled	Within area detailed on Structure Plan and subject to an assessment of connectivity, earthworks, landscape mitigation, fencing, signage and lighting.
Multi-Unit Developments	Restricted Discretionary	Construction of more than three units restricted discretionary activity in Activity Areas 1 and 2. Designed to trigger review of impacts on private amenity, external appearance, parking and landscaping.
Residential Activities within Activity Area 3	Restricted Discretionary	For a 10 year period from the date of the Plan Change being made operative. Subject to an assessment of demand for educational or community activities.
Forestry, Factory Farming, Mining, Industrial Activities and Airports	Non-Complying	These activities are discouraged in the zone because of issues of compatibility with amenity, traffic and reverse sensitivity.
Building within open space areas	Non-complying	Buildings are discouraged, except to provide a park and ride facility and small scale recreation buildings.
Planting of wilding tree species.	Prohibited	This approach is consistent with similar rules within other parts of the District Plan and reflects the potential damage to ecology caused by these trees
Building within the Outer Control Boundary of the Queenstown Airport	Prohibited	Southern portion of zone within the OCB
Fencing within open space area	Discretionary	Designed to reduce impacts on landscape values
Nature and Scale of Activities	Discretionary	Necessary to protect residential amenity values, residential character and coherence of residential areas.
Hours of Operation	Discretionary	Necessary to protect residential amenity values, residential character and coherence of residential areas.
Development outside of structure plan boundaries	Non-complying	Necessary to maintain coherence of structure plan, compatibility of activities, protection of open space, protection of landscape values and areas of ecological enhancement.
Noise Insulation requirements	Non-Complying	Established to provide a higher level of protection from aircraft noise across zone and minimise reverse sensitivity effects.
Noise from activities	Non-Complying	Standards set to maintain residential amenity values consistent with each area.
Retail Sales within AA1, limited to produce grown on-	Non-complying	Necessary to limit the scale of sales to maintain residential amenity



site		
Retail Sales within AA2 limited to convenience retail having a GFA no more than 200 m <sup>2</sup>	Non-Complying	Standard targeted to limited retail to provide convenience retail for residents of the area, reduction of trips beyond zone and sustainability of community.
All subdivision activities	Controlled	Subject to additional matters of control over vehicle access link, public transport, cycle and pedestrian facilities, on-street parking, light spill, trail connections, preservation and enhancement of indigenous vegetation and control of plant pests.
Breaching minimum allotment sizes	Non-Complying	Necessary to create consistent level of amenity and capacity of services.

In addition to the above rules the Shotover Country Special Zone rules establish a set of site and zone standards that are common to all building development and used to control the placement of building, coverage, height and outdoor living. These are summarised in Table 2, below.

**Table 2: Development Standards**

Standard	Detail	Comment
Earthworks	<p>The total volume of earthworks does not exceed 200m<sup>3</sup> per site;</p> <p>The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed 400m<sup>2</sup> in area within that site;</p> <p>Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed 20m<sup>3</sup>;</p> <p>No earthworks shall:</p> <ul style="list-style-type: none"> <li>• expose any groundwater aquifer;</li> <li>• cause artificial drainage of any groundwater aquifer;</li> <li>• cause temporary ponding of any surface water.</li> </ul> <p>The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary;</p> <p>The maximum height of any cut shall not exceed 2.4 metres;</p> <p>The maximum height of any fill shall not exceed 2 metres</p>	
Road and Access Setbacks	<p>Activity Area 1 - minimum setback from road boundaries of any building, other than garages, shall be 4.5m.</p> <p>Activity Areas 2a and 2b, buildings shall be setback a minimum distance of 2 metres from road boundaries.</p> <p>Where the site has access to a</p>	Necessary to maintain a consistent level of amenity.



	secondary rear access lane, all residential units shall be set back at least 2 metres from the rear lane boundary. There shall be no setback requirements from this rear lane for garages and accessory buildings.	
Internal Boundary Setbacks	<p>Activity Area 1, building shall be setback a minimum distance of 4.5 metres from one internal boundary and 2 metres from all other internal boundaries.</p> <p>Activity Areas 2a and 2b, building shall be setback a minimum of 1 metre from one internal boundary.</p> <p>Activity Area 3, building shall be setback a minimum distance of 50 metres from the boundary of Activity Area 5, 10 metres from the boundary with Activity Area 1 and 5 metres from all other internal boundaries.</p>	Necessary to maintain a consistent level of amenity, privacy, access to daylight and views.
Outdoor Living Space	<p>Activity Area 1 - 36m<sup>2</sup> contained in one area with a minimum dimension of 4.5m;</p> <p>Activity Areas 2a and 2b - 20m<sup>2</sup> contained in one area with a minimum dimension of 3m</p>	A necessary component of residential amenity
Terrace Buffer Areas – Activity Area 5b	Requires the establishment of landscape planting within Terrace Buffer Areas prior to building along with requirements relating to species, density, coverage and maintenance.	Establishes a permissive regime for planting within the Terrace Buffer Areas that avoids a requirement for resource consent but prescribes clear standards to be met.
Terrace Escarpment Vegetation – Activity Area 5b	Requires the maintenance of the terrace escarpments free of pest plants. Any new planting will have to be in accordance with plant list.	To ensure objectives of ecological recommendations are met with consistency across zone.
Wetland vegetation – Activity Area 5d	Requires the maintenance of the wetland free of pest plants. Any new planting will have to be in accordance with plant list.	To ensure upkeep of the initial programme of plant pest removal undertaken by subdivision (separate zone standard).
Building Height	<p>Activity Area 1 – 8 m</p> <p>Activity Area 2 – 10 m</p> <p>Activity Area 3 – 12 m</p> <p>Activity Area 4 – 4.5 m</p> <p>Activity Area 5 – 3.5 m</p>	Graduated building height from a maximum within the core areas of 10 – 12 metres reducing to 8 metres around the periphery.
Building Coverage	<p>Activity Area 1 – 40%</p> <p>Activity Area 2a – 60%</p> <p>Activity Area 2b – 70%</p> <p>Activity Area 3 – 30%</p> <p>Activity Area 4 – 10%</p> <p>Activity Area 5 – n/a</p>	Graduated density of building coverage within the core residential areas to reflect height and density controls from 60 – 70% within core to 40% around periphery. Particularly low coverage anticipated within education, community and heritage precincts to maintain high percentages of open space.



Density	One residential unit per site, or target density limits: Activity Area 1 – 13.3 Units Per Hectare Activity Area 2a – 25 Units per hectare Activity Area 2b – 20 Units per hectare Activity Area 3 – 20 Units per hectare Activity Area 4 – 4 Units per hectare Activity Area 5 – n/a	Minimum of one house per site or in accordance with target density calculated on the net area of land available for development and excludes land vest as reserve, held as open space, access or roading.
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## **PART 2**

# **STATUTORY FRAMEWORK**

### *Contents*

- The Resource Management Act 1991
- National Policy Statements
- National Environmental Standards
- Regional Policy Statement for Otago
- Otago Regional Water Plan
- Otago Regional Air Plan
- Queenstown Lakes Operative District Plan
- Queenstown Airport



## Part 2 – Statutory Framework

### 2.1 The Resource Management Act 1991

#### **Section 73(2)**

Section 73 (2) establishes the basis for privately initiated plan changes and states that “*any person may request a territorial authority to change a district plan, and the plan may be changed in the manner set out in Schedule 1.*”

#### **Part 2, Schedule 1**

Part 2 of the First Schedule to the Act sets out the process for making a request for plan changes. Clause 22 sets out that the requirements of the form of the request, and states:

- (1) *A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan [[and contain an evaluation under section 32 for any objectives, policies, rules, or other methods proposed]].*
- (2) *Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.]*

#### **Section 74 Matters to be Considered**

Section 74 sets out the matters to be considered by the Territorial Authority when preparing or changing a District Plan. The territorial authority shall have regard to:

- Regional Policy Statements
- Regional Plans
- Management Plans and Strategies prepared under other acts
- Entries in the Historic Places Register

It must also take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has bearing on resource management issues of the district.

### 2.2 National Policy Statements

#### **Electricity Transmission (Gazetted 13 March 2008)**

The Government has issued by notice in the Gazette on 13 March 2009 a National Policy Statement on Electricity Transmission. The objectives and policies contained within this NPS are intended as a guide for decision makers in drafting plan rules for development in proximity to the electricity transmission network.



The objective is:

*To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.*

Specific policies have been formulated for the management of adverse effects of third parties on the transmission network.

*Policy 10*

*In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.*

*Policy 11*

*Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).*

The requestor has consulted with Transpower during the formulation of this plan change and as a result has incorporated an appropriate buffer distance from the transmission lines that traverse the site. The corridor is of sufficient width to comply with the New Zealand Electrical Code of Practice for both the current capacity of 110 kVA and any future upgrade to 250 kVA.

## 2.3 National Environmental Standards

### **Air Quality**

In 2004, the Ministry for the Environment gazetted the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins and Other Toxins) Regulations 2004 (Including Amendments 2005) (the regulations). The regulations include five key provisions:

- Ambient air quality standards for five pollutants
- A requirement for regional councils to monitor air quality and report any breaches of the ambient standards to the public
- Restrictions on the granting of resource consents for industrial emissions in polluted areas
- Design standards for new woodburners and large landfills
- A list of banned activities (to limit emissions of toxic compounds, including dioxins).



Regional councils are responsible for implementing the regulations. The Otago Regional Council initiated Plan Change 2 to the Regional Air Plan in April 2007 to give effect to these standards. The details of the standards and their impact on the land included within the plan change are outlined further in the section relating to the Otago Regional Air Plan (below).

## 2.4 Regional Policy Statement for Otago (Operative October 1998)

The Regional Policy Statement (RPS) for Otago became operative on 1 October 1998. The most relevant part in respect of this plan change is Section 9.0 Built Environment. This recognises as issues the adverse effects of urban development and settlement which can impact on the quality of the built environment and on the use of natural and physical resources as well as the dependence on an efficient transport network to utilise its resources and to provide mobility and access for its people and communities.

The RPS sets out three main objectives relating to the 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.*

These objectives are supported by a range of policies to give effect to these goals. Of particular relevance to the proposed Shotover Country Plan Change are the following:

*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 9.5.3*

*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.*

*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 of 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, land use and development on landscape values.*

The RPS recognises the importance of addressing the amenity aspects associated with built development and the activities that this supports. The proposed Plan Change gives effect to this by providing a policy framework within which to manage urban growth.

The efficient use of infrastructure is promoted as a policy to minimise costs to the community but is likely to have further benefits in terms of the reduction of energy inputs and visual effects. Infrastructure is a fundamental component to providing a safe and healthy community. The Plan Change will enable connection to and efficient use of the existing systems available to deliver electricity, telecommunications, wastewater, water and gas. In all cases, these systems will involve extensions and/or upgrade to existing infrastructure. Costs will generally be borne by the developer and not passed onto the community.

The proposed Plan Change is consistent with policy 9.5.3 because the development does not require any additional major roading infrastructure other than an improvement to the Ladies Mile / Lower Shotover Road intersection which would be required even without the Plan Change. It is also close to the Lake Hayes Estate and Frankton and can be served by public transport. The provision of facilities within the site will reduce the need for trips to be made externally on the highway, and due to the proximity of these facilities to the residential development, will encourage trips to be made by walking or cycling. With the improvement options for Ladies Mile



/ Lower Shotover Road intersection, it is not considered that any adverse road safety effects would arise. Chapter 12 of the RPS outlines a related policies relating to energy, being:

*Policy 12.5.3: To improved energy efficiency within Otago through:*

*(d) Encouraging energy efficient transport modes in Otago*

The ability to extent the public transport service and the encouragement of walking and cycling mean that the proposal is in accord with this Policy.

Policy 9.5.4 seeks to minimise adverse effects of urban development. The Plan Change achieves this policy by avoiding adverse effects altogether through measures that:

- Ensure there are restrictions on sources of home heating to maintain existing high air quality
- Noise, vibration and dust are managed through appropriate standards relating to the temporary effects of earthworks and permanent noise emission standards for all activities
- The layout of the structure plan that respects the amenity values of the landscape

The Lades Mile Partnership has engaged with Kai Tahu (and will continue to consult) over the impact of the proposed Plan Change on cultural and spiritual values to ensure there are no significant irreversible effects. Detailed ecological investigations have formed the basis for rules within the Plan Change that are aimed at improving the natural character of waterbodies, habitats of indigenous fauna and the intrinsic value of ecosystems.

Existing buildings within the area of the Plan Change are limited. The significance of Hicks Cottage has been identified and will be afforded an appropriate level of protection within the framework of the proposed Plan Change. Beyond the site the Plan Change seeks to provide a level of amenity that is compatible with the surrounding communities at Lake Hayes Estate, Old School Road and Max's Way through a combination of green space buffers and standards over the scale and layout of future building development that maintains the qualities of the environment and amenity values for these people. The proposal is consistent with Policy 9.5.5(a).

Potential effects on community health and safety are matters integral to the development of infrastructure to cope with the additional population demand as well as an appropriate transportation network to provide safe and efficient vehicle, cycle and pedestrian access. Rules are in place or proposed through the Plan Change for implementation at the time of subdivision to achieve Policy 9.5.5(b).

The impact of the proposed Plan Change on landscape values is described and analysed in the Landscape Assessment Report prepared by Kidson Consulting. Her recommendations have shaped the layout of the structure plan and related rules within the proposed Shotover Country



Special Zone to ensure that effects on landscape values are avoided or mitigated to achieve Policy 9.5.5(c).

## 2.5 Otago Regional Water Plan (Operative January 2004)

The 'Regional Plan: Water' sets the framework for the future management of water in Otago. It deals with control over groundwater allocation, efficient use of water, and protection and enhancement of water quality.

The provisions within the Water Plan of relevance to the Plan Change relate to the extraction of water, water quality and discharges through the discharge of stormwater and the erection of a defence against water outside of a river bed.

### Objectives – Water Quantity

*6.3.1 To retain flows in rivers sufficient to maintain their life-supporting capacity for aquatic ecosystems, and their natural character.*

*6.3.2 To provide for the water needs of Otago's primary and secondary industries, and community domestic water supplies.*

*6.3.3 To minimise conflict among those taking water.*

*6.3.4 To maximise the opportunity for diverse consumptive uses of water which is available for taking.*

### Objectives – Water Quality

*7.5.1 To maintain or enhance the quality of water in Otago's lakes and rivers so that it is suitable to support their natural and human use values and people's use of water.*

The following policies are stated in support of this objective and are relevant to how infrastructure and servicing issues are managed under the Plan Change.

*7.7.1 To promote discharges of contaminants to land in preference to water, where appropriate.*

*7.7.2 When considering the discharge of any contaminant to land, to have regard to:*

- (a) The ability of the land to assimilate the contaminant;*
- (b) Any potential for soil contamination; and*
- (c) Any potential for land instability.*

*7.7.10 With respect to discharges from any new stormwater reticulation system, or any extension to an existing stormwater reticulation system, to require:*

- (a) The separation of sewage and stormwater;*
- (b) Measures to prevent contamination of the receiving environment by industrial or trade waste; and*



- (c) *The use of techniques to trap debris, sediments and nutrients present in runoff.*

### Objectives – The Beds and Margins of Lakes and Rivers

#### 8.3.1 *To maintain:*

- (a) *The stability and function of existing structures located in, on, under or over the bed or margin of any lake or river;*
- (b) *The stability of the bed and bank of any lake or river; and*
- (c) *The flood and sediment carrying capacity of any lake or river.*

The planning of infrastructure will be the subject of a separate resource consent process at the time of development where more detailed response can be formulated for the treatment and disposal of stormwater, disposal of wastewater and extraction of water. The Plan Change has undertaken a first stage of evaluation of the most likely and feasible options that could be employed to service the development and the result of this are contained within the report from CPG.

The necessary volumes of water to supply the development have been assessed as 146 m<sup>3</sup>/hour with the most likely option for supply being an existing bore coupled with a new bore located within the lower terrace into the plentiful area of river feed gravels.

The Plan Change has the potential to impact on water quality through an increase to the volume and type of stormwater discharges from the new urban area as well as disposing of wastewater. The options for disposing of wastewater outlined by CPG are either through on-site disposal systems or direct connection into the existing Council network. CPG outline how a high standard of treatment can be achieved through either approach.

CPG recommend adopting a combination of methods to collect, treat and dispose of stormwater. The recommended strategy to meet the relevant policies of the Otago Regional Council Water Plan for stormwater is to provide an 'integrated treatment train' approach to water management that is premised on providing control at the catchment-wide level, the allotment level and to the extent feasible in conveyance followed by end-of-pipe controls. This combination of controls is the best means of meeting the criteria for water balance, water quality, erosion and flood control (if required).

## 2.6 Otago Regional Air Plan

The Otago Regional Air Plan prescribes rules in relation to industrial and trade premises, domestic heating appliances, outdoor burning, waste management, agriculture, water vapour, heat, energy and ventilation. Of most relevant to the Plan Change will be the standards relating to woodburners for home heating.

The area of the plan change is located within Air Zone 3 where the following are listed as a permitted activity under Rule 16.3.1.5(a):

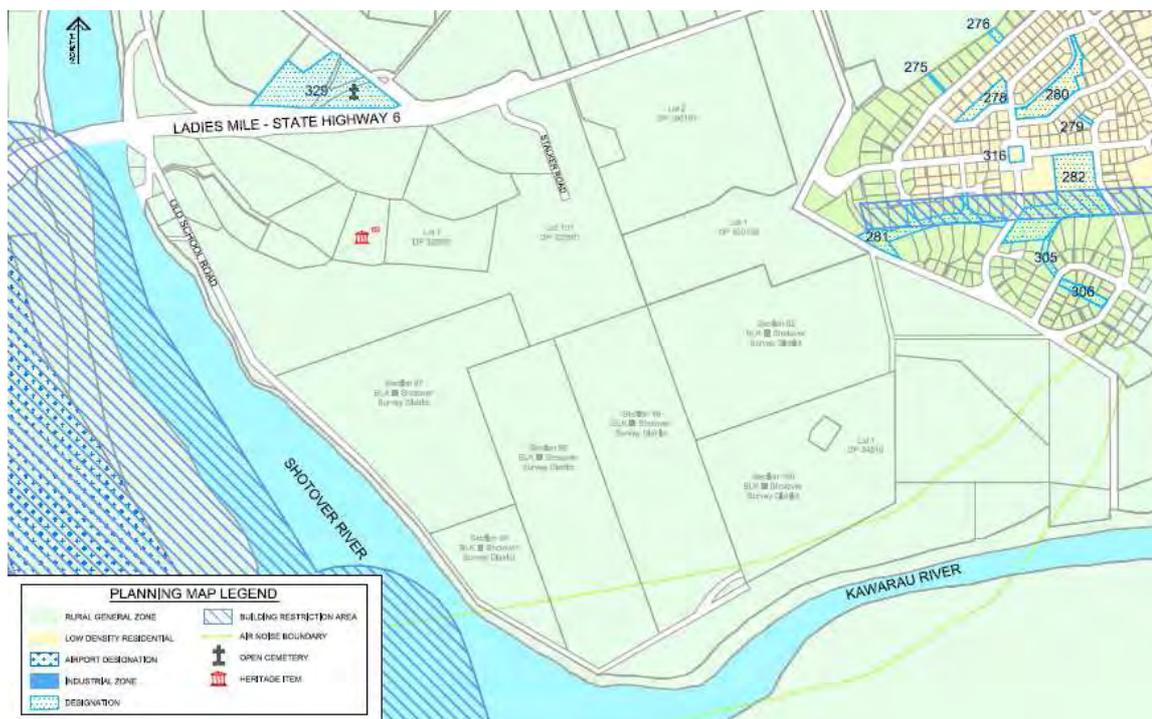
*Any woodburner installed after 1 September 2005, or any other domestic heating appliance installed after 14 April 2007, in a building on a property with an allotment size of less than 2 hectares, meets a discharge of less than 1.5 g/kg of fuel burnt and has a thermal efficiency of not less than 65%*

According to the analysis provided from Environet Limited, it is probable that the NES for air quality in the Shotover Country area would be met without any additional planning mechanisms than the proposed ORC rule that allows woodburners that meet the emission criteria of 1.5 grams of particles per kilogram of fuel burnt with a thermal efficiency of 65% to be installed.

The Plan Change seeks to meet the Otago Regional Council standards and to maintain air quality by imposing a ban on solid fuel burners. This ban would be secured through a covenant restriction imposed on each title.

## 2.7 Queenstown Lakes Operative District Plan

The Shotover Country plan change area is located within the rural general zone of the operative District Plan. A map of the current zoning of the site and surrounding areas is shown below.



The District Plan contains a number of District Wide Objectives and Policies that are relevant to consideration of a plan change seeking to re-zone land. The District Wide issues contained within Part 4 of the District Plan that are considered relevant to the Plan Change are:

- 4.1 Natural Environment
- 4.2 Landscape and Visual Amenity



- 4.3 Takata Whenua
- 4.4 Open Space and Recreation
- 4.5 Energy
- 4.8 Natural Hazards
- 4.9 Urban Growth

Those objectives and policies relevant to the Plan Change are considered and assessed below.

#### Part 4.1 Natural Environment

##### **Objective 1 - Nature Conservation Values**

***The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.***

***Improved opportunity for linkages between the habitat communities***

***The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.***

***The protection of outstanding natural features and natural landscapes.***

***The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.***

***The protection of the habitat of trout and salmon.***

##### **Policies:**

- 1.1 *To encourage the long-term protection of indigenous ecosystems and geological features.*
- 1.5 *To avoid the establishment of, or ensure the appropriate location, design and management of, introduced vegetation with the potential to spread and naturalise; and to encourage the removal or management of existing vegetation with this potential and prevent its further spread.*
- 1.7 *To avoid any adverse effects of activities on the natural character of the District's environment and on indigenous ecosystems; by ensuring that opportunities are taken to promote the protection of indigenous ecosystems, including at the time of resource consents.*
- 1.13 *To maintain or enhance the natural character and nature conservation values of the beds and margins of the lakes, rivers and wetlands.*
- 1.16 *To encourage and promote the regeneration and reinstatement of indigenous ecosystems on the margins of lakes, rivers and wetlands.*
- 1.17 *To encourage the retention and planting of trees, and their appropriate maintenance.*

In terms of Objective 1 – Nature Conservation Values, the Ecologist's report has identified two areas of ecological value within the Study Area, being:

- The Grey shrubland community on terrace escarpments;
- Wetland adjacent to the Shotover River;



Figure 3 of this document shows the location of the grey shrubland and wetland communities, and the body of the report offers advice for the protection and enhancement of these ecological communities. This includes protection from invading weed species with a list of weed species posing a problem on the site and methods of control, animal pest control as well as the enhancement of the areas through provision for additional planting.

A list of Species suitable for reinstatement in to the Grey Shrubland areas is included in Table 1, with Table 2 detailing recommendations for Wetland enhancement.<sup>6</sup>

Measures proposed to address the nature conservation provisions of the District Plan that have been incorporated into the Plan Change include:

1. Excluding development from and protecting the grey shrubland areas through the open space activity area and related land use controls.
2. Introducing changes to the subdivision rules and the matters of which the Council exercise discretion, to include the preservation of indigenous vegetation and control of plant pests.

Policy 1.5 and 1.13 as well as 1.16 has been addressed through the ecological report prepared by Natural Solutions for Nature Ltd and the proposed new rules inserted by the Plan Change ensuring that the recommendations of the report (mainly the maintenance and protection of the wetland and the grey shrubland areas) are implemented. The District Plan also contains a list of wilding species which should be banned from the site. This has been implemented through a rule in the Plan Change relating to tree planting. These measures relate to Policy 1.17 as well, which discusses the protection of indigenous ecosystems at the time of resource consent. These reports did not find any areas of significant indigenous vegetation and have not recommended adding any area located on the site in to a schedule of areas of indigenous vegetation or a schedule of significant habitats of indigenous fauna<sup>7</sup>.

#### Part 4.2 Landscape and Visual Amenity

The landscape Assessment Report prepared by Kidson Landscape Consulting<sup>8</sup> confirms that the area subject to the Plan Change is part of a Visual Amenity Landscape. This accords with the landscape classification shown on Map 2 of Appendix 8A of the District Plan.

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<sup>6</sup> Palmer D, Natural Solutions for Nature Limited (February 2010), *Ecological Assessment and Recommendations for Enhancement*, Pages 22, 26

<sup>7</sup> Queenstown-Lakes District Council – District Plan (June 2007) Policy 1.11, 1.19, 1.20 pages 4-3 and 4-4

<sup>8</sup> Kidson Consulting Limited (February 2010) *Landscape Effects Assessment Report*



The following are the significant resource management issues in respect to Visual Amenity Landscapes<sup>9</sup>:

*(3) Maintenance and Enhancement of Visual Amenity Landscapes*

*The visual amenity landscapes are the landscapes to which particular regard is to be had under Section 7 of the Act. They are landscapes which wear a cloak of human activity much more obviously - pastoral (in the poetic and picturesque sense rather than the functional sense) or Arcadian landscapes with more houses and trees, greener (introduced) grasses and tend to be on the District's downlands, flats and terraces. The extra quality that these landscapes possess which bring them into the category of 'visual amenity landscape' is their prominence because they are:*

- *adjacent to outstanding natural features or landscapes; or*
- *landscapes which include ridges, hills, downlands or terraces; or*
- *a combination of the above*

*The key resource management issues for the visual amenity landscapes are managing adverse effects of subdivision and development (particularly from public places including public roads) to enhance natural character and enable alternative forms of development where there are direct environmental benefits.*

The key resource management issues for the visual amenity landscapes is managing adverse effects of subdivision and development (particularly from public places including public roads) to enhance natural character and enable alternative forms of development where there are direct environmental benefits.

**Objective:**

***Subdivision, use and development being undertaken in the district in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenities.***

**Policies:**

**1. Future Development**

- (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- (b) *To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
- (c) *To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*

**4. Visual Amenity Landscapes**

- (a) *To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:*
  - *highly visible from public places and other places which are frequented by members of the public generally; and*
  - *visible from public roads.*
- (b) *To mitigate loss of or enhance natural character by appropriate planting and landscaping.*
- (c) *To discourage linear tree planting along roads as a method of achieving (a) or (b) above.*

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<sup>9</sup> As amended by the Environment Court in decision C47/2006 - Variation 18 'Scenic Rural Roads'



The assessment undertaken by Kidson Consulting included a detailed visibility absorption study to ascertain the highly visible areas of the development from public places. This has fed into the design of the zone through the creation of areas where development is to be avoided (for example the swamplands of Terrace 6 and the highly visible sections of Terrace 5) and areas where development is more sensitive and should have mitigation treatment (such as on the mid visibility areas on Terrace 5, where suitable mitigation must be integral to development).

The layout of the structure plan works with the natural topography of the site to concentrate development within areas with higher potential to absorb development and has avoided areas that would detract from landscape and amenity values.

Measures are proposed within the plan change to enhance and connect open space areas with existing ecological systems and natural landscape features to harmonise future development with local topography. The plan change proposes treatment of the edge of the zone parallel to the Shotover River and the more visible terrace edges through appropriate landscape planting that would mitigate the visual impacts of building development and enhance natural character.

Linear tree planting is not a method of mitigation encouraged in this development.

## **6. Urban Development**

- (b) *To discourage urban subdivision and development in the other outstanding natural landscapes (and features) and in the visual amenity landscapes of the district.*
- (d) *To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.*

## **7. Urban Edges**

*To identify clearly the edges of:*

- a) *Existing urban areas;*
- b) *Any extensions to them; and*
- c) *Any new urban areas*
  - *By design solutions and to avoid sprawling development along the roads of the district.*

The proposal will result in urbanisation of the rural area and this is discouraged by Policy 6(b). There are however methods promoted by the formulation of the structure plan and associated method of implementation that will avoid or mitigate the adverse effects of urban subdivision or development within the visual amenity landscape. In terms of Policy 6(b) this is achieved by avoiding sprawling subdivision and development along roads.

The proposal will create a new urban area and in terms of its layout and design will not constitute sprawl along roads. In terms of Policy 7, Kidson finds that, *"The proposed zone area does not constitute sprawl along roads. Other than the arterial road that leads in to the subdivision, the proposed development areas within the potential Zone have been located away*



from the public roads in the area, with the developable area of the potential Zone situated below State Highway 6 – Ladies Mile to the north.”<sup>10</sup>

#### Part 4.3 Takata Whenua

##### **Objective 1 - Kaitiakitanga (Guardianship)**

##### ***Recognition and provision for the role of Kai Tahu as customary Kaitiaki in the District. Policies:***

- 1.1 *To ensure the kaitiaki role of iwi, via the appropriate Runanga, is achieved through on-going consultation on policy development relating to the natural and physical resources of the District.*
- 1.3 *To recognise the “Kai Tahu Ki Otago: Natural Resource Management Plan” as a resource which can form the basis for consultation between Kai Tahu Runanga and Council (Section 74 of the Act).*

The applicant has consulted with the tangata whenua during the formulation of this Plan Change. The outcome of this consultation is presented in the preliminary statement prepared by Kai Tahu Ki Otago Ltd ('KTKOL'). The statement was prepared on behalf of Te Runanga o Otakau and Kati Huirapa Runanga ki Puketeraki, whose takiwa includes the plan change site. The Preliminary Statement from KTKOL is contained within Attachment [K]

The cultural associations with inland Otago are described by KTKOL and identify the Kawarau and Shotover Rivers as wahi toaka (treasured resource) for Kai Tahu. The preliminary statement does not identify any recorded Maori archaeological site within the site of the Plan Change, but notes however the potential to disturb unrecorded sites during earthworks.

The preliminary statement also outlines relevant extracts from the Kai Tahu Ki Otago: Natural Resource Management Plan.

The detailed recommendations made in the statement are discussed further below, but have been taken into account in the formation of the Plan Change. The preliminary statement forms a part of the ongoing consultation with Kai Tahu and this accords with the policies and objectives of the District Plan.

#### Part 4.4 Open Space and Recreation

##### **Objective 3 - Effective Use**

##### ***Effective use and functioning of open space and recreational areas in meeting the needs of the District's residents and visitors.***

##### **Policies:**

- 3.1 *To recognise and avoid, remedy or mitigate conflicts between different types of recreational activities, whilst at the same time encouraging multiple use of public open space and recreational area wherever possible and practicable.*

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<sup>10</sup> Kidson Consulting Limited (February 2010) *Landscape Effects Assessment Report* , Page 56



- 3.2 *To ascertain and incorporate the needs of communities by encouraging effective public participation in the design, development and management of public open space and recreational areas.*
- 3.3 *To encourage and support increased use of private open space and recreational facilities in order to help meet the recreational needs of the District's residents and visitors, subject to meeting policies relating to the environmental effects of recreational activities and facilities.*

The overall framework for open space is established by the structure plan. Under the structure plan there are large areas identified to cater for the open space and recreation needs of the community.

The site provides opportunities to utilise open space areas to enhance pedestrian and cycle trails between existing communities that will not impede any other existing recreation activities.

The zone will demand different recreation needs and areas of open space are expected to provide a mixture of local and neighbourhood reserves and private open space.

#### **Objective 4 - Esplanade Access**

***A level of public access to and along the District's rivers, lakes and wetlands, adequate to provide for the current and foreseeable recreational and leisure needs of residents and visitors to the District.***

#### ***Policies:***

- 4.1 *To negotiate access strips to lakes and rivers.*
- 4.2 *To acquire, where practicable, at the time of subdivision or other appropriate opportunity, esplanade reserves of adequate width to provide for public access and the protection of water quality and nature conservation values.*
- 4.3 *To take, where practicable, esplanade reserves of adequate width to provide for public access and the protection of conservation values along the margins of any of the District's lakes, wetlands, rivers and streams should any subdivision occur of lots of less than 4 hectares in area or any development for residential, recreational or commercial purposes.*
- 4.4 *To consider, where practicable, the setting aside of esplanade strips, for the purpose of public access, where practicable, whenever subdivision occurs of lots of more than 4 hectares in area, along the margins of lakes and rivers.*
- 4.5 *To have regard to any adverse effects along the margins of the District's lakes, rivers and wetlands when considering resource consents.*
- 4.6 *To recognise that public access to lakes and rivers in some exceptional circumstances may not always be possible, including access to areas of waahi tapu or areas of mahika kai value or access to defence areas during temporary military training activities.*
- 4.7 *To consider the need for vehicle parking at public access points along esplanade reserves, esplanade strips, marginal strips and access strips when the purpose of those reserves and strips is for public access or recreation and are adjacent to arterial roads.*

The site adjoins the confluence of two of the District's major waterways where opportunities for public access, although available, are not developed. The Plan Change provides a direct public access connection to the margins of the Lower Shotover delta and this will enhance the



recreation and amenity values of both the community within the Shotover Country Special Zone and the adjoining and wider communities, particularly Lake Hayes Estate.

#### Part 4.5 Energy

##### **Objective 1 - Efficiency**

***The conservation and efficient use of energy and the use of renewable energy sources.***

##### ***Policies:***

- 1.1 *To promote compact urban forms, which reduce the length of and need for vehicle trips and increase the use of public or shared transport.*
- 1.2 *To promote the compact location of community, commercial, service and industrial activities within urban areas, which reduce the length of and need for vehicle trips.*
- 1.3 *To encourage residential sites to be large enough to enable buildings to be constructed to take the greatest advantage of solar energy for heating, both active and passive.*
- 1.4 *To control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.*
- 1.5 *To encourage and support investigations into alternative and further public transport options both within the urban areas and throughout the District.*

While the layout of the proposed zone is compact and defined by natural edges, a feature of the Plan Change are provisions to establish connections into the adjacent settlement at Lake Hayes Estate. The benefits of these interconnections are to reduce short duration vehicle trips, especially along the State Highway, and to enhance the sustainability of both areas in becoming more socially connected with community infrastructure such as a school as well as commercial facilities to provide demand for small format convenience retail.

The site benefits from large flat terraces that form the basis for the various activity areas and the defining terrace escarpment to the north is sufficiently low for the main housing areas to gain maximum access to sunlight (solar gain) as well as views.

The zone seeks to encourage public transportation by providing for extension of the present bus route through the site. Land is also identified to enable establishment of a Park and Ride Facility to reduce vehicle trips on the adjoining arterial road network.

#### Part 4.8 Natural Hazards

##### **Objective 1**

***Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.***

- 1.3 *In conjunction with the Otago Regional Council to continually assess the need for additional protection measures either through the District Plan or as protection works.*
- 1.4 *To ensure buildings and developments are constructed and located so as to avoid or mitigate the potential risk of damage to human life, property or other aspects of the environment.*



- 1.6 *To discourage subdivision in areas where there is a high probability that a natural hazard may destroy or damage human life, property or other aspects of the environment.*
- 1.7 *To avoid or mitigate the likelihood of destruction or damage to residential units and other buildings constructed or relocated into flood risk areas.*

Investigations into the potential impact from natural hazards have been undertaken by Jeff Bryant in terms of terrestrial hazards and David Hamilton in terms of flood hazard. In terms of the land based hazards these can be readily avoided through the definition of zone and area boundaries. The report from David Hamilton evaluates the potential for flood risk over the lower terrace and finds that the site is unlikely to be flooded in a 1% AEP flood event. The site is considered on this basis not within an area where damage to property or human life is highly probable. However, it is possible within the margin of error of estimates that minor flooding could occur in this area given the natural variability within riverbeds. Two options are proposed to mitigate the risk. Mitigation and avoidance of risk is appropriately recognised as an acceptable response under the District Plan.

#### Part 4.9 Urban Growth

##### **Objective 1 - Natural Environment and Landscape Values**

***Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.***

##### ***Policies***

- 1.1 *To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.*
- 1.2 *To ensure growth does not adversely affect the life supporting capacity of soils unless the need for this protection is clearly outweighed by the protection of other natural or physical resources or important amenity values.*

The area indicated as suitable for development within the proposed Zone will ensure consistency with Policy 1.1 as the land is neither recognised as outstanding or of being ecologically significant. The proposed zone boundaries provide significant buffers between the adjoining river margins of both the Shotover and the Kawarau River. The wetland area which is located on Terrace 6 within the site is protected. The natural and physical values and amenity values of the site will be retained and enhanced.

The new growth will occur on an area that has in the past been utilised for agriculture and therefore growth will adversely affect the capacity of the soils in terms of potential agricultural production. However the life supporting capacity of the soils is unaffected, and the soils will be used in alternative ways which are beneficial to people such as for gardens.

##### **Objective 3 - Residential Growth**

***Provision for residential growth sufficient to meet the District's needs.***



**Policies**

3.2 *To encourage new urban development, particularly residential and commercial development, in a form, character and scale which provides for higher density living environments and is imaginative in terms of urban design and provides for an integration of different activities, e.g. residential, schools, shopping.*

Policy 3.2 seeks to encourage new urban development of the nature promoted by the plan change which enables a predominance of residential accommodation, areas of higher density, an imaginative urban design and integration with community, education and small format retail activities.

## **Plan Change 24 – Community and Affordable Housing**

The Queenstown Lakes District Council has released its decision on submissions to Plan Change 23 'Affordable and Community Housing' in December 2008. The provisions are currently under appeal and have not yet been settled.

The purpose of the Plan Change is to introduce affordable housing into the policies of the District Plan as a platform for assessing further changes to the District Plan and certain types of residential development not anticipated by current zoning. Plan Change 24 was promulgated in response to the actions identified by the Councils HOPE Strategy.

The relevant objectives and policies from Plan Change 24 are:

### **4.10 Affordable and Community Housing**

#### **Objective 1 Access to Affordable and Community Housing**

***To provide a range of opportunities for low and moderate income Resident Households and Temporary Worker Households to live in the district in accommodation appropriate for their needs.***

**Policies**

- 1.1 *To assess the impact of the development and/or subdivision on the supply of and demand for Affordable and Community Housing, and whether a contribution towards Affordable and Community Housing is necessary to mitigate any adverse effects and/or impact of the development and/or subdivision.*
- 1.2 *To ensure that the Affordable Housing demand generated by the development and/or subdivision is met.*

The implementations methods set out for Objective 1 are targeted in particular at plan changes to "incorporate appropriate provisions relating to the supply of Affordable Housing and/or contributions to Community Housing".

#### **Objective 2 Quality of Affordable and Community Housing**

***To ensure the provision of high quality Affordable and Community Housing in proximity to places of work, transport and community services.***



## **Policies**

- 2.1 *To ensure that Affordable and Community Housing is located within the urban settlements of the District.*
- 2.2 *To ensure Affordable and Community Housing is well designed and energy efficient.*
- 2.3 *To avoid the concentration of Affordable and Community Housing with provisions for its spread throughout a development and the urban settlements of the District.*

The appeals to Plan Change 24 have not yet been resolved. They raise fundamental issues relating to the *vires* of Council to impose these provisions under the Resource Management Act and the linkage between development and un-affordability of housing.

The significant level of opposition to PC 24 evident in the appeals lodged results in considerable uncertainty as to how much weight can be placed on the PC 24 provisions at this stage. Therefore this report does not address the PC 24 policies in detail. However a major objective of this plan change is to enable achievement of the primary PC 24 Objective 1 quoted above. This will be achieved by a combination of provision of a significant number of residential lots to the market at competitive price levels accessible to moderate income resident households, and a specific agreement with the Lakes District Community Housing Trust to enable delivery of affordable housing product to the market. Ladies Mile Partnership is in the process of consultation with the Trust to achieve that objective. That consultation will continue through the plan change process.

## **Plan Change 30 – Urban Boundary Framework**

The Council notified Plan Change 30 'Urban Boundary Framework' on 19 August 2009.

The purpose of PC 30 is to establish a broad strategic framework for Urban Boundaries within the District Plan. The Section 32 report released with the Plan Change explains that *"This will define their purpose and principles, including the establishment of a settlement hierarchy. It will also provide the context for their administration and the introduction of boundaries for specific settlements. It will not, however, define specific boundaries, as these will be addressed through other Plan Changes."*

Plan Change 29 has been notified to identify an urban boundary for Arrowtown, but as yet the Council has not notified a separate plan change relating to the urban areas of either Queenstown or the related settlements in proximity to Lake Hayes.

PC 30 proposes to introduce a number of new objectives and policies into Part 4.9 Urban Growth of the District Plan and insert related definitions of "Urban Growth" and "Urban Zones". The relevant provisions of PC 30 are outlined below:



## **4.9 Urban Growth**

### **4.9.3 Objectives and Policies**

#### **Objective 7 Sustainable Management of Development**

***The scale and distribution of urban growth is effectively managed to ensure a sustainable pattern of development is achieved.***

#### ***Policies***

*7.1 To establish a settlement hierarchy for the District as follows:*

#### **Area Centres**

- *Queenstown (including Frankton, Kelvin Heights) and*
- *Wanaka (including Albert Town)*

#### **Local Centres**

- *Arrowtown*
- *Lake Hayes Estate*
- *Hawea (including Hawea Flat)*
- *Luggate*
- *Makarora*
- *Glenorchy*
- *Kingston*
- *Cardrona*
- *Arthurs Point*

*7.2 To achieve 85% of the Districts urban growth within the defined Area Centres. This will include provision for meeting local and higher order/district wide needs for housing, employment opportunities, retail and community services and recreation facilities.*

*7.3 To enable the local economic, social and community needs of rural townships and communities to be met in the defined Local Centres.*

*7.4 To use Urban Boundaries to enable sustainable urban development that will meet the identified needs of the community over a twenty year time horizon to occur, and to ensure that a five year land supply is maintained to meet the short term urban growth needs of the community.*

*7.5 To use Urban Boundaries to define the spatial parameters of urban development, and indicate this on the Planning Maps. Where detailed Urban Boundaries have not been defined for those settlements within the settlement hierarchy, to use the outer extremity of the settlement's existing urban zones as the de-facto boundary.*

*7.6 To implement a sequential approach to land release for urban growth as follows:*

*7.6.1 Priority will be given to the utilisation of appropriately zoned and consented land within Urban Boundaries.*

*7.6.2 Where additional land, beyond the available capacity of current zoning and approved consents, is required for urban growth initial consideration will be given to further land release within the defined Urban Boundaries, taking into account the need to prioritise land within Inner Boundaries prior to Outer Boundaries (where they exist).*

*7.6.3 Only in exceptional circumstances, where there is an identified need for urban growth and there is insufficient capacity available within the Urban Boundary, or the land is unsuitable for the type of development required to meet the identified*



*need, and no suitable opportunities exist within higher order settlements will consideration be given to land release beyond the identified Urban Boundary.*

- 7.6.4 *Where land is considered for urban growth outside an identified Urban Boundary priority shall be given to extending settlements with a defined Urban Boundary, subject to an assessment of the potential effects on the natural and physical resources related to the land adjacent to the Urban Boundary and the potential impact on the settlements character and identity.*
- 7.6.5 *Only when there is no suitable land within or adjacent to an Urban Boundary can consideration be given to other locations for urban growth.*
- 7.6.6 *In considering proposals for urban growth outside Urban Boundaries Council must be satisfied that all reasonable measures have been taken to evaluate and prioritise the use of previously developed land, unless this would conflict with other objectives and policies.*
- 7.7 *To use effective urban design to achieve successful integration of growth areas and new development with existing settlements and adjacent areas.*
- 7.8 *To avoid piecemeal development that could compromise the delivery of sustainable future urban areas within defined Urban Boundaries.*
- 7.9 *To achieve a scale and pattern of urban growth that maintains or enhances the character and amenity of individual settlements and reinforces local identity.*
- 7.10 *To avoid sporadic and/or ad hoc urban growth in the rural areas of the District.*
- 7.11 *To take account of the following matters when defining Urban Boundaries:*
- 7.11.1 *The character and scale of the existing urban area*
  - 7.11.2 *The identified needs of the community*
  - 7.11.3 *The need to optimise and enhance the use of urban resources, including infrastructure*
  - 7.11.4 *The capacity of infrastructure (utility and social) networks to accommodate growth*
  - 7.11.5 *The need to reduce energy consumption*
  - 7.11.6 *The need to avoid urban sprawl*
  - 7.11.7 *The need to safeguard sensitive resources*
  - 7.11.8 *The need to achieve cohesive urban areas*
  - 7.11.9 *The need to mitigate the effects of urban development*
  - 7.11.10 *The need to contribute to achieving a sustainable pattern of development*
  - 7.11.11 *The need to achieve a clear and logical alignment that will differentiate between urban and rural areas, and provide a robust defensible limit to urban growth.*

**URBAN GROWTH** *Means development of a type, scale or intensity that is not consistent with rural activities or characteristics, and is intended to serve as a focus for residential, commercial, business, industrial or community activities.*

*It will normally have one or more of the following characteristics:*

- *A density of development > 2.5 dwellings or sections per hectare (sections of less than 4,000m<sup>2</sup>)*
- *Building coverage of the site or lots in excess of 15%*
- *A concentration of over 10 adjacent dwellings, VA units, building platforms or sections with common access/servicing arrangements, including reticulated infrastructure*
- *Generates in excess of 100 vehicle trips per day*

*Urban growth includes clusters of built development within a more extensive landscaped/open area.*



**URBAN ZONES** Means the following zones:

- Township
- Business
- Industrial
- Wanaka Town Centre
- Queenstown Town Centre
- Town Centre Transition Sub Zone
- Arrowtown Town Centre
- Corner Shopping Centre
- Low Density Residential
- High Density Residential
- Residential Arrowtown Historic Management
- Queenstown Airport Mixed Use
- Special Zones (Remarkables Park, Penrith Park, Meadow Park, Quail Rise, Frankton Flats, Mount Cardrona Station, Ballantyne Road Mixed Use, Three Parks, Kingston Village only)
- Rural Visitor Zone (Cardrona & Arthurs Point only).

Development resulting from the Plan Change would clearly constitute Urban Growth under the definition. Until such time as urban boundaries are identified by future plan changes the Policies determine that growth should be the outer limits of the existing urban zones to act as a “de-facto” boundaries.

PC 30 has attracted extensive opposition as evidenced by submissions lodged. At the time of preparation of this report, a Council hearing of those submissions has not yet been held. Accordingly very little weight can be placed on the PC 30 provisions at this time, and this report does not address them. However LMP has lodged a submission to PC 30 requesting that the plan change be withdrawn or that modifications be made to the policies, definitions and assessment matters. LMP has also requested a suspension of further processing of PC 30 so that the approach to identification of the urban boundaries for any of the urban centers can be integrated with, and considered in association with, the urban boundary framework provisions, and that the Shotover Country land be included within an urban growth boundary – as an extension to the Lake Hayes Estate urban area.

If this plan change is approved, and the PC 30 provisions survive and are confirmed, it is reasonable to assume that the eventual outcome would be an identified urban growth area which would probably comprise Lake Hayes Estate and Shotover Country.

## 2.8 Queenstown Airport

Queenstown Airport is recognised as a resource of regional and national significance. The importance of the Airport to the District’s economy is recognised through a number of statutory documents that are addressed in this section.

### **Plan Change 35**

The Queenstown Airport Corporation Ltd (QAC) has lodged a private plan change request with the Queenstown Lakes District Council to amend the existing airport air noise boundaries and

associated District Plan provisions to allow for projected airport growth through to 2037. Plan Change 35 includes an extension to the existing airport operating hours to allow for flight arrivals up to 12am, a new night time noise boundary, amended air noise and outer control boundaries as well as a number of new objectives, policies and rules to the District Plan to protect the Airport against reserve sensitivity effects. The plan change is being processed concurrently with a notice of requirement to alter the existing aerodrome designation.

PC 35 was notified on 27 January 2010. The aspect of PC 35 most relevant to this site is the proposed new Outer Control Boundary amending the location of the current OCB in the District Plan. The location of the revised OCB is shown in Figure [2].

**Figure 2: Plan Change 35 Noise Contours**



Source: Queenstown Lakes District Council website

LMP has been aware of the proposed new OCB location as a consequence of its consultation with the Queenstown Airport Corporation during preparation of this plan change. LMP has taken a conservative approach to the issue of aircraft noise because of the importance of the airport to the District (and beyond) and the desirability of achieving appropriate amenity outcomes within the Shotover Country Zone. This plan change addresses and responds to this issue in two ways:

- a) Development is excluded from all areas within the proposed new OCB; and



- b) Acoustic controls are imposed to ensure that any building or part of a building used for residential activities, visitor accommodation, community or education activities is insulated from aircraft noise so as to meet an indoor design level of 40 dBA Ldn.

## **District Plan**

Recognition of the importance of the Airport to the community is expressed within Part 14 – Transportation section of the District Plan. Objective 8 and related policies are stated below.

### **Objective 8 - Air Transport**

***Effective and controlled airports for the District, which are able to be properly managed as a valuable community asset in the long term.***

#### ***Policies:***

- 8.1 *To provide for appropriate growth and demand for air services for Queenstown.*
- 8.2 *To avoid or mitigate any adverse environmental effects from airports on surrounding activities.*
- 8.3 *To establish an Air Noise Boundary and Outer Control Boundary for Queenstown and Wanaka airports.*
- 8.4 *To advocate a noise management regime at Queenstown airport to help manage the environmental effects of aircraft noise through means available to the Queenstown Airport Corporation but not available through the District Plan.*
- 8.6 *To ensure buildings at both airports have regard for and are sympathetic to the surrounding activities, and landscape and amenity values by way of external appearance of buildings and setback from neighbouring boundaries.*
- 8.7 *To ensure noise monitoring regimes are established for the District's airports by the respective requiring authorities.*
- 8.8 *To manage noise sensitive activities in areas with existing urban development surrounding the airport, while ensuring future noise sensitive activities in areas currently undeveloped and adjacent to airports are restricted.*

The plan change recognises the growth in demand for air services and any appropriate changes to the air noise contours within the District Plan. The proposed new OCB has been incorporated into the structure plan for the zone and all areas of future development have been designed to be located beyond the anticipated change to this line. In doing so, the LMP will achieve compliance with both the existing and proposed standards and avoid establishing noise sensitive activities within the OCB. In addition, it will introduce acoustic controls for building used for residential activities, visitor accommodation, community or education activities to insulate those activities from aircraft noise so as to meet an indoor design level of 40 dBA Ldn.



## **Existing Private Covenant**

The LMP land (being part of the land subject to this plan change) is subject to an existing private covenant<sup>11</sup> with the QAC which is registered over is land and noted on Computer Freehold Register identifier 103223. A copy of this covenant is contained within Attachment [B].

The effect of the covenant is to bind the LMP and future owners of all of part of the LMP land to the following:

- (i) To permit the airport to carry on the activities of an airport on the airport company's adjacent land and to utilise the airspace above the land and at Queenstown Airport without interference restraint or complaint from the owner.
- (ii) Not to bring against the airport any proceedings for damages, negligence or nuisance, trespass or interference in relation to any activities of the airport or overflying of the land.
- (iii) Not to lodge any submissions, appeal or otherwise intended to limit or prohibit or restrict the continuation, enlargement or extension or operations of the airport or overflying of the land.

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<sup>11</sup> Document 5226852.1, Dated 26 February 2002 and registered on 103223.



## **PART 3**

# **MANAGEMENT PLANS AND STRATEGIES**

### *Contents*

- Local Government Act 2002
- Queenstown Lakes District Council – Long Terms Council Community Plan
- Queenstown Lakes District Council Strategies and Non-Statutory Documents
- Kai Tahu Ki Otago Resource Management Plan



## Part 3 - Management Plans and Strategies Prepared Under Other Acts

### 3.1 Local Government Act 2002

Part 6 of the Local Government Act 2002 set out the obligations of local authorities in relation to making decisions, consultation with interested and affected persons, the nature and use of the special consultative procedure, a process for identifying and reporting on community outcomes and the processes and general content of the Long Term Council Community Plan.

The reporting on community outcomes is achieved through the Long Term Council Community Plan and the details of these are outlined in the following section.

### 3.2 Queenstown Lakes District Council – Long Term Council Community Plan

The Queenstown Lakes District Council has prepared a Long Term Council Community Plan for the District under the requirements of the Local Government Act 2002.

The LTCCP identifies a number of common objectives in the achievement of sustainable growth management. These community outcomes form the basis for all functions of the Council and are stated as<sup>12</sup>:

- *Sustainable growth management.*
- *Quality landscapes and natural environment and enhanced public access.*
- *A safe and healthy community that is strong, diverse and inclusive for people of all age groups and incomes.*
- *Effective and efficient infrastructure\* that meets the needs of growth.*
- *High quality urban environments respectful of the character of individual communities.*
- *A strong and diverse economy.*
- *Preservation and celebration of the district's local cultural heritage.*

\*The term infrastructure includes network infrastructure, roads, trails, public transport and community facilities.

The LTCCP identifies a guide to Council projects that are completed or underway and how these relate to furthering individual outcomes<sup>13</sup>. The guide includes:

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<sup>12</sup> Queenstown Lakes District Council, Long Term Council Community Plan: Volume 1, Page 9

<sup>13</sup> Ibid, Page 20



Growth managed in a sustainable way:

- *Variations and Plan Changes to better align the Plan with community outcomes (ongoing)*

Quality landscapes and natural environment and enhanced public access

- *Landscape values well protected through the District Plan and Environment Court*

In terms of the Resource Management and Regulatory functions of the Council, the LTCCP acknowledges that the single most effective way the Council can exert influence over growth is through the District Plan.

The Plan also establishes as a primary purpose, *“better align the District Plan, once fully operative, with the philosophy of this 10-Year Plan”*.

The Council identifies that the combination of rapid community growth and a sensitive environment will result in continuing evolution of the District Plan. District Plan work includes the following key projects:

Growth Management

*This includes undertaking plan changes relating to the re-zoning of Frankton Flats, Three Parks, Ballantyne Road Business and Residential Zones and Growth Boundaries for the District’s main urban areas.*

The Council has commenced with the notification of Plan Change 30 to address the Urban Boundary Framework as part of the work related to the identification of growth boundaries. This work is on-going and noted in the LTCCP is subject to the relevant provisions of the Resource Management Act that contains *“extensive checks and balances to protect all parties to the process.”*

### 3.3 Queenstown Lakes District Council Strategies and Non-Statutory Documents

#### **Tomorrow’s Queenstown**

Tomorrows Queenstown is a report published by the Council in July 2002 that sets out to establish strategic and policy guidelines. It was the culmination of a planning process involving community workshop sessions, a technical steering group of professionals and final compilation into the Tomorrows Queenstown document. The purpose of Tomorrows Queenstown is stated as:

*“to provide a community vision, strategic goals and priorities for the next ten to twenty years so that Council can align its activities and priorities to those of the community.”<sup>14</sup>*

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<sup>14</sup> Queenstown Lakes District Council (July 2002) *Tomorrows Queenstown – Vision, Issues and Directions*



Tomorrows Queenstown is stated to be based on the principles of sustainable development, reflecting the need to understand and value the natural economy, people and communities and the economy, and was focussed on the areas of Queenstown, Frankton and the Wakatipu Basin.<sup>15</sup>

Tomorrows Queenstown contains a vision statement supported by values and principles along with a set of strategic goals and strategies to achieve the vision. The strategic goals are stated as:

- *Managing **growth** in a way which is sustainable*
- *Respecting the dominance of our magnificent mountain, lake and rural **landscape***
- *Building a strong diverse and inclusive **community** for people of all ages and income levels*
- *Improving **access** to and through our rural and urban areas with good roads, the green network, walkways and public transport*
- *Providing **infrastructure** to keep pace with growth and protect the environment and health and safety*
- *Creating high quality **urban environments** where safe healthy community life can flourish*
- *Growing the strength and diversity of our **economy***

The plan change achieves consistency with these strategic goals by:

- Striking an appropriate balance between enabling of social and economic welling while ensuring that appropriate safeguards are put in place to protect the quality of the natural environment, landscape and amenity values.
- Enabling development on the recessed terrace flats while taking appropriate measures to protect areas which are sensitive for landscape and/or ecological reasons.
- Focussing on delivering a range of housing types that will cater for a variety of ages, incomes and lifestyle preferences.
- Integrating multiple corridors of open space that act to provide connections to existing walkways, improving access to and through the site, as well as a road network connecting with existing communities at Lake Hayes Estates and established public transport.
- Providing new infrastructure for the new development areas identified by the plan change.
- Enabling development on land particularly suitable to provide flat, easy to develop land within a natural setting that will contribute towards creating a high quality urban environment where safe, healthy community life can flourish.

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<sup>15</sup> Ibid, Page 5



- Enabling housing which is a fundamental component to growing the strength and diversity of the District's economy.

### **Growth Options Study 2004**

The Growth Options Study was produced in February 2004. It built on the conclusions of Tomorrows Queenstown and summarised the options that were considered for the Council in terms of managing growth.

The report gives an overview of the projected land use demands that could be expected to be required by Queenstown in the foreseeable future. It considers a number of possible strategies to manage the consequences of growth to Urban Form, including:

1. Slow the Growth
2. Satellite/township development
3. User Pays – internalising the costs of new development
4. Urban Growth boundary and more compact growth

Each option is evaluated against the Community Outcomes identified in Tomorrows Queenstown. At a strategic level the Growth Options Study informs the broad options and alternatives to be considered under Section 32 that are detailed further in Part 5 below .

### **Growth Management Strategy 2007**

The Growth Management Strategy 2007 sets out how Council intends to manage growth. The key principles are derived from the Community Outcomes identified in the Long Term Council Community Plan and reaffirms that growth should be located in appropriate places and that it should provide a range of opportunities to meet current and future needs.

The Strategy considers that limited or managed growth is what is intended for the district (rather than no growth or unlimited growth). The Strategy sets out the expected growth in population, visitors and jobs in the Queenstown/Wakatipu area as follows:

- The number of permanent residents will grow from 15,000 in 2006 to over 32,000 by 2026.
- The number of visitors will grow from 11,100 per day (on average) in 2006 to 21,500 by 2026
- The number of jobs will grow from 11,000 to 24,500 by 2026.

#### Principle 1: Growth is located in the right places

- 1a *All settlements are to be compact with distinct urban edges and defined urban growth boundaries.*



- 1c *Settlements in the Wakatipu Basin (Arthurs Point, Arrowtown, Lake Hayes Estate and Jacks Point) are not to expand beyond their current planned boundaries. Further development and redevelopment within current boundaries is encouraged where this adds to housing choices and helps to support additional local services in these settlements.*
- 1e *The landscape values and the character of rural areas surrounding the urban areas and townships are to be protected from further urbanisation (i.e. changes from a predominately rural character to an urban character).*
- 1f *Greenfields development within the defined growth boundaries of the two main urban settlements (Queenstown and Wanaka), such as at Frankton Flats, is to be carefully managed to ensure that land is used to effectively promote the full range of desired community outcomes, and that a mix of activities can be accommodated. This includes encouraging a higher density form of development.*
- 1h *Green networks are developed to support settlements, helping to define edges, as well as linking activity areas within settlements, and helping to provide a respite to more intensive development.*
- 1i *New development avoids areas of recognised hazards (e.g. floodplains, instability) and development already within known hazard areas is managed so that hazards are not exacerbated.*
- 1j *The further growth of the Queenstown Airport should be co-ordinated with the development of the wider Frankton area to ensure that future conflicts between land use and airport activities are minimised. This is likely to involve some constraints on the operation of the airport (e.g. ensuring flight paths that minimise impacts on local amenity and restrictions on flights between 10pm and 6am), as well as constraints on adjacent activities (e.g. expanded noise contours and complementary land uses).*

A significant factor common to all of Tomorrow's Queenstown (2002), the New Growth Options Study (2004) and the Growth Management Strategy (2007) is that they are all non-statutory documents which have not been subject to a formal hearing and decision making process. Various assumptions which underpin those documents have not been tested, and the conclusions arrived in those documents have not been subject to rigorous scrutiny. The extent to which those documents take proper account of relevant factors, such as the efficient use of and development of existing infrastructure, and the implications of consented but as yet un-built development on landscape and amenity values (to name two examples only) is unclear.

The Council is now embarking on the appropriate statutory processes, required to address the inherent and potential deficiencies in those non-statutory documents, through a number of current and proposed plan changes relating to urban growth boundaries. PC 29 which addresses the issue of an urban growth boundary for Arrowtown has been notified but has yet to be heard by the Council. PC 21 which is intended to address urban growth boundary issues relating to Queenstown is currently undergoing the pre-notification consultation process. In addition the overarching PC 30 referred to above, intended to provide a framework for the likes of PC 29 and PC 21, has been notified, submissions have closed, and a hearing is due later this year.



This plan change is relevant to all of the non-statutory and statutory processes detailed above because it raises important issues, including the appropriate location and form of urban development in the Wakatipu Basin, and the methods or means by which the community seeks to achieve desired social outcomes such as the provision of affordable housing for moderate income resident households (which includes related issues such as whether that issue can or should be addressed under the Resource Management Act or the Local Government Act or both).

Detailed consideration of this plan change will inform and assist those other statutory processes currently under way, particularly PC 21.

Principle 2: The type and mix of growth meets current and future needs

- 2a *All settlements are to have strong centres that are community hubs, with a clustering of retail, business, public transport, and community services.*
- 2e *Land for future social and community facilities should be identified, as appropriate, in all settlements.*

The design of the new settlement has sought to provide a strong centre to the zone with a core of education and community activities, an outer core of higher density residential and a periphery of low density residential living. Access links into adjoining settlements and the provision of an area to establish a Park and Ride Facility will further help integrate public transport into the settlement and reduce reliance on vehicle trips.

Principle 3: Infrastructure is provided which is sustainable and supports high quality development in the right places

- 3b *The local transport network should support the desired pattern of activities in the Queenstown and Wanaka areas through the following processes:*
- *development of a viable, effective public transportation network*
  - *transport routes managed to fit in with communities, with connected roading patterns in newly developing areas providing for increased transport choices, including walkability*
  - *providing a high quality network of non-vehicular trails within and between settlements*
  - *increased walking and cycling options in other settlements.*
- 3d *Regionally-orientated infrastructure (including the airport and the State Highway network) should be planned to be sustainable and support the proposed pattern of development. Recognition should be given to protecting regionally significant transmission corridors and assets.*

Access into the site is proposed to be developed from Stalker Road with a primary vehicle link to Howards Drive and into Lake Hayes Estate. This link will enable short duration trips within and between the settlements without use of the State Highway as well as facilitate a single



public transport connection designed to fit both communities. The addition of open space and recreation trails across the site also provides a high quality non-vehicle based options.

The importance of Queenstown Airport as a regionally significant resource is commented on above. Part of the site is also traversed by the main Transpower High Voltage Transmission line that feeds into Queenstown from Cromwell. The applicant has consulted with Transpower during the course of preparing this application and incorporated into the design requirements from their Corridor Management Strategy and the Electrical Code of Practice. The outcome is an open space corridor through the site providing clearances from conductors of 25 m either side of the transmission line to achieve compliance with Transpower's guidelines and safeguard both this regionally important resource and the health and safety of future inhabitants.

Principle 4: High quality development

- 4b Development is to be encouraged to incorporate innovative design features that reduce demands on the public infrastructure and the environment, while adding to the quality of the development, such as better energy efficiency measures, water conservation and on-site storm water management.*
- 4c Development shall ensure that the quality of water in the district's lakes, rivers and water bodies is not reduced through measures that avoid the run off from sites, of silt and other contaminants.*
- 4e Development is to be of a high quality that respects neighbouring properties and existing and future character, and heritage features as identified in local plans. District Plan provisions (rules and criteria) are to be enforced and monitored.*
- 4f Subdivision layouts that respect the landscape and accord with the principles of high quality urban design by creating compact and connected neighbourhoods are required.*

The approach to infrastructural servicing is explained in detail within the report prepared by CPG who outline several best practice options for the sustainable management of infrastructure within the development.

The layout of the proposed structure plan prescribes a framework for future development that respects the character of adjacent development, creates a compact settlement and connects with neighbouring open space and trail networks to encourage a high quality urban design.

## **HOPE Strategy (housing our people in our environment) 2005**

The Queenstown Lakes District Council Affordable Housing Strategy was adopted by the Council in July 2005. The study sets out a range of actions that the Council and the community are proposing to undertake over the next 5 to 10 years to address issues of improving housing affordability.



Access to affordable housing is recognised as being important to a range of community outcomes that have been identified by the Queenstown Lakes District community.

The Strategy identifies a range of actions intended to address housing affordability issues facing the District. Of relevance to this plan change, the Strategy identifies the following:

- a. *Encourage developers to enter into voluntary agreements to provide affordable housing as part of larger scale subdivision and housing developments, and ensure that the affordability of any such housing is retained into the future.*
- b. *Investigate the potential for the adoption of incentives such as density bonuses for affordable housing, in any proposals for up-zoning and particularly when zoning new urban areas and, if appropriate, include in the District Plan. Tie the provision of affordable housing to a suitable retention mechanism, and introduce location criteria to ensure affordable housing is located close to activities and transport.*
- c. *Support increases in opportunities for affordable housing in lower density residential areas through the provisions for residential flats (for long term rental) in the District Plan.*
- d. *Extend the current assessment criteria for comprehensive residential development in lower density residential areas to include the provision of affordable housing as consideration in whether to grant consent to the development. Improve the implementation of the assessment criteria, to ensure all criteria are assessed. Tie the provision of affordable housing to a suitable retention mechanism.*
- e. *Identify any unnecessary constraints in the District Plan on non-traditional housing forms in locations that are otherwise appropriate for seasonal workers' housing, and, if so identified, work towards their removal.*
- f. *Continue to improve the design standards of intensive housing developments so that they are attractive to permanent residents.*
- g. *Introduce affordable housing into the policies of the District Plan so that it can become a relevant matter when plan changes/applications are considered, for example in relation to discretionary activities. This is so the impacts of planning changes on affordability, both positive and negative, are addressed.*

The Council's HOPE Strategy has been developed to assist members of the community through the provision of affordable housing.



The proposed Plan Change may yield approximately 750 sections and will be similar in context to the neighbouring Lake Hayes Estate community which provides more affordable housing options to long term working Queenstown Families.

The overall intention and vision of this Plan Change is consistent with the principles and strategies of the HOPE strategy, as discussed in more detail above in relation to PC 24 (affordable housing).

## **Social Wellbeing Strategy 2006**

The Social Wellbeing Strategy was adopted by Council in October 2006 and addresses five main issues:

*Issue 1: A challenging employment environment*

*Issue 2: Quality housing is becoming less affordable.*

*Issue 3: Inadequate provision of some infrastructure and services*

*Issue 4: Threat to the community's 'sense of place' and ownership of the district*

*Issue 5: Risk that the proportion of long term residents in the community will decline and that the community will lack diversity*

The strategy highlights as a key issue the affordability of housing and makes the following relevant comments:

*The Queenstown-Lakes District is experiencing a shortage of affordable housing. It is anticipated that this demand will not decrease, but rather increase. This issue was highlighted by community providers as the single most important issue being confronted by family and Whanau living within the Queenstown-Lakes District. This issue affects Maori as their rate of home ownership is less than the national average of Maori home ownership and in comparison with non-Maori living in the Queenstown Lakes area. However, the issue also affects others. Based on interviews with local residents and reports from those within the real estate industry it is evident that the issue has widespread and far reaching consequences.*

*Young singles live in overcrowded rental accommodation as means to share rental costs. Couples and young families who are seeking to establish themselves in the district and are prevented from doing so or deterred by rental, purchase or construction costs. Longer-term residents attracted by the prospect of cashing up in a high price market make the decision to leave the district.*

*One observable impact of the lack of affordable housing for ordinary New Zealanders is the absence of what could be termed "normally resident" population of 18 – 35 year olds, replaced in number but not in their connectedness to the long-term future of the communities they reside in which reduces the necessary levels of social capital and social cohesion in those communities.*

This plan change directly addresses the issues raised in the Social Wellbeing Strategy, in the manner discussed in more detail above in relation to PC 24 (Affordable Housing).



## Otago Regional Land Transport Strategy

The Otago Regional Land Transport Strategy (RLTS) 2005-2015 describes a series of key result areas for achieving the vision of “a sustainable quality of life for current and future generations”.

The RLTS takes into account the priorities, needs and aspirations contained in the New Zealand Transport Strategy and Road Safety Strategy 2010, as well as other national policy documents, and the Regional Policy Statement. It seeks transportation systems that:

- enable the Otago economy to thrive
- offer a safe physical environment for all users
- deliver a healthy, pleasant and low pollution environment
- promote a social environment that is supportive and enables participation by all sectors
- foster community ownership of land transport decision making
- integrate land use and transport needs
- are innovative and responsive to change

The RLTS identifies five core elements that represent a balanced approach to achieving this vision. These areas are:

- Economy: Freight and Tourism
- Transport Choice
- Roads: Efficiency, safety and the environment
- Demand management
- Land Use planning

The RLTS outlines the issues affecting Otago’s regional transport, with Section 5 describing the regional transport policies and methods under each category. Those of relevance are noted below:

### *Issue 5.1 Economic wellbeing*

#### *Policy 1.1 Assist economic development in the Otago Region*

##### *Methods*

*1.1.1 Protect the primary function of the strategic land transport network via District Plan strategic network provisions and adequate ongoing investment in maintenance and network development*

*1.1.2 Proactively invest in priority strategic land transport network developments that improve flows of people, goods and services in Otago, and the quality of the travel experience*



*1.1.4 Minimisation of transport-related energy consumption through integrated land use planning, route alignment improvements, and new links.*

*1.1.5 Investment in more effective management of existing transport systems and promotion of integration of all major modes to be recognised as being as important as new investment solutions*

The Plan Change will facilitate a development that is in accord with the district roading hierarchy, and which will not give rise to conflicts (anticipating that the Ladies Mile / Lower Shotover Road intersection is eventually improved). The location of the site facilitates public transport links thus minimising transport-related energy consumption, with walking and cycling being viable modes of transport through the inclusion of commercial and educational land uses within the site (and thus reducing the distances travelled to these facilities).

#### *Issue 5.2 Environmental wellbeing - sustainability*

*Policy 2.1 Ensure transport decisions promote environmental sustainability.*

##### *Methods:*

*2.1.1 Transport is increasingly energy efficient and environmentally sustainable through reducing negative environmental effects (air emissions, noise and vibrations, choice of travel mode, urban design choices) via education, regulation, technology and investment.*

*2.1.2 Promoting alternatives to roads as a means of reducing traffic growth through improving integration between transport and land-use.*

*2.1.4 Reduce energy use by reducing the need for travel through district plan rules enabling local needs to be met locally.*

*2.1.6 Make greater provision and use of low energy transport options through encouragement of safe and attractive walking and cycling environments.*

*2.1.8 Promote use and development of energy efficient road networks and traffic management as part of urban subdivision layouts, and urban redevelopment projects.*

The Plan Change will provide a quality pedestrian and cycle environment with appropriate destinations within a viable distance of much of the development, thus providing residents with a choice of transport modes. Further, the existing public transport between Queenstown and Arrowtown could be extended to run through the proposed site.

#### *5.3 Social and cultural wellbeing*

*Policy 3.1 Ensure transport related decision making supports improvement in safety and personal security.*

##### *Methods:*

*3.1.4 Addressing the safety needs of vulnerable users through prioritised investment in suitable lighting, urban design that promotes surveillance of public transport facilities, and reliable service timetables.*

*3.1.5 Addressing personal security concerns for pedestrians, cyclists and passenger transport users through identification of risks and targeted safety improvement investments.*

*Policy 3.2 Ensure transport related decision making improves access and mobility.*



*Methods:*

*3.2.3 Recognising roading space needs of users other than motor vehicles through encouragement of suitably designed and located cycle routes and lanes in suitably level parts of urban areas, and open road tourist routes.*

*Policy 3.3 Ensure transport related decision making protects and promotes Public Health.*

*Methods:*

*3.3.1 Promotion of walking and cycling for short trips through land use planning, urban design, direct investment in quality footpaths, walkways and cycleways, and marketing of 'healthy transport alternatives'.*

*3.3.2 Reducing dependence on private vehicles through land use planning that enables local needs to be met locally, providing a high level of network 'connectedness' to promote non-vehicle modes, and using parking availability and price signals to shift behaviour.*

*3.3.3 Encouraging modal shifts to enhance air quality and reduce exposure to transport noise or other aspects that can impinge on community and personal health*

The detailed design of the various transportation networks will be cognisant of safety matters and the potential effects of interaction between different types of road user. The level of provision made will reflect the likely volumes of pedestrians and cyclist flows, with cycle lanes being provided if flows justify this. Footpaths will be provided on at least one side of each road.

## **Regional Passenger Transport Plan for Otago**

The Regional Passenger Transport Plan (2008) has a goal of providing a quality, safe and affordable public transport service within Otago. While many of the objectives relate to service providers and the strategy appears to focus on Dunedin, Objective 1 (that alternatives to private motor vehicles are readily available, especially to assist the transport disadvantaged) is of relevance and is supported through the potential diversion of an existing bus route through the plan change site and potential establishment of a park and ride facility.

## **Wakatipu Transportation Strategy**

The 'Wakatipu Transport Strategy'<sup>16</sup> is a collaboration between the Queenstown Lakes District Council, Transit New Zealand (now the New Zealand Transport Agency) and the Otago Regional Council to address the growth in travel demand, public transport, roading and parking within the Wakatipu.

The priorities for roading development are focussed on projects in and around the main urban areas of Frankton and Queenstown that have little relevant to the area of the proposed plan change. Of greater relevance is the emphasis of the Strategy is dealing with Traffic Demand Management, public transport and parking.

### Travel Demand Management

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<sup>16</sup> Queenstown Lakes District Council (et al) (November 2007) "Wakatipu Transportation Strategy"



Travel Demand Management (TDM) is the application of strategies and policies aimed at reducing vehicle travel demand and is applied to policy development across a number of central government, local government and other agencies seeking to encourage more sustainable options for transportation. The New Zealand Transportation Agency has a separate policy dedicated to this topic also.

The strategy seeks to raise awareness of transportation choices and encourage the use of public transport and walk or cycle rather than increased reliance on private motorcars. TDM incorporates a broad range of tools for reducing reliance on motor vehicles from improving pedestrian and cycle networks to improving public transportation and road pricing tolls.

The relevance of TDM in the Queenstown context is in the already apparent growth in travel times, congestion at peaks periods and the forecast loss of the level of service within main arterials such as State Highway 6A to “unacceptable” levels within the next 10 years.

The report from Traffic Design Group describes the impact of forecast growth of traffic volumes on State Highway 6 in terms of the level of service provided at three intersections in the vicinity of the Plan Change without making any allowance for the additional traffic generated by the Plan Change<sup>17</sup>. Their analysis identifies future difficulties for right turning vehicles emerging from the minor approaches onto the State Highway – particularly from Lower Shotover Road and Howards Drive.

The proposal seeks to address TDM by developing a multi-pronged approach:

- (i) Developing walking and cycle connections to existing communities at Lakes Hayes Estate and Quail Rise that avoid the use of the State Highway;
- (ii) Encouraging the extension of public transportation routes through the area;
- (iii) Enabling a park and ride facility – able to connect to the existing public transport network; and
- (iv) Providing for convenience retail within walking distance for future residents within the Plan Change as well as existing residents at Lake Hayes Estate.

The report from Traffic Design Group predicts a conservative potential uptake on the proposed Park and Ride Facility of 10% of the car-borne travel from the Plan Change site and a further 10% of trips associated with Lake Hayes Estate and on the State Highway. In each car the car-borne trips are replaced by a smaller number of bus trips. Estimates on the likely impact of other TDM measures – public transport and trail connections for cycling and walking are less capable of being quantified but will still contribute to the package of measures available to reduce traffic generation.

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<sup>17</sup> Traffic Design Group (February 2010) *Transportation Assessment Report*, Pages 12 - 15.



### Passenger Transport

The Strategy recommends a bus system as the most cost effective option of providing passenger transport and a route is already established between Arrowtown, Lake Hayes Estates, Frankton and the Town Centre.

The proposal supports the extension of public transport into the site of the Plan Change that would integrate with the development of a Park and Ride Facility to promote a reduction of vehicle movements.

### **Wakatipu Trails Strategy**

The Wakatipu Trails Trust published the "Wakatipu Trails Strategy" (May 2004) to *"guide development of an integrated network of walking and cycling trails and cycle-ways in the Wakatipu Basin"*. The Wakatipu Trails Trust itself is a non-profit organisation set up to develop a network of public trails around the Wakatipu Basin.

The Strategy sets out a number of goals for development of the network and include a number of priority trails programmed within defined time frames. The potential public access network is further illustrated on a plan, part of which is reproduced below for the area around the plan change site.

The Strategy sets out as a priority the upgrade of the Old Shotover River Bridge (now complete), including construction of Arterial Trails linking the bridge to Quail Rise and Lake Hayes Estate.

A further recreational track is proposed to be established along the eastern side of the Shotover River leading to and along the northern banks of the Kawarau River with linkages back into Lakes Hayes Estate and Hayes Creek.

To date there are no trails established from the Old Shotover River Bridge that would provide for the Arterial Trail between the existing communities at Quail Rise and Lake Hayes Estate. The proposal will provide for the link that would establish this trail.

The proposed structure plan set aside a central spine of open space, predominantly along the existing transmission line corridor, where a trail is proposed between Old School Road and Lake Hayes Estate. The trail would achieve a priority goal under the Trails Strategy. There are however, further benefits in having such a trail if it leads to a school and/or other community activities within the proposed zone that facilitate non-vehicle basis transport alternatives between these communities.



Development of the Plan Change would positively implement the broad objectives of the Trails Strategy as well as specific planned priorities set out for implementation by the Trust.

### 3.4 Kai Tahu Ki Otago Resource Management Plan

The Kai Tahu Ki Otago Resource Management Plan is the principal planning document for Kai Tahu ki Otago – collectively incorporating the four Papatipu Runanga and associated whanau of the Otago Region.

Section 74(2A) obligates a territorial authority to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district, when preparing or changing a district plan. The Resource Management Plan has been lodged with the relevant local authorities (Queenstown Lakes District Council) and is a planning document recognised by the iwi authority (Te Runanga o Ngai Tahu).

The preliminary statement prepared by KTKOL (refer to Attachment [K]) identifies the relevant objectives and policies for Wai Maori, Wahi Tapu, Mahika Kai and Biodiversity and Cultural Landscapes to the proposed Plan Change, including:

#### Wai Māori Objectives and Policies

- *The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs;*
- *Contaminants being discharged directly or indirectly to water are reduced;*
- *There is no discharge of human waste directly to water;*
- *To require reticulated community sewerage schemes that have the capacity to accommodate future population growth;*
- *To encourage the treatment of all stormwater before being discharged.*

#### Wāhi Tapu

- *To promote the use of Accidental Discovery Protocols for any earth disturbance work.*

#### Mahika Kai and Biodiversity Objectives and Policies

- *Habitats and the wider needs of mahika kai, taoka species and other species of importance to Kāi Tahu ki Otago are protected;*
- *Mahika kai resources are healthy and abundant within the Otago Region;*
- *Indigenous plant and animal communities and the ecological processes that ensure their survival are recognised and protected to restore and improve indigenous biodiversity;*
- *To restore and enhance biodiversity with particular attention to fruiting trees so as to facilitate and encourage sustainable native bird populations;*
- *To promote the use of locally sourced genetic plants for landscaping, regeneration and restoration.*
- *To create a network of linked ecosystems for the retention of and sustainable utilisation by native flora and fauna;*
- *To protect and enhance existing wetlands and to support the reinstatement of wetlands.*



*Cultural Landscapes*

- *The relationship that Kāi Tahu ki Otago have with land is recognised in all resource management activities and decisions;*
- *The protection of significant cultural landscapes from inappropriate use and development;*
- *The cultural landscape that reflects the long association of Kāi Tahu ki Otago resource use within the Otago region is maintained and enhanced;*
- *To discourage subdivisions and building in culturally significant and highly visible landscapes.*
- *To require public access along lakeshores and riverbanks within subdivisions.*

A detailed set of recommendations are made within the preliminary statement and these are detailed in Part 4.3 (below). Implementation of these recommendations along with on-going consultation throughout the development of the project will ensure consistency with the objectives and policies of the Kai Tahu Ki Otago Resource Management Plan.



## **PART 4**

# **ASSESSMENT OF EFFECTS**

### *Contents*

- Permitted Baseline
- Landscape and Amenity Values
- Infrastructure
- Historic Heritage and Cultural Values
- Natural Hazards
- Air Quality
- Ecology
- Traffic
- Open Space and Recreation
- Consultation
- Summary



## Part 4 - Assessment of Effects on the Environment

### 4.1 Permitted Baseline

Guidance from case law determines that a local authority must have regard not only to the existing environment but also the reasonably foreseeable environment, including the environment as it might be altered by permitted activities under the District Plan and the implementation of resource consent that have been granted and where it appears likely that those consents will be implemented.

The portion of the site owned by the Ladies Mile Partnership has been influenced by subdivision and development and is the subject to further subdivision and development under existing consents. An understanding of the nature and scale of the effects arising from these consents can be simplified to reference to three main resource consent decisions:

i) RM990450

This resource consent granted permission for the subdivision of the Ladies Mile Partnership land into 20 allotments located south of the Ladies Mile (State Highway 6). The first seven lots of this subdivision were implemented as a first stage and these are the properties now located along Stalker Road and Max's Way. The remaining 13 lots within stage 2 are being developed, having all infrastructure and access installed (or bonded) and close to receiving a Section 224(c) completion certificate from the Council. Each of the 13 lots contains a residential building platform designed to cater for future building development.

Related to this decision was a side agreement reached between the applicant, the Queenstown Lakes District Council and the State Highway authority (formerly Transit New Zealand) for an upgrade of the State Highway 6 / Lower Shotover Road intersection (which has been completed).

ii) RM060268

This was the latest in a series of approvals given for changes to the conditions of the original consent RM990450. The variations related to matters such as staging conditions and minor adjustments to the lot boundaries. The layout of the 13 lot subdivision and building platforms approved by this change is shown on the plan of approved development contained within Figure 3.

iii) RM071139

This is a land use consent granted to construct residential units and ancillary buildings within the 13 undeveloped lots created by the above subdivision. It allows building of



non-specific design to occur within each platform along with an allowance of earthworks on each site between 300 m<sup>3</sup> to 1,000 m<sup>3</sup> associated with future building. A number of conditions have been imposed relating to design controls and the requirement to submit landscape plans. This consent has a 10 year lapsing date of February 2018.

If the plan change is not confirmed it is virtually certain that the 13 lot consent will be implemented because that will be a far more valuable use of the economic resource (being the land) than its current farming / grazing use.

## 4.2 Landscape and Amenity Values

The effects of the proposal on landscape and amenity values are addressed within the Landscape Report prepared by Kidson Landscape Consulting Ltd. The report is contained within Attachment [C] to this application.

The approach taken by Kidson in preparing the report is described<sup>18</sup> as including:

- An initial field study followed by a review of a number of the supporting technical reports;
- Visibility analysis from all public places within the visual catchment;
- Formulating a description of the landscape character of the area in terms of the amended Pigeon Bay criteria adopted by the Environment Court in its decision C180/99; and
- Formulation of a map and related chart of the visual absorption capacity of the site.
- Assessment of the potential effects of development enabled by the plan change on landscape and visual amenity values.

The map of the visual absorption capacity provided a critical part in defining the various activity areas and outline of the structure plan associated with the Plan Change.

In summary, the analysis of the landscape character undertaken by Kidson finds<sup>19</sup>:

*The site has been previously classified as a visual amenity landscape through environment court decisions C180/99 and C203/2004 and I agree with this classification.*

...

*The site fits this description [because]:*

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<sup>18</sup> Kidson Consulting Limited (February 2010) *Landscape Effects Assessment Report* , Page 4

<sup>19</sup> Ibid, Page 19



- The site is located on the terraced valley floor of the Wakatipu Basin.
- The ecology of the site reflects its past use for agriculture, with a pastoral cover over the flatter land, and the native species largely marginalised to the steep land on the terrace slopes, or the swampland adjacent to the Shotover River.
- The aesthetics and shared/recognised values are closely linked to that seen by other areas of the Wakatipu Basin valley floor categorised as visual amenity landscape. These are associated with the flat green pastoral quality of the land which has a picturesque amenity, forming a foreground view to distant outstanding natural landscape of the Crown Range; and a strong contrast to the imposing rugged and coarser texture of the outstanding natural landscape of the Remarkables mountain range that rise straight out of the Kawarau River immediately to the south of the site. The transmission lines detract from this pastoral amenity.
- The consented resource consent introduces a domestic element through 12 residential building platforms across Terraces 1-4 which will add significantly to the “cloak of human activity” across the site. Adjoining the study area and adjacent to SH6 there are three more building platforms which would contribute to this domestication, as would the building platform on the western flank of Trig M.

## Visibility

The outcome of the visibility analysis undertaken by Kidson has been the formulation of the landscape absorption map contained in Figure 21.

Figure 21 – Kidson Landscape Consulting Landscape Absorption Map





The process of formulating the visual absorption map is explained on pages 21 and 22 of the Kidson Report and combined a computer based intervisibility analysis with conventional site visits with photos taken from representative viewpoints along each public area that had views of the site. The full range of maps created from the intervisibility analysis is contained within Figures 7 – 20.

## Summary of Findings

Having described the landscape character, identified its classification and prepared the visibility assessment, a summary of the findings made by Kidson are<sup>20</sup>:

- *While the proposed Zone is in close proximity to an existing residential zone (being Lake Hayes Estate) they are not seen in the same visual catchment when viewed from the valley floor. They are viewed in the same catchment from elevated views from parts of the Remarkables Ski field access way, from where most of the Wakatipu Basin can be seen.*
- *The area of the Zone adjacent to the State Highway (Ladies Mile) is highly visible. Most of the land within this area is excluded from the zone to maintain the pastoral character and vistas to the surrounding outstanding natural landscape, as this area forms part of the approach to Queenstown from the east. The exception will be a park and ride facility, which is proposed to be set back from the Highway and depressed into the landscape to reduce visibility.*
- *Views from the State Highway of the proposed development in the Zone will be restricted and only noticeable from a short stretch of the Road on the approach to the Shotover Bridge (travelling west away from Queenstown). This is an oblique view; with development on the edge of the terraces screening that located behind. Planting along the edge of these terraces will aid in mitigating and reducing visibility, which lasts only for a few seconds.*
- *Areas of the Zone proposed to be developed are most visible from Jims Way, the Glenda Drive Walkway (that runs along the edge of Frankton Flats) and Old School Road (the end of the formed section and along the unformed section) and Stalker Road. These are views from the west and, with the exception of Old School Road and Stalker Road (which directly border the site), are all approximately 1km in distance. Old School Road is currently under-utilised as a public asset. Views from this area would be successfully mitigated through planting due to the proposed buffer area (which would be 50m deep and located 200m distance from the viewer). Planting in this buffer would provide a definitive boundary to development which is currently lacking on T5. Views from Stalker Road are already compromised by the approved land use consent RM060268.*

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<sup>20</sup> Ibid, Page 59



- *Other areas considered inappropriate for development include the terrace slopes; the area of Zone which borders the formed and unformed section of Old School Road, and a large wetland area on T6 which is located near the Kawarau/Shotover confluence.*

In commenting on the outcomes of development enabled by the structure plan, Kidson finds that it reflects the natural patterns of the landscape with development located in appropriate areas of the zone while protecting areas inappropriate for development. The outcome will result in change to the landscape character in a way that will respect the landscape values of the site and surrounding landscape.

### 4.3 Infrastructure

CPG was engaged by the LMP to investigate and report on infrastructure options for the proposed Plan Change. The CPG report is contained within Attachment [F] and considers options for wastewater, water, stormwater and gas.

#### **Wastewater**

The infrastructure report considers six options for the disposal of wastewater, ranging from on-site treatment at each lot to full reticulation to the existing Council network. Following discussion with the Council's engineers, the preferred concept is connection directly into the Council sewer via a pump station with collection of wastewater from each lot by a standard gravity network.

This preferred option has been partly allowed for in planning by the Council for future upgrades to the reticulation and would be subject to development contributions at the time of subdivision to recover the costs attributed to this additional demand. An additional pipeline may be required.

The pump station located on the lower terrace would need to accommodate emergency storage in case of mechanical failure or power outage. The preferred option does not involve a requirement for any discharge of treated wastewater to land or water and no discharge consents are required from the Otago Regional Council.

#### **Water Supply**

The site contains an existing water supply bore located on the lower terrace that reticulates to the approved 20 lot subdivision on the LMP land. Water quality from the bore is high and CPG recommend as the preferred option installation of an additional bore to supply the proposed development. Resource consent would be required for the additional bore and for the increased water supply.



The CPG report identifies the compliance requirements for the Drinking Water Standards of New Zealand 2005, options for treatment and the use of chlorination and storage requirements. A summary of the recommendations from the CPG report<sup>21</sup> are:

- *A water source with a flow of 49 L/s is expected to be required for the proposed 758 lot development*
- *The most likely water source will be another bore. The existing bore could be utilised for part of the flow but couldn't supply the full flow.*
- *Compliance with the Drinking Water Standards is now mandatory and will need to be complied with as soon as the water supply is servicing the new development.*
- *Initially the water from the bore should be age tested to determine if a 'secure' status can be achieved for the bore. If the age of the water is sufficiently old then treatment may not be required, however 12 months of ecoli testing will be required before the bore is confirmed as 'secure'. If the water is not designated as 'secure' then treatment will be required.*
- *If the bore is not designated as 'secure' a catchment risk assessment will be required to determine the protozoa risk category for the water.*
- *The most suitable treatment system for this development would be to use a UV reactor. However the source water must be consistently below 1 NTU to do this. If the water occasionally rises above 1 NTU then a filtration step will need to be added prior to the UV or a membrane filtration system used instead.*
- *Chlorine is not an essential step in the treatment process but is encouraged by the Ministry of Health. Gas chlorination is likely to be the best form of chlorination for this development.*
- *A 1,110 m<sup>3</sup> reservoir will be required for this water supply. This volume of storage would best be provided in a reinforced concrete tank at a level of approximately 400 m RL. The most suitable site is likely to be north of the development and north of the State Highway.*

## **Stormwater**

The management of stormwater for the Plan Change has been guided by the following overall objectives:

- Regulatory compliance
- Avoid significant increase in downstream peak flows

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<sup>21</sup> CPG (January 2010) 'Conceptual Study for Wastewater, Water, Stormwater and Gas' Page 17



- Manage the effects of the proposed subdivision in a sustainable way
- Minimise the pollution of receiving waterways by reducing contaminants in stormwater runoff from the roading area
- Prevent erosion of the slopes where discharges are directed
- Attenuate peak flows, where necessary, from additional runoff derived from the increased impervious area post development
- Management system adopted should be economical to construct and maintain

The nature of the development would result in an increase in runoff (from a pre-development situation) to 2.63 m<sup>3</sup>/s during a 10 year ARI event.

The CPG report outlines a range of options for stormwater management and control measures to mitigate the effects of surface water runoff attributed to an increase in the impervious areas that come with urbanisation. The recommended strategy for stormwater management is to provide an integrated treatment train approach to water management that is premised on providing control at the catchment wide level, the allotment level and to the extent feasible in conveyance followed by end of pipe controls. CPG conclude that this combination of controls is the best means of meeting the appropriate criteria for water balance, water quality, erosion and flood control.

## **Gas**

Reticulated gas is available to the adjacent Lake Hayes Estate development where Rockgas has installed 50 tonne underground storage facility on land located to the west of Howards Drive. Rockgas has advised that the capacity of its storage and delivery network will be adequate to supply the proposed development.

## **4.4 Historic Heritage and Cultural Values**

### **Archaeology**

LMP commissioned Southern Archaeology (P.G. Petchey) to investigate any archaeological or historic sites or features that might be affected by the proposed plan change. The results of this investigation are contained within Attachment [D].

The Petchey report documents the history of early settlement within this area, the explosion in the population of the area after the discovery of gold in 1862, and the development of agricultural lease areas within the vicinity of the Lower Shotover.

The report finds that the site does not contain any previously recorded archaeological sites within the New Zealand Archaeological Association site Record File. Likewise there are no recorded historic features listed on the site with protection under the District Plan or under the Historic Places Register.



The site inspection did however find an early settlers cottage. The physical construction of the building is suggested by Petchey as being an extremely early building in the context of the Wakatipu Basin and therefore extremely significant.

The evidence uncovered by Petchey is that the cottage was most likely constructed by a Mr Thomas Hicks who purchased an agricultural lease and later the freehold property originally described as Section 94 Block III Shotover Survey District. The probable date of construction ranges from the mid 1860's to the mid 1870's. Petchey considers that the cottage is a relatively rare survivor from the first decade of European settlement in the Wakatipu Basin – alongside such other remaining buildings as Williams Cottage in Queenstown (1867) the Ayrburn Farm buildings near Arrowtown (<1865), Threepwood Farm stables beside Lake Hayes (<1865) and a number of buildings in Arrowtown.

Petchey finds that the remainder of property has little archaeological interest and no archaeological authority is required for the majority of the proposal to proceed. In relation to Hicks Cottage however, any construction activity within the vicinity of the cottage will require an authority because of the likelihood of sub-surface archaeological material associated with the cottage. The cottage itself would be afforded protection as an 'archaeological site' under the New Zealand Historic Places Act 1993.

Petchey makes specific recommendations relating to the archaeological requirements of the Historic Places Act that are of immediate relevance to the landowner including suggestions on how to set about protecting the area, modifications to the structure, trees in the vicinity and stabilisation of the cottage.

Of relevance to the Plan Change Petchey also recommends retention of open space around the building, with suitable historic garden design.

The Plan Change recognises the values of the cottage in historic terms and seeks to provide for its ongoing protection through the addition of the building to the inventory of protected features contained within the District Plan. An area of approximately 1.1 hectares has been identified within the structure plan specifically as a heritage precinct to manage both the protection of the building and its curtilage.

## **Cultural Values**

The Statement prepared by KTKOL (contained within Attachment [K]) provides a preliminary cultural statement on the Plan Change on behalf of Te Rūnanga o Ōtākou and Kāti Huirapa Rūnanga ki Puketeraki. It describes the cultural association of Kai Tahu within inland Otago as a source of seasonal mahinga kai and stone. The central inland lakes were typical of the South Island in retaining some permanent settlement but largely used as a seasonal resource for coastal communities.



The Statement identifies in particular The Kawarau and Shotover Rivers as wāhi taoka (treasured resource) for Kai Tahu and the values associated within are summarised in the statement.

There are no Maori archaeological sites identified within the area of the Plan Change.

The Statement requests the following matters to be addressed through the Plan Change:

Wai Māori

- i. That best practice methods are adopted to minimize the risk of sedimentation and contaminants entering the Kawarau and Shotover Rivers during earthworks for the development;*
- ii. That best practice management of sedimentation and contaminants during construction on each allotment be required by the plan change;*
- iii. That a reticulated community sewerage scheme be installed that has the capacity to accommodate future population growth within the Zone;*
- iv. That best practice management of stormwater should be an integral part of the structure plan for the development.*

Wāhi Tapu

- v. The plan change should incorporate an accidental discovery protocol for any earth disturbance work. An accidental discovery protocol is attached as Appendix 1.*

Mahika Kai and Biodiversity

- vi. That the plan change promotes the restoration and enhancement of biodiversity with particular attention to fruiting species to facilitate and encourage the breeding of native birds.*
- vii. That locally sourced genetic plants be used for landscaping, regeneration and restoration.*
- viii. That a network of linked ecosystems be created within the Zone for the retention of and sustainable utilisation by native flora and fauna;*
- ix. That the existing wetlands on the site be protected and enhanced.*

Cultural Landscapes

- x. That the relationship that Kāi Tahu has with the Kawarau and Shotover Rivers should be recognised in the plan change; and*
- xi. That public access should be provided along the banks of the Kawarau and Shotover Rivers.*

The Plan Change seeks to give effect to these matters through the following measures:

i. and ii. – The Plan Change introduces a site standard for earthworks putting in place controls over sedimentation and dust suppression.

iii. - CPG conclude that wastewater from the development could be dealt with either on-site or via the Council sewer. The Council system has immediate capacity for population growth within the zone. But with future development else where in the network delegated capacity the additional load may require a separate pipeline to the treatment plant to ensure sufficient capacity.

iv. – The approach for stormwater management is outlined within the infrastructure report by CPG. They recommend an integrated treatment train approach to water management that is



premised on providing control at the catchment wide level, the allotment level and to the extent feasible in conveyance followed by end of pipe controls. CPG conclude that this combination of controls is the best means of meeting the criteria for water balance, water quality, erosion and flood control (if required) and is considered best practice for management of stormwater.

v. - The Plan Change makes reference to an accidental discovery protocol within the assessment matters related to the earthworks rules.

vi., vii, viii & ix – The restoration and enhancement of biodiversity is addressed in more detail within section 4.6 below. A range of measures have been incorporated into the Plan Change from the investigations and recommendations made within the report from Natural Solutions for Nature and are targeted towards enhancing the existing grey shrubland vegetation, wetland species and the carex sedgelands. The ecology report sets out a list of plant species appropriate for the purposes of enhancement planting within each area.

x & xi – The Plan Change promotes public access to and along the banks of the Shotover River to its confluence with the Kawarau River.

## 4.5 Natural Hazards

Geoconsulting Ltd (Bryant, J) was commissioned to assess the existing landforms of the site, soil types, natural hazards and provide a summary of the geotechnical suitability for the site for development. The results of this investigation and report are contained within Attachment [E] to this application.

Bryant describes the formation of the site comprising six distinctive river terraces decreasing successively in elevation from the northeast to the southwest and identified as T1 (being the highest terrace) to T6 (being the lowest and containing a wetland area). The potential hazards examined in the report included:

- Oversteep, instable slopes
- Debris Fans
- Erosion
- Flooding
- Low bearing capacity soils
- Liquefaction
- Seismic ground shaking

Bryant considers the risk of each hazard and identifies potential risk from ground related hazards for this site from terrace slope instability, erosion and debris fan emplacement, several issues regarding the suitability of Terrace 6 and seismic ground shaking. The nature of these issues and analysis of how each has been addressed is outlined below.



(i) Terrace slope instability.

Building restrictions, setbacks or zoning of these areas are the preferred means of controlling building development on the terrace slopes.

(ii) Erosion and Debris Fan Emplacement.

The report considers erosion and debris fan emplacement to be dormant processes giving rise to a relatively minor hazard. Current subdivisional standards and resource management guidelines for development contain adequate stormwater control and disposal requirements. Bryant recommends all roading in the vicinity of terrace crests should have kerb and channel to prevent runoff escaping over the edge and disposal into soak pits should not be allowed within 50 m of the terrace edge. He also recommends the existing vegetative cover on terrace slopes be retained and enhanced to encourage rainfall infiltration and to mitigate rainwash erosion.

The recommendations have been taken into account through the design process and formulation of the structure plan with the alignment of primary and secondary road corridors following debris fans between terraces to mitigate further erosion on fans. Retention of vegetation on the terrace escarpments is also being promoted through the recommendations for enhancement by Palmer and are outcomes promoted by the Plan Change.

(iii) Terrace 6

The area of Terrace 6 is identified as having soils of low bearing capacity, flood hazard and substantial modification through drainage and earthworks for development. The recommendation from Bryant is to consider zoning the land as reserve or some other use that is not sensitive to these hazards. These recommendations have been taken into account in two ways:

- a) Through the incorporation of T6 into the open space area of the structure plan and associated zone rules that avoid building development; and
- b) Enhancement of the ecological values of the wetland and potential incorporation into the stormwater system

(iv) Seismic Ground Shaking

The proximity of the site to the Alpine Fault identifies the site and locality as subject to hazard from seismic ground shaking. Bryant acknowledges that the risk cannot be avoided but can be mitigated through application of the appropriate building standards and codes that are currently the practice for any development within the Wakatipu Basin.



## **Flood Hazard**

A detailed examination of the potential of the site to be affected by flood hazard has been undertaken by David Hamilton & Associates Ltd. The report from Hamilton is contained within Attachment [G] to this application.

The Hazards Register published by the Queenstown Lakes District Council identifies parts of Terrace 5 and 6 as being affected by a flood hazard. Hamilton documents a robust and detailed examination of the potential flood risk for the site, drawing on a range of reports mostly prepared by the Otago Regional Council, the formulation of a hydraulic model, Regional Council river flow data, NIWA climate and rainfall records and a consideration of low probability but catastrophic event such as a large landslide generated by earthquake within the Shotover catchment.

Related field investigations undertaken by Bryant are also relevant to the assessment of flood risk. He notes in his geotechnical report pronounced paleo-channel visibility on aerial photos. Results from excavation of a series of test pits are documented and within T6 two layers of silt indicating deposition during a prolonged period of submersion from two distinct flood events. No similar layers were identified on Terrace 5, and Bryant suggests *“past flooding across the terrace was either of short duration of the water channelled through the area and any such silt layers are localised.”*

Evidence from the most recent large flood event on the Shotover in November 1999 are included within the report and illustrate the area of inundation from the Shotover confined to the southwestern corner of the site – described as T6 and containing the wetland area.

In the absence of historic records or geological evidence from the test pits excavated by Bryant, the approach by Hamilton has been to model predicted water levels within the Shotover River and relate these to the site to predict potential for flood risk.

The model is supported by cross-section surveys across the bed of the Shotover initiated by the Ministry of Works and Development in 1980. Using this data, Hamilton records the results of three runs of the model:

(i) May 2005

Checked against the 1999 peak flood levels as measured across cross sections 1, 2, 4 and at the delta. Modelled flood levels for 750 m<sup>3</sup>/s and 1,200 m<sup>3</sup>/s are tabulated.

(ii) July 2005



The July 2005 run incorporated predictions of flood levels following potential aggradation from cross-sections 1 – 4 of 0.75 metres over 50 years.

(iii) Post 2006

With the availability of recent survey data from December 2006 further analysis was made of potential flood levels. The trends were noted but no overall changes made to the earlier predictions.

The findings from the Hamilton report and the hydraulic model are that while the site is unlikely to be flooded in a 1% AEP flood event it is possible within the margin of error of estimates that minor flooding could occur within a small area given the natural variability within riverbeds. Hamilton considers mitigation works prudent, with two options available:

- (i) A stopbank parallel to the river from the high ground at cross-section 1 down to the terrace edge at or about cross-section 4 – 900 metres downstream; or
- (ii) Clean hard fill areas on the lower terrace that take into account estimated flood levels with appropriate freeboard.

Hamilton finds that either the stopbank crest levels or the developed minimum floor levels should be 0.8 m above the 1% AEP flood in 50 years time using 2001 bed levels at cross-section 1 – 3. These levels are shown in Table 3, below:

**Table 3: David Hamilton Adopted Minimum floor level (0.8 m) above 1% AEP flood level**

MWD X-Section	Level (masl)
7	313.1
6	313.6
5	314.3
4	314.8
3	315.6
2	316.5
1	317.3

In summary, the Hamilton report concludes:

*The proposed development site is not currently subject to flooding in events up to the 1:100 AEP event under existing Shotover River cross sections. If the lower Shotover continues to aggrade then some minor flooding at the lower end of the Structure Plan site could be experienced. It is not considered that significant aggradation will occur in the reach through the oxidation ponds. Recommended minimum stopbank levels or minimum*



*hardfill levels have been provided. The willow edge protection should be maintained and strengthened where necessary to ensure lateral erosion is managed. Should major sediment input changes occur because of earthquake induced landslides in the upper catchment there would be adequate time to respond with mitigation measures. The proposed development will not affect flood levels in Lake Wakatipu. The overall concept is a conservative design.*

## 4.6 Air Quality

Environet Limited (Wilton & Baynes) was commissioned to assess the air quality impacts of proposed development on the site. Their report is contained within Attachment [H].

The report considers the impact of the proposal on air quality from domestic fuel burners used for home heating. The conclusions of the report are that development within the plan change area is likely to comply with the National Environmental Standards without any additional planning mechanism than the rules of the Regional Plan: Air that allows wood burners that meet the emission criteria of 1.5 grams of particles per kilogram of fuel burnt with a thermal efficiency of 65% to be installed. However, the report recommends that if significant development is proposed around the site or if a higher level of air quality is required, a restriction on the number or type of fuel burners could be implemented.

Having considered the findings of the report the preferred approach to managing impacts on air quality is to prohibit installation of solid fuel burners in order to maintain a high level of air quality. This approach offers a more effective and efficient path to maintaining higher air quality than limiting the number of solid fuel burners.

Such a restriction can be achieved without further regulatory controls by imposing a covenant control on each new title. However an appropriate rule has been included in the Plan Change as an additional method to achieve this outcome.

## 4.7 Ecology

An investigation and report on the ecological values of the site has been prepared by Natural Solutions for Nature Ltd and is contained in Attachment [I]. This report assesses the ecological values of the site and includes recommendations for ecological protection and enhancement.

The investigation involved a detailed ecological survey of the site and documents the results of a wetland survey, vegetation survey and an assessment of the ecological significance of the communities and habitats identified.

The key ecological values of significance identified on the site include:

- (i) Grey shrublands on the terrace escarpments;



- (ii) The wetland; and

A summary of the recommendations for the protection and enhancement of these areas is outlined below:

## **Grey Shrubland**

### Maintenance and Protection

- Control gorse, broom, briar, hawthorn and elderberry
- Exclude stock and commence control of rabbit and possum populations
- Protect (do not clear) areas with native species diversity
- Promote community education about the consequences of fire to surrounding vegetation

### Enhancement

- Control pest plants, and inter-planting within gaps in the existing shrublands to increase diversity (seed sources for natural regeneration) and site cover.

## **Wetland**

### Maintenance and Protection

- Control of willow
- Removal of buddleia and tree lupin, gorse and Californian thistle
- Exclude stock and commence control of possums
- Maintain existing ground water quality
- Stormwater attenuation works

### Enhancement

- Control of pest plants and animal pests
- Planting of native species
- Wetland setback of 50 m within Activity Area 1
- Buffer planting within 20 m of wetland

The ecological report also identifies a risk from the undesirable spread of exotic shelterbelt species and makes a further recommendation for their removal and replacement with either a



multi-species indigenous shelterbelt and/or extension of the cedar/poplar shelterbelts already established on the upper terrace.

Implementation of these recommendations will require a combination of regulatory (i.e. District Plan) mechanisms and non-regulatory measures. The primary mechanism to provide protection of the grey shrubland communities and the wetland is through inclusion of these areas into the open space activity area of the structure plan. The associated controls that prevent residential building development will establish ongoing protection in the form of stock control and pest plant control.

## 4.8 Traffic

An investigation and report into the transportation related effects of the proposal has been prepared by Traffic Design Group and is contained in Attachment [J]. The key finding and recommendations from this report are outlined below.

### Existing Transport Infrastructure

The main road entrance into the Shotover Country site is Stalker Road and is located 9 km east of Queenstown on the portion of State Highway 6 known as Ladies Mile<sup>22</sup>. The intersection of Stalker Road with State Highway 6 is priority controlled ('give way'). Ladies Mile is the main strategic link through the district, forming part of the State Highway network connecting Queenstown with Kingston and Invercargill to the south and to Cromwell, Wanaka and the wider strategic network throughout the South Island.

70m east of the Ladies Mile / Stalker Road intersection, Lower Shotover Road joins Ladies Mile from the north. Further east Howards Drive joins Ladies Mile from the south at a priority (give way) intersection, providing sole access into Lake Hayes Estate. The western boundary of the site adjoins Old School Road, a narrow unsealed road that provides access to a small number of properties situated along the banks of the Shotover River, immediately south of the State Highway 6 bridge. It passes beneath the bridge and meets Spence Road some 250 m to the north.

There is no public transport to the site but the Connectabus service passes by the site en route to Lake Hayes Estate and Arrowtown. Similarly there are no footpaths or other trails that would accommodate pedestrians or cyclists within the site. Within the area and beyond, informal observations of pedestrians and cyclist indicate low levels of these activities.

### Road Safety

The New Zealand Transport Agency Crash Analysis System (CAS) has been used to assess the accident history on Ladies Mile between Tucker Beach Road (1.3km west of Stalker Road)

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<sup>22</sup> "A name with a charming if chauvinistic 19th century derivation: the road was long and flat enough for women to be entrusted with the reins of a horsedrawn carriage" – Environment Court Decision C212/01, Van Brandenburg, FPM v Queenstown Lakes District.



and McDowell Drive (1.1km east of Howards Drive). The search revealed that there have been 16 injury and 23 non-injury accidents during the review period.

- Seven accidents were reported at the Ladies Mile / Lower Shotover Road intersection.
- Ten accidents occurred at the eastbound passing lane leading up to the Ladies Mile / Lower Shotover Road intersection.
- Eight accidents were reported on the Shotover River Bridge and a further accident occurred when a truck attempted to drive under the bridge and hit the bridge with its hydraulic tip tray extended.

There were no cyclist or pedestrian accidents reported. All of the accidents at the Ladies Mile / Lower Shotover Road intersection involved vehicles travelling in an eastbound direction. This is despite the intersection having been relocated further east approximately four to five years ago, and the consequent improvement in sight distance in this direction.

### **Traffic Generation**

Estimates of traffic movements have been calculated by TDG for the morning and evening peak hours. Peak hour estimates have been calculated for the combined residential, primary school, community activities and small scale retail activities that are enabled by the Plan Change.

The impact of a Park and Ride Facility has been estimated by TDG as potentially resulting in a 10% reduction in car-borne travel associated within the Plan Change site with a further allowance of 10% of trips from Lake Hayes Estate and on the State Highway transferring to bus.

Overall trip generation from the Plan Change site, taking into account the impact of the Park and Ride Facility, for all land use is set out in Table 4 below.

**Table 4 – External Trip Generation of all Land Uses.**

Activity	Quantity	Peak Hour	Trip Generation		
			In	Out	Total
All land uses	-	07:00-08:00	114	267	381
		08:00-09:00	192	409	601
		17:00-18:00	375	258	633

### **Traffic Distribution**

The anticipated travel paths adopted by future visitors and residents moving out onto the surrounding road network has been assessed as very similar to that of the current residents at Lake Hayes Estate. That is the majority of trips beyond the site will be to and from the west along Ladies Mile.

Introducing a road link between Shotover Country and Lake Hayes Estate will change this existing pattern such that vehicles within the easternmost residential areas of the Plan Change



travelling east may use Howards Drive as the more direct route. Similarly, vehicles associated with Lake Hayes Estate heading west could use Stalker Road instead.

## **Effects on the Transportation Network**

TDG have assessed the impact of the proposed Plan Change in terms of the quality of service by a road known as the Level of Service (LOS); describing levels of operational conditions in terms of speed, travel time, freedom to manoeuvre, traffic interruptions, comfort and convenience. The LOS resulting from development within the Plan Change site is compared to the *status quo* without the plan change and estimated growth in traffic volumes on the roading network.

In terms of the Howards Drive intersection with Ladies Mile, the evening peak will encounter delays for right-turning traffic that result in a LOS F, although such delays will become apparent without the Plan Change.

Similarly, at the Lower Shotover Road intersection the intersection performance in both the morning and evening peak hours is very similar with and without the plan change site being developed. While the delays to right-turning vehicles are such that drivers will seek to avoid this movement, this occurs also without development of the plan change site.

At the Stalker Road intersection, the morning peak hour will create the greatest delays for right-turning vehicles exiting the site, but this is not considered unreasonable. However, the delays in the evening peak hour are large and would result in changes to driver behaviour.

The extent of delays for drivers making right turns during peak times are considered large and likely to affect driver behaviour through timing of trips and diverting to alternative routes. This type of behaviour is however, predicted to occur irrespective of whether the Plan Change proceeds. Creation of an access connection with Lake Hayes Estates is a partial form of mitigation not presently available as it creates a second access route onto Ladies Mile for this existing urban area.

## **Mitigation of Effects**

TDG identify the greatest increase in delay for right turning vehicles emerging from Howards Drive and Lower Shotover Road in the evening peak hour primarily due to the proposed Park and Ride. While removal of the Park and Ride will result in lower delays, it will diminish the potential of the Plan Change to the goals of sustainable travel at the site and Lake Hayes Estate.

Given the delays expected under prevailing traffic growth conditions at the Ladies Mile / Lower Shotover Road intersection, a 'do-nothing' scenario is unlikely to be acceptable. Regardless of whether the plan change is approved, improvements to this intersection will be required before 2021. The construction of a roundabout is suggested as likely to be the preferred solution. The



preliminary assessment of this mitigation measure indicates improvements to the Level of Service (LOS C) or better for each turning movement, including right-turn movements.

## 4.9 Open Space and Recreation

The site has the potential to support a range of recreational trails and open space areas to enhance the quality of the living environment. The basic framework for these is set down within the structure plan and the open spaces within Activity Area 5 that extend along the transmission line corridor within a central spine connecting Old School Road to Lakes Hayes Estate, along the escarpments between terraces, and the wetland.

Alongside the site is an unformed section of Old School Road that extends south along the left bank of the Shotover and is identified within the Wakatipu Trails Strategy for potential development. The applicant has consulted with the Wakatipu Trails Trust prior to lodgement about the potential to enhance trail linkages. The Trust is supporting of the development of trails links across the site into Lake Hayes Estate as well as a trail alongside the Shotover.

The areas of open space identified within the structure plan are sufficient to enable development of a range of open space areas: including private open space, local purpose and neighbourhood reserve areas.

The likely effects of the proposal are considered positive in terms of benefits to recreation values.

## 4.10 Consultation

In accordance with the requirements of the Fourth Schedule of the Resource Management Act, consultation has been undertaken with a number of key stakeholders, including the Queenstown Lakes District Council, Otago Regional Council and immediate neighbours. An initial meeting was held with Duncan Field, Chief Executive Officer at the Queenstown Lakes District Council and Philip Pannett, Strategic Planning Manager at the Queenstown Lakes District Council to review the general Resource Management Act procedures regarding private plan changes. This meeting was followed with contact with various Queenstown Lakes District Council staff relating mainly to infrastructural information.

In addition to Council staff, the requestor has sought to keep the Mayor and Councillors informed over the objectives of the private plan change.

In addition to the territorial authority a number of organisations and people have been consulted with during the preparation of the plan change, including:

- Te Rūnanga o Ōtākou and Kāti Huirapa Rūnanga ki Puketeraki
- Transpower
- Queenstown Airport Corporation



- Otago Regional Council
- Lakes District Community Housing Trust
- Ministry of Education
- Wakatipu Environmental Society Inc
- New Zealand Transport Agency
- Wakatipu Trails Trust
- Local Member of Parliament
- Lake Hayes Estate Community Association
- Numerous individual people

## 4.11 Summary

This assessment identifies the range of actual or potential effects on the environment that may arise from the proposed plan change. It also forms the basis for framing up the environmental results and various methods for assessment under Section 32. These are discussed in greater detail in Section 5 below.



## **PART 5**

# **SECTION 32 ASSESSMENT**

### *Contents*

- Introduction
- Alternative Options to Creating the Shotover Country Special Zone
- Appropriateness of Objectives
- An analysis of whether having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives



## Part 5 – Section 32 Assessment

### 5.1 Introduction

#### **Statutory Requirements**

Section 32 of the Resource Management Act 1991 prescribes the evaluation that must be undertaken for provisions in a proposed plan change to a district plan, prior to public notification.

An evaluation must examine the following:

- (3)(a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (3)(b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.*

An evaluation must also take into account:

- (4)(a) the benefits and costs of policies, rules or other methods; and*
- (4)(b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

#### **Structure of the Section 32 Evaluation**

The structure of this Section 32 evaluation consists of the following:

- (i) A statement of the relevant resource management issues that the Plan Change seeks to address, including a description of the purpose of the Plan Change and a summary of the background reports and technical investigations that have been undertaken during the preparation of the Plan Change.
- (ii) An analysis of the broad options available to address the issue, an identification of whether a plan change is in fact the most desirable course of action, and if a plan change is necessary what form it should take.
- (iii) An analysis of the extent to which the proposed objectives are the most appropriate way achieve the purpose of the Act [s32(3)(a)].
- (iv) An analysis of whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives [s32(3)(b)].
- (v) An overall conclusion of whether the objectives, policies and rules are the most appropriate, having regard to the evaluation of efficiency and effectiveness of the policies, rules, or other methods.



Throughout the evaluation regard has been had to the benefits and costs of policies, rules or other methods and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods [Section 32(4)].

## **Statement of Resource Management Issues**

The area of rural land contained within the area of the proposed plan change fails to provide an appropriate economic return from maintenance of traditional pastoral farming. The Ladies Mile Partnership has sought to diversify its return from the land from the following activities that are occurring or consented to occur:

- (i) The creation of 13 rural lifestyle allotments and associated residential building platforms. The layout of this subdivision is shown on the plan contained within Figure 3 (attached). The consent holder has obtained approval from the Council for the signing and sealing of the survey plan for this subdivision and is finalising engineering works before making application for the new computer freehold registers.
- (ii) The establishment of residential dwellings and ancillary buildings by way of a separate land use consent for a dwelling within each of the 13 approved residential building platforms.
- (iii) The establishment, use and operation of gravel extraction and processing activity from within the bed of the Shotover River with associated stockpiling, haul road access and commercial sales of aggregate from land on the lower terrace.

Development of the first seven allotments within Stage 1 of the Ladies Mile Subdivision has been completed and many now contain established dwellings. Stage 1 of the subdivision resulted in the formation of Stalker Road, Max's Way and upon sale of the seventh section, the relocation of the intersection of Lower Shotover Road and State Highway 6.

Further development of Stage 2 of the Ladies Mile subdivision and creation of 13 rural lifestyle allotments will extend building development and domestication of the rural landscape across most of the lower terraces included within the Plan Change area. Change to the character of the landscape is inevitable, and once developed is unlikely to be reversible.

LMP recognises that development of the second stage of the Ladies Mile subdivision will result in an inefficient use of the available land resource and will deliver comparatively small number of dwellings onto the housing market.

Recognising this background of existing and consented development, the Shotover Country plan change seeks to address the following issues:



- The capacity of the plan change land to provide opportunities for residential development should the consented 13 lot lifestyle development be implemented;
- The finite capacity of the Wakatipu Basin landscapes to absorb development;
- The affordability of housing; and
- Expansion of existing settlements within the Basin.

### **Purpose of the Plan Change**

The purpose and reasons for this Plan Change are stated in Section 1.3 above. The Plan Change will introduce a new Special Zone to Part 12 of the District Plan, called the Shotover Country Special Zone. This Plan Change is required in order to address the resource management issues specific to the use of the land comprising the proposed Shotover Country Special Zone.

These resource management issues arise from consented subdivision of the land and the capacity of that land to provide opportunities for residential development (once implemented), the finite capacity of the Wakatipu Basin landscapes to absorb development, the affordability of housing, and the expansion of settlements within the Basin. The Shotover Country Special Zone provides for specific environmental and social outcomes plus the sustainable management of part of the Wakatipu Basin land resource that cannot otherwise be achieved under the current objectives, policies, rules and other methods of the District Plan.

### **Background Reporting and Key Environmental Outcomes**

Part 1.2 of the application for this plan change identifies the background to development occurring and consented to occur on the land and a statement of the relevant resource management issues that the plan change seeks to address.

A body of research, background reports and investigations have guided the content of the proposed plan change for the Shotover Country Special Zone. Full references for these are detailed above, but in summary form these reports have included:

<b>Report</b>	<b>Relevance</b>	<b>Reference</b>
Kidson Consulting Ltd - Landscape Assessment Report	Assessment of visibility, landscape absorption, landscape constraints and structure plan areas	Attachment [C]
Peter Petchey - Archaeological Assessment	Information on the site, cultural and historic values	Attachment [D]
Jeff Bryant - Geotechnical	Information on the site, geotechnical	Attachment [E]



Assessment	constraints and suitability for development	
CPG - Wastewater, Water, Stormwater and Gas Report	Addressing methods of servicing and design parameters	Attachment [F]
David Hamilton – River and Flood Risk Assessment	Confirmation that development is suitable and not constrained by any flood hazard risk	Attachment [G]
Environet Ltd – Air Quality Impacts Assessment	Establish compliance with air quality standards, assessment of effects and measures to maintain air quality.	Attachment [H]
Dawn Palmer – Ecological Assessment and Recommendations for Enhancement	Assessment of effects on ecology and measures to enhance ecological values	Attachment [I]
Traffic Design Group – Traffic Assessment Report	Assessment of effects on roading network, intersection capacity and access linkages	Attachment [J]
Kai Tahu Ki Otago Ltd	Preliminary statement of cultural impacts	Attachment [K]

These reports have formed the basis for formulating the structure plan and establishing an understanding of the interface of the proposal with the receiving environment. In particular, each report has informed the detailed assessment of any actual or potential effects on the environment in accordance with the requirements of clause 22 of Part 2 of the First Schedule to the Act.

The background reports and assessment of effects have identified key environmental outcomes considered important as a result of undertaking an assessment of the plan change options, including:

- (i) Maintaining a buffer of rural general open space alongside the margin of the Shotover River to retain visual access across the site and limit potential visual impacts
- (ii) Establishing a vehicle link between the site and Lake Hayes Estates to reduce short duration vehicle trips along State Highway 6 and to provide a second access onto State Highway 6 for Lake Hayes Estate
- (iii) Enhancing the degraded grey shrubland communities along the terrace escarpments and the wetland on the lower terrace
- (iv) Recognising and protecting the historic heritage values of Hicks Cottage



- (v) Addressing an existing and growing traffic safety issue at the State Highway 6 junction with Stalker Road and Lower Shotover Road
- (vi) Mitigating the effects of residential development on landscape and visual amenity values

## 5.2 Alternative Options to Creating the Shotover Country Special Zone

Prior to going into the detail of the objectives, policies and rules of the proposed plan change, it is appropriate to consider the overall options for facilitating the proposal. This section considers the appropriateness and the potential benefits and costs, of the proposed Shotover Country Special Zone, and compares the zone with alternative planning methods to establish residential housing.

Three broad alternative options have been considered to address the development of residential housing over the area of the proposal. These options are:

- Option 1** Do nothing / Status Quo – implement resource consent to subdivide additional 13 allotments and land use to building within each building platform. Rely on existing provisions within the rural general zone for the management of demand for rural lifestyle living on an ad hoc basis.
- Option 2** Replicate existing Lake Hayes Estate model and re-zone the site from Rural General to Low Density Residential.
- Option 3** Create special zone with specific structure plan designed to respond to unique character of site and provide a greater mix of living environments and diversity of activities.

### **Option 1: Do Nothing**

The status quo is to retain the present rural general zone and to progress with the implementation of existing resource consent, including subdivision to create 13 new rural lifestyle lots and to erect dwellings within the related residential building platforms. In order to facilitate more intensive residential development a series of resource consents would be required with the most significant being the subdivision (as a discretionary activity) and subsequent creation of residential building platforms in terms of the relevant assessment matters under Part 5 and objectives and policies under Part 4.2 of the District Plan.

The now settled rural general zone rules were formulated from a series of Environment Court decisions resolving references to the review of the District Plan commencing with the



determination of the landscape policies, including the tripartite landscape classification and the removal of the minimum allotment size regime in favour of a discretionary activity no minimum lot size framework guided by a series of detailed assessment matters (based on the three way landscape classification).

An attempt to seek development on the basis of the Rural General Zone rules would involve a detailed prescription of controls relating to residential building platforms to replicate appropriate building design, height and landscape controls and significant detail relating to the staging of development to sequence the development over the construction period. The application would need to be accompanied by the type of investigations and reports included with this request and including the detailed assessment matters under Part 5 of the Plan.

### **Option 2: Re-Zone to Low Density Residential**

This option would replicate the current pattern of zoning within Lake Hayes Estate by a simple extension to cover the land covered by the Shotover Country proposal. The existing settlement at Lake Hayes Estate has developed under a combination of Low Density Residential, Rural Residential and Rural General zones. The area has almost entirely developed to contain residential housing at a density of one house per 750 m<sup>2</sup> – 800 m<sup>2</sup>. This option would involve continuing with this same pattern, which has some locational similarities.

The benefits of an existing zone are in having a readily understood character and environmental outcomes known to the community. It is however limited in its treatment of more sensitive parts of the site such as the escarpments and the wetland and would place considerable obstacles in the place of any education or community activities.

### **Option 3: Create new Special Zone**

This option involves the creation of a new special zone to manage the layout of development through a structure plan that sets out individual activity areas within an area of high amenity designed to protect sensitive areas of the landscape, promote enhancements to ecology, integrate community activities and provide a diversity of living environments.

This option involves the management of areas of open space that are specifically designed to provide areas of active and passive recreation, integrate with surrounding communities and to enhance ecological values. The structure plan sets out a comprehensive approach to the management of land use activities within their natural setting in a way that is designed to reduce reliance on the need for private covenant controls and promote an easily understood environment.



Through the creation of a new zone there is an opportunity to reinforce the focus of the existing and expanded community through an appropriate and integrate framework of objectives, policies and rules. With specific outcomes in mind the plan change has the greater flexibility of introducing a broader range of educational and community activities that can foster the growth of an integrated community.

## Costs and Benefits

Alternative Means	Costs	Benefits
<b>Alternative 1: Do Nothing</b>	<p>Progressive development of area for rural lifestyle purpose under current resource consents</p> <p>Potential for additional ad hoc development resulting in piecemeal growth.</p> <p>The inefficient use of natural and physical resources.</p> <p>Would fail to provide for the enhancement of ecological values, recreation linkages and a diversity of community activities</p>	<p>The addition of more rural lifestyle blocks to fulfil demand.</p>
<b>Alternative 2: Re-Zone to Low Density Residential</b>	<p>Would not provide for the specific protection and enhancement of existing natural resources.</p> <p>Less likely to provide for the management of open space and recreation linkages in a co-ordinated way.</p> <p>Will result in homogenous layout of housing types with little capacity to deliver a diversity of living environments.</p> <p>Does not recognise the specific characteristics and requirements of the land.</p>	<p>More likely to create an environment consistent with the adjacent community at Lake Hayes Estate.</p> <p>Fewer changes required to the District Plan to implement with outcomes readily understood and accepted.</p>



	Does not provide for community and educational activities which can foster the growth of an integrated community.	
<b>Alternative 3: Create new Special Zone</b>	Added cost to formulate structure plan and resulting changes to the District Plan to create a further one-off policy framework.  A departure from the character and amenity of adjacent settlements.	Opportunity to reinforce character of area and achieve broader community objectives, enhancement of recreational linkages, choices in convenience retail, a high level of built amenity and a greater diversity in housing types.  A tailor made structure plan with prescribed activity areas that have regard to topography and landscape values.  The ability to make improvements to degraded ecological communities and habitats.  Avoiding the fragmentation of the land into rural lifestyle blocks.  Make an efficient use of the land.  Provides for community and educational activities which can foster the growth of an integrated community.

### **Appropriateness of Options**

Option 1 is the most inappropriate because it will result in the fragmentation of the landscape to provide for a limited number of rural lifestyle blocks. Further development would be ad hoc and result in the piecemeal development of housing with a lack of a planned approach to manage the consolidated growth of the settlements. It fails to enhance ecological values and will not enable the establishment of effective open space and recreation links to existing communities. Overall, Option 1 is unlikely to promote sustainable management of the Shotover Country land resource.

Option 2 recognises the success and community acceptance of the pattern of development that has developed through an expansion to the existing Low Density Residential Zone at Lake



Hayes Estate. However, in replicating the existing Lake Hayes Estate model this option would fail to take the opportunity to provide a greater diversity of housing, make improvements to built amenity, urban design and the management of open space, and provide for a community/education heart for the settlement. Setting in place linkages for recreation trails and vehicle connection, while possible, would be harder to achieve.

Re-zoning to create a Special Zone represents the most appropriate option to promote sustainable management of the Shotover Country land. It will enable co-ordinated development rather than piecemeal growth, secure protection of Hicks Cottage, enhanced areas of degraded ecology, and an orderly layout for development within the parameters of a structure plan tailored to the specific natural and physical resources of the site.

The most appropriate option is therefore a new zone to accommodate residential and community development over the area. This would take the form of a new Special Zone under Part 13 of the District Plan.

The plan change sets out a specific suite of issues, objectives, policies, environmental results and methods of implementation. A structure plan will accompany the new Special Zone provisions to achieve an overarching design framework, establish a coherent and planned built environment that responds to landscape values and establishes clear boundaries to the zone that relate to topography and natural features. The combination of these measures presents a coherent framework for the management of the area.

Benefits for the wider community will result from establishing a greater mix of residential, community and educational activities, enhancement of ecological values through enhancement of the wetland and the grey shrubland communities along the terrace escarpments, formal protection of Hicks Cottage, and establishment of recreational trail links to adjoining settlements.

Re-zoning will avoid the area succumbing to rural lifestyle development and the resulting inefficiencies of that pattern of development.

### 5.3 Appropriateness of Objectives

Section 32(3)(a) requires an analysis of the extent to which the proposed objectives are the most appropriate way achieve the purpose of the Act.

The purpose is set out in Section 5 of the Act and is to promote the sustainable management of natural and physical resources. Sustainable management is defined in Section 5(2) of the RMA as:



*“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enable people and communities to provide for their social, economic, and cultural well being and for their health and safety while –*  
*(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*  
*(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*  
*(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The ‘appropriateness’ of an objective has a number of dimensions,<sup>23</sup> including the relevance and usefulness of the objective, the reasonableness and its achievability. In this context, the appropriateness of the objectives of the proposed Special Zone in achieving the purpose of the Act is addressed below.

Objective	Appropriateness
<p><i>Objective 1 – Landscape and Urban Form</i></p> <p><i>Development which recognises and responds to the values and character of the landscape</i></p>	<p>The form and layout of the plan change within the landscape is a key objective linked to matters under Section 6(b) and Section 7 of the Act. Parameters for the development have been established through thorough landscape and technical investigations that will be implemented through a structure plan and related rules. The objectives relating to landscape values and urban form are relevant, reasonable, and achievable through appropriate rules and methods.</p>
<p><i>Objective 2 – Integrated Community</i></p> <p><i>A complementary mix of uses which creates an integrated community.</i></p>	<p>The zone seeks to provide a complementary range of residential, community and education activities. The objective will enable the community to better provide for its social, economic and cultural wellbeing. There is a long term focus inherent to this objective, and coupled with the exclusive housing base to the existing adjacent settlements, the objective will ensure the continued vibrancy and long term success of the new zone.</p>
<p><i>Objective 3 – Ecological Values</i></p> <p><i>Retained and enhanced ecological values within the zone</i></p>	<p>The majority of the site has been degraded through a history of pastoral farming dating back to original settlement of the Basin in the 1860's. Remnant areas of wetland ecology and grey</p>

<sup>23</sup> Quality Planning website, [www.qualityplanning.org.nz/plan-development/implementation.php](http://www.qualityplanning.org.nz/plan-development/implementation.php)



	<p>shrubland vegetation along the terrace escarpments can be enhanced to improve ecological values and help to safeguard the life-supporting capacity of air, water, soil and ecosystems under Section 5(2)(b). This objective will enable those outcomes to be achieved.</p>
<p><i>Objectives 4 – Heritage Values</i> <i>Recognition and protection of cultural heritage values and features</i></p>	<p>The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under the Act. Investigations for the Plan Change have revealed the value of Hicks Cottage as a building with heritage values not currently protected under the District Plan. The effect of this policy is to promote awareness and gain protection through the District Plan. This is both appropriate and necessary as a matter of national importance.</p>
<p><i>Objective 5 – Open Space and Recreation</i> <i>Protection of areas of the natural environment including vegetation, landform and landscape that contribute significantly to amenity values, assist in preventing land instability and erosion and contribute to ecological diversity and sustainability, while providing for and encouraging recreational opportunities and activities within the zone and their linkage with recreational activities within the surrounding area.</i></p>	<p>Open space areas address a range of issues and matters relating to the purpose of the Act, including safety (from land instability), landscape protection, safeguarding ecosystems and enhancement of access to and along rivers. The specific policy recognition provided by this objective for management of these areas is appropriate and necessary to avoid potential adverse effects from subdivision, use and development enabled by the proposed plan change.</p>
<p><i>Objective 6 – Infrastructure</i> <i>Provision of servicing infrastructure catering for the demand of development within the zone in an environmentally sustainable manner.</i></p>	<p>Servicing infrastructure is a key component of development that is necessary to avoid the adverse effects of population growth, ensure an appropriate standard of health, safety and standard of living. The nature of the specific infrastructure solutions are enabled by way of a new objective for the zone, rather than reliance on existing objectives under Part 15. This option is considered the most appropriate means of achieving the purpose of the Act.</p>



<p><i>Objective 7 – Vehicle Access</i> <i>Safe and Efficient use of the District’s transportation network</i></p>	<p>Again, specific access solutions are proposed to address the impacts of the proposal on the adjoining road and State Highway network. The road network is recognised as an important resource in its own right and this objective provides an appropriate framework for managing the sustainability of this resource.</p>
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5.4 An analysis of whether having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives [s32(3)(b)].

The following table summarises an evaluation of the efficiency and effectiveness of the proposed policies, which implement the relevant objectives. The policies are the first limb of the implementation path and for this plan change are coupled together with related rules and other methods to give effect to the broader outcomes established by the objectives. Taking this approach to the policies as being ‘in concert’ with the rules and implementation methods, the following analysis addresses the policies on the basis they will be implemented by the related rules and methods and therefore does not separately address each rule.

Policy (including the associated Rule or Other Method)	Efficiency	Effectiveness	Appropriateness
<b>Objective 1 Landscape and Urban Form</b>			
<p>1.1 To achieve:</p> <p>1.1.1 <i>An overarching design framework, facilitating the establishment of a coherent built environment that responds to the natural environment and existing landscape values of the site and its surrounds;</i></p> <p>1.1.2 <i>Clear boundaries to the Zone that relate to topography and landscape features;</i></p> <p>1.1.3 <i>Contained development areas within the Zone and a defined urban edge in order to prevent urban sprawl;</i></p> <p>1.1.4 <i>Areas of open space throughout the Zone that provide a relationship between built form and the surrounding open landscape, reinforce natural patterns in the landscape, and protect areas of visual prominence;</i></p> <p>1.1.5 <i>A form of urban development that complements the landscape and provides a coherent, legible and attractive living environment.</i></p> <p>1.2 <i>To avoid the effects of inappropriate subdivision and development alongside the margins of the Shotover and Kawarau Rivers, by maintaining a buffer of rural general land between the</i></p>	<p>Establishing a clear boundary to development through a structure plan will provide certainty for resource users that is both socially and economically efficient</p> <p>Social costs could be significant without adoption of this method through degrading of recreation values within the Lower Shotover Delta. Likewise, environmental costs would include a loss of natural character of the landscape and margin of the Shotover River. The environmental benefits of managing urban form and the landscape through these methods is to efficiently contain and check the spread of development to appropriate areas of the landscape with capacity to absorb</p>	<p>Administration of development within prescribed areas is effective for the Council and community alike. A plan is readily understood especially where it is based on natural features within the landscape and well grounded.</p>	<p>The imposition of controls within the District Plan is considered the most appropriate method to ensure that a clear boundary to development is achieved. The key method is established by the structure plan and related activity area rules that are appropriate controls given the likely environment and social costs of not implementing these measures.</p>

<p>zone and the adjacent rivers.</p> <p>1.3 To maintain the natural character of each terrace escarpment rising above the Shotover River.</p> <p>1.4 To mitigate the effects of light spill from street lighting.</p> <p>1.5 To establish a landscaped buffer to terrace edges that will soften and reduce visibility of built form from public areas to the north west, west and south west of the zone.</p> <p>1.6 To ensure that the Zone is energy efficient, and the following is achieved:</p> <p>1.6.1 buildings are designed to maximise solar gain;</p> <p>1.6.2 use of renewable energy sources is encouraged, particularly solar heating;</p> <p>1.6.3 dwellings adopt low emission and high thermal efficient heating systems</p>	<p>change.</p>		
<p><b>Objective 2 – Integrated Community</b></p>			
<p>2.1 To establish a living environment that provides for the health and wellbeing of residents and visitors, with design that is conducive to social interaction and the establishment of a sense of place.</p> <p>2.2 To establish a mix of residential, educational, and small scale commercial activities, and recreational and community activities to provide an environment appealing to a range of people.</p>	<p>These policies and related methods of implementation will enable integration of community, education and small scale commercial activities which will result in both social and economic benefits to the future inhabitants</p>	<p>The methods are readily achieved within the framework of the proposed structure plan that can be easily understood by the community generally. The combined methods of the structure plan and related density</p>	<p>The proposed methods which seek to foster growth of an integrated community are considered the most appropriate to achieve the objectives.</p>



<p>2.3 <i>To encourage permanent residents through the provision of a range of densities and housing options, and where practical, through the provision of community, recreational and educational facilities.</i></p> <p>2.4 <i>To recognise the limitations for development of the site (defined by natural topographical boundaries, development form and style, and servicing constraints), while ensuring that the development yield provided is adequate to establish a sustainable and vibrant community.</i></p> <p>2.5 <i>Activity Area 1 – To create a low density living environment across the majority of the zone, outside of the core, with edges defined by natural boundaries.</i></p> <p>2.6 <i>Activity Area 2 – To create a medium density living environment close to the core of the zone to enhance the vitality of the community and to provide a broader range of accommodation options along with limited areas of small scale convenience retail to service the immediate needs of the local community.</i></p> <p>2.7 <i>Activity Area 3 – To create a precinct providing for education and community activities within the core of the zone to encourage a vibrant centre that caters for the social needs of the community.</i></p> <p>2.8 <i>Activity Area 4 – To create a Heritage Precinct that provides for the protection of Hicks Cottage and the appropriate adaptive use of the building and associated open space.</i></p>	<p>of the areas as well as adjoining and connected communities.</p> <p>Demand for housing types varies and the proposed methods are an efficient means of delivering a range of housing densities to cater for such demand.</p>	<p>rules are considered the most effective method to implement the objective with least costs and most benefits.</p>	
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<p>2.9 <i>Activity Area 5 – To create areas of open space extending throughout the zone that provide the basis for pedestrian connections, public utilities, and the protection of areas of ecological importance.</i></p> <p>2.10 <i>To enhance the provision of affordable housing through establishing links with the Queenstown Lakes Community Housing Trust.</i></p>			
<p><b>Objective 3 – Ecological Values</b></p>			
<p>3.1 <i>To identify suitable areas for the protection and improvement of ecosystems, with a focus on the natural character and ecological values of the terraces and wetland within the zone.</i></p> <p>3.2 <i>To encourage the integration of public and private open space areas to enhance nature conservation values within the zone.</i></p> <p>3.3 <i>To encourage planting across the terrace escarpment faces that enhances ecological and amenity values.</i></p> <p>3.4 <i>To encourage the use of native species in any landscaping plans where their use is practical and complementary to the enhancement of the ecological values of the site, suited to the climate and needing little maintenance.</i></p>	<p>The existing regime of pastoral grazing and over a century of agriculture has degraded the ecological values of the site so that there are very few ecological effects arising from development. Accordingly, there are few environmental costs of not acting. The methods proposed are however generally focused on improving ecological values and will largely benefit the environment. It is assumed that the majority of direct costs would be met by the resource user and not passed onto the wider community. This is an effective</p>	<p>Identification of areas for protection or enhancement of ecological values can be achieved effectively and with little cost. Areas of open space can be protected from development and ecological restoration can be encouraged. Methods such as assessment matters related to subdivision controls are considered an effective response to achieving the objective with least cost.</p>	<p>The proposed methods to enhance areas of degraded ecology are considered the most appropriate way to achieve the objective.</p>



	way of achieving desirable ecological outcomes.		
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## **PART 6 THE PLAN CHANGE**

### *Contents*

- Schedule of Amendments to the District Plan



## Part 6 – Schedule of Amendments to the Partially Operative District Plan





**ATTACHMENT [A]**

**Site Location Plan**

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**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

**ATTACHMENT [B]**

**Certificates of Title and Private Covenant with  
Queenstown Airport Corporation**

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**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

**ATTACHMENT [C]**

**Kidson Landscape Consulting – Landscape  
Report**

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**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

**ATTACHMENT [D]**

**P.G Petchey Southern Archaeology –  
Archaeological Assessment**

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**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

**ATTACHMENT [E]**

**Geoconsulting Limited – Geotechnical  
Assessment**

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**ATTACHMENT [F]**

**CPG – Conceptual Study for Wastewater,  
Water, Stormwater and Gas**

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**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

## **ATTACHMENT [G]**

**David Hamilton & Associates – River and  
Flooding Risk Assessment**

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**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

## ATTACHMENT [H]

### Environet Limited – Air Quality Impacts Assessment

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**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

**ATTACHMENT [I]**

**Natural Solutions for Nature Limited –  
Ecological Assessment**

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**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

## ATTACHMENT [J]

**Traffic Design Group Limited – Traffic  
Assessment Report**

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**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

**ATTACHMENT [K]**

**Kai Tahu Ki Otago Limited – Preliminary  
Statement**

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