

ANNEXURE A

Replacement s32 Report
Dated 10.11.15

PENINSULA BAY JOINT VENTURE

Private Plan Change Application Peninsula Bay North Zone Change

**PLAN CHANGE INCLUDING SECTION 32 REPORT AND ASSESSMENT OF
ENVIRONMENTAL EFFECTS**

10 November 2015

mitchell®
partnerships

TABLE OF CONTENTS

PAGE

1.	INTRODUCTION	1
1.1	STRUCTURE OF THE REPORT	2
2.	BACKGROUND	3
2.1	PENINSULA BAY DEVELOPMENT	3
2.2	RECEIVING ENVIRONMENT	7
3.	THE PROPOSED PLAN CHANGE.....	9
3.1	THE PURPOSE OF AND REASONS FOR THE PROPOSED PLAN CHANGE ..	9
4.	CONSULTATION	11
4.1	STATUTORY CONSULTATION FOR THE PLAN CHANGE	11
4.2	CONSULTATION WITH KEY STAKEHOLDERS AND NEIGHBOURS	12
5.	STATUTORY REQUIREMENTS.....	13
5.1	EVALUATION UNDER SECTION 32 OF THE ACT	13
5.2	EVALUATION OF EACH NEW OBJECTIVE.....	14
6.	EVALUATION OF POLICIES, RULES AND OTHER METHODS	14
6.1	ASSESSMENT OF ENVIRONMENTAL EFFECTS	16
6.2	RISKS OF ACTING OR NOT ACTING IF THERE IS UNCERTAIN OR INSUFFICIENT INFORMATION	32
7.	CONSIDERATION OF POLICIES, PLANS AND OTHER RELEVANT DOCUMENTS ..	32
7.1	NATIONAL POLICY STATEMENTS.....	34
7.2	NATIONAL ENVIRONMENTAL STANDARDS.....	34
7.3	REGIONAL POLICY STATEMENT.....	34
7.4	REGIONAL PLANS	36
7.5	IWI MANAGEMENT PLANS	37
7.6	QUEENSTOWN LAKES DISTRICT GROWTH MANAGEMENT STRATEGY ...	38
7.7	WANAKA 2020 AND WANAKA STRUCTURE PLAN 2007	40
8.	CONCLUSION	40

List of Appendices:

Appendix A	Scheme Plan
Appendix B	Variation 15 Structure Plan
Appendix C	Landscape Plan
Appendix D	Certificate of Title
Appendix E	Vivian and Espie Landscape Assessment
Appendix F	Mitchell Partnerships Limited Terrestrial Ecology Assessment
Appendix G	Draft Land Covenant
Appendix GA	Kāi Tahu ki Otago Correspondence
Appendix GB	Neighbours Information Packs
Appendix H	Davis Consulting Group Preliminary Site Investigation
Appendix I	Paterson Pitts Group Infrastructure Design Report including cross sections
Appendix J	Otago Regional Council Operative Regional Policy Statement Objectives and Policies
Appendix K	Otago Regional Council Proposed Regional Policy Statement Objectives and Policies

List of Figures:

Figure 1:	Existing zonings and proposed changes
Figure 2:	Landscape features considered to be of importance by the Environment Court in Variation 15
Figure 3:	Areas within the ONL that are likely to be visible from the Lake, as modelled by Boffa Miskell in 2008 with respect to Variation 25
Figure 4:	Existing District Plan Zoning
Figure 5:	Proposed Scheme Plan including building platform locations, height and future building heights

List of Tables:

Table 1:	Assessment of the proposed methods under sections 32(1)(b), 32(2) and 32(3) of the Act
-----------------	--

1. INTRODUCTION

This report forms an application to change part of the District Plan zoning at Peninsula Bay in Wanaka from Open Space to Low Density Residential (“**LDR**”), by moving the existing Open Space zone boundary north by approximately 150m in two clusters, as depicted in **Figure 1** below. No changes to any of the other provisions of the District Plan are sought.



Figure 1: Existing zonings and proposed changes.

The proposed plan change will enable the creation of 26 large residential lots ranging between 1040m² and 5300m² (as shown in **Appendix A** attached).

Resource Management Rationale

The existing Peninsula Bay LDR Zone is almost fully developed, with most lots sold. The plan change site is located directly adjacent to the existing LDR zone and is located within the Wanaka Structure Plan Inner Growth Boundary in the Queenstown Lakes District Growth Management Strategy. Development of the plan change land is consistent with that strategy. The creation of further LDR zoned land will increase the range and quality of residential living options available within Peninsula Bay and Wanaka. Capacity is available within the Peninsula Bay infrastructure network to accommodate the development enabled by the plan change, and the plan change will ensure the efficient use of existing infrastructural services within Peninsula Bay.

These opportunities have been balanced against the resource management constraints of the site, the key constraints being that part of the subject site is within an Outstanding Natural Landscape (“ONL”), and that the site contains a range of indigenous vegetation, including large areas of kanuka shrubland and depleted tussock grassland.

These constraints have been addressed by limiting the extent development that can be undertaken within the ONL and placing restrictions of the locations of building platforms and on building heights. Approximately 4500m² of existing kanuka will be retained and enhanced, and 1.1ha (11,000m²) of new planting is proposed, which will result in improved ecological integrity, diversity, function and connection between existing patches of habitat, and a net positive ecological outcome.

The land which remains zoned Open Space will be vested in the Council as reserve, and will contain new walkways and mountain bike tracks.

The purpose of the plan change is:

To enable the development of part of the land currently zoned Open Space at Peninsula Bay north for specified low density residential development, whilst providing for ecological gains and improved passive recreation on the balance of the Open Space zoned land between the Peninsula Bay development and Lake Wanaka.

This plan change is sought by Peninsula Bay Joint Venture (“**PBJV**”)¹. Under section 73(2) of the Resource Management Act 1991 (“**RMA**” or “**the Act**”) anyone can make a request to a territorial authority to change a district plan in the manner set out in Schedule 1 of the Act. This report provides the information, assessment and detail required by Schedule 1 (in particular, clause 22), in order for the Queenstown Lakes District Council (“**QLDC**”) to process the plan change request.

1.1 STRUCTURE OF THE REPORT

This report is set out as follows:

Section 1	Introduction to the plan change.
Section 2	Details the background to and context for the plan change which is the subject of this report.
Section 3	Describes the proposed plan change, its purpose and the reasons for the plan change.
Section 4	Describes the consultation undertaken in relation to the plan change.
Section 5	Addresses the statutory requirements (including section 32). This section provides the evaluation of the alternative planning options.
Section 6	Summarises the assessment of environmental, social, economic and cultural effects likely to arise from the plan change, and in accordance

¹ A joint venture between Peninsula Village Limited and Wanaka Bay Limited.

with the requirements of section 32, evaluates the benefits, costs and risks of the provisions against the relevant objectives.

- Section 7 Provides the assessment of the plan change in relation to other relevant planning documents.
- Section 8 Provides a conclusion on whether the proposed plan change is the most appropriate way to achieve the purpose of the Act.

The plan change site is a rare under-developed parcel of land located directly adjacent to an existing area of residential development. The section 32 evaluation has determined that the proposed zoning is appropriate and will enable the sustainable development of the site.

2. BACKGROUND

2.1 PENINSULA BAY DEVELOPMENT

Planning History

The site is currently zoned Open Space in the operative Queenstown Lakes District Plan (“**District Plan**”). Prior to 2004, this area was zoned Rural General in the District Plan. In 2004, proposed Variation 15 sought to rezone land at Peninsula Bay to allow for residential development. Residential development was proposed for the land the subject of this plan change via its inclusion within Activity Area 5. Proposed Variation 15 was ultimately decided by the Environment Court. For a number of reasons, the Environment Court resolved to reject Variation 15 in its entirety².

In 2005 Variation 25 was proposed. Variation 25 proposed two zones over the land at Peninsula Bay; LDR Zone over approximately 65% of the site, and Open Space Zone over the remainder. The Open Space zoning was effectively a means of protecting those parts of the land considered (as a result of the landscape and visual amenity assessments undertaken at that time) to be more sensitive to intensification of use. The provisions of the Open Space Zone are such that residential, visitor accommodation and commercial buildings are prohibited, while other structures are non-complying activities. Activity Areas 2 and 5 (as proposed by Variation 15) were almost entirely excluded from development and contained within the area proposed to be zoned Open Space by Variation 25.

Submissions on Variation 25 raised some issues relating to the boundaries between the proposed LDR Zone and the proposed Open Space Zone. In particular, the submission of the Upper Clutha Environmental Society (and other submissions) sought changes to the boundaries such that the existing Open Space Zone would be slightly expanded to better protect visual amenity qualities as appreciated from the broader landscape (ie. from outside the site). All parties ultimately agreed that the Open Space boundary should be amended in accordance with the submissions. This was accepted by the Council in its decision on Variation 25. It was this decision that put in place the zoning that exists today.

² Decision Number C010/2005.

In 2010 a minor plan change was accepted by the Council to amend the zone boundaries to ensure consistency with the outline development plan prepared for the site.

Environment Court Decision – Variation 15

The Environment Court's decision on Variation 15 provides important context in assessing the values of the land to which this plan change relates, and in determining whether it is appropriate to re-zone part of the Open Space land created by Variation 25.

Four key findings were made by the Court in its decision on Variation 15:

- The adverse landscape and visual amenity effects of the proposal at that time in Activity Area 5 (the northern part of the site) and Activity Area 2 (the eastern margin) were found to be significant;
- Development within Activity Area 5 would have had significant adverse effects on the natural character of the Lake and its margin; and
- There was a lack of demonstrated need for the residential sections that would have been enabled by Variation 15;
- There was inconsistency with policy calling for compact urban form and urban consolidation.

These matters have been carefully considered and formed the basis for the assessment for this plan change application.

The land to which this plan change relates is located partially over Activity Areas 1, 5a, and 5b (refer to **Appendix B** attached for a map showing the location of these Activity Areas). Under Variation 15, a total of 11 allotments were provided for within Activity Area 5a. The current plan change seeks only to include six building platforms within this area (Building Platforms 4 to 6 and 20 to 22), subject to a strict set of design controls.

Under Variation 15, the addition, alteration and construction of buildings within these allotments was a controlled activity, subject to external appearance, design of garaging and outbuildings, access, landscaping and servicing. Site and zone standards also placed specific controls over building height relative to reduced levels, protrusion of buildings into the ridge and skyline, fencing, and the planting of exotic vegetation.

As described in the following sections, the current plan change seeks to place similar designs controls on the allotments enabled by this plan change. The method of implementation differs however, with the use of covenants ensuring that the built form and preservation and enhancement of native vegetation is maintained in perpetuity.

Outstanding Natural Landscape and Other Features of Importance

Figure 2 below sets out the landscape features that were found to be of importance by the Court in Variation 15.

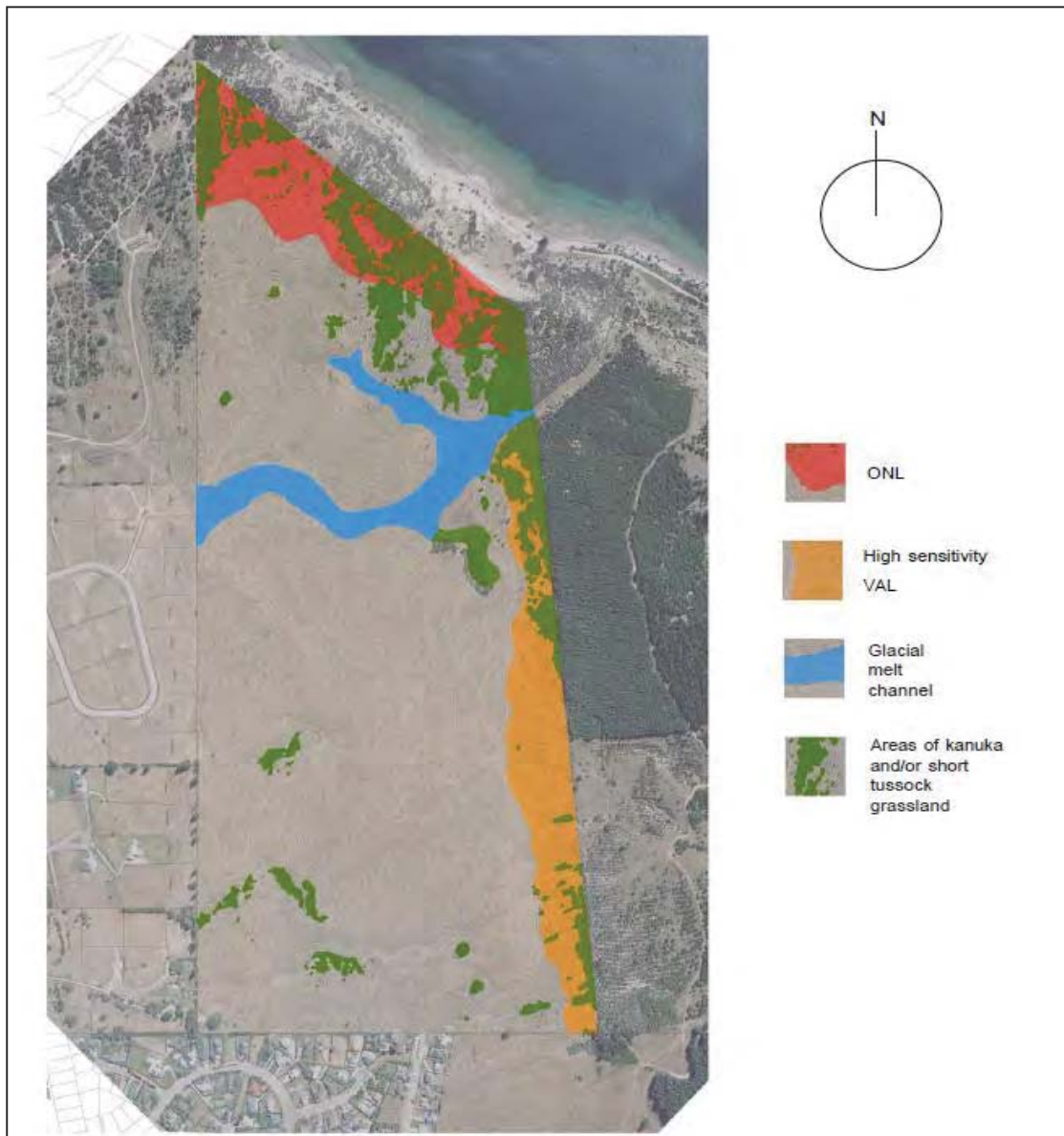


Figure 2: Landscape features considered to be of importance by the Environment Court in Variation 15.

The outstanding natural landscape (“**ONL**”) classification on the northern extent of the site was also confirmed in the subsequent Variation 25 proceedings. As stated above, the management response at that time was the avoidance of any development within the ONL. This response was deemed to be appropriately conservative by the various landscape experts involved in Variation 25 to ensure protection of the ONL.

Submissions were made on Variation 25 seeking that there be no houses visible on the site from lake viewpoints to the north. In response to such concerns, a detailed site visibility analysis was prepared by Boffa Miskell which identified areas of the site which are within the ONL and likely to be visible from the Lake (refer to **Figure 3** below).



FIGURE 7 - PENINSULA BAY
Site Analysis - Zone of Visual Influence
from Lake Viewpoints

29 September 2005
Scale - 1:7,500 (A4)

Figure 3: Areas within the ONL that are likely to be visible from the Lake, as modelled by Boffa Miskell in 2008 with respect to Variation 25.

Key Matters Which Have Shaped the Plan Change Application – the zone boundary

The existing environmental context has changed significantly since Variation 15 and 25. The broader Peninsula Bay site is now more accurately described as comprising a suburban area. This has a bearing on the degree to which development within the northern portion of the site could now be considered acceptable. While the ONL classification is still a significant factor in terms of the appropriate level and nature of

development of the site, the landscape and visual amenity assessment which has been undertaken has found that the northern portion of the site is now not as vulnerable to change or development as it was when the Court made its earlier findings.

Mitchell Partnerships Limited (from a planning and ecological perspective) and Vivian Espie (from a landscape perspective) reviewed the site and advised PBJV that (based on their assessments) there is scope in the northern area of Peninsula Bay for some development, however any development needs to be undertaken in a manner that is highly sensitive to the ONL classification and other important features including the ecological features (native vegetation) and connections with key geomorphic features within the wider site.

This advice informed the change sought to the zone boundary line, the development of the scheme plan (**Appendix A** attached), landscaping plan (**Appendix C** attached) and the associated land covenant that is to be imposed on the titles of the relevant lots (and future lots) to ensure the site is developed as proposed. A copy of the Certificate of Title for the site is attached as **Appendix D**.

2.2 RECEIVING ENVIRONMENT

The Vivian Espie landscape assessment contains a detailed description of the existing landscape and visual values of the site and surrounding area (refer to **Appendix E** attached). The Mitchell Partnerships Limited ecological assessment describes the ecological context for the site (refer to **Appendix F** attached). These are summarised below.

The Landscape and Ecological Baseline

The Peninsula Bay area forms part of the western side of the Beacon Point Peninsula, which itself is part of the large, rounded, U-shaped Hawea Moraine on which much of Wanaka town is located. The landform of the Peninsula Bay site is thus of a rounded, gently rolling, glacially-formed type. The eastern edge of the Peninsula Bay site rises towards a local high ridge that is within the Sticky Forest land, further to the east. As a result, the Peninsula Bay land generally has a western aspect, looking towards Roy's Bay. At the northern end of the site, a steep rocky escarpment descends to lake level, created by more recent glaciation.

Prior to human settlement, the Peninsula Bay area was likely a mosaic of podocarp and broadleaf forest, shrub-land and grassland. The drier, north facing slopes would have been dominated by kanuka, matagouri and mingimingi. The site is now dominated by suburbia but the northern end (the Open Space Zone) retains significant remnants of kanuka atop the steep rocky escarpment.

Suburban development stretches across the Peninsula Bay site from previously established parts of Wanaka out to the extent of the LDR Zone. This development has modified the landform and has created an overall suburban pattern including streets, dwellings, gardens and all the trappings of suburbia. A number of open reserves run through the suburban pattern and generally occupy lower areas of natural landform. The northernmost part of the existing LDR Zone is yet to be developed and built on,

but development is provided for up to the existing zone boundary line. Refer to the Vivian and Espie report for photographs of the existing Peninsula Bay development.

It can be seen in **Figure 1** that all land north of the crest of the rounded northern ridgeline is within an ONL. Essentially, the Environment Court found (in its decision on Variation 15) that the land that faced the lake and was visible from the lake was part of the same landscape as the lake; an ONL. This part of the Peninsula Bay site is largely unmodified in terms of landform and retains swards of remnant kanuka. Human activity here is less (although there are informal cycling and walking tracks). Natural character is high and aesthetic patterns are of a wild, relatively natural, somewhat remote, lakeside ridgetop location. In terms of landscape character, this area contrasts with the suburban pattern of the LDR Zone described above.

As shown in the plans contained in the Vivian Espie report (**Appendix E** attached) and **Figure 4**, the ONL line and the northern boundary of the existing LDR Zone do not coincide. There is a strip of Open Space Zoned land that is south of the ONL line. This strip of land is generally the south-facing slopes of the rounded ridgeline. The eastern half of this strip has character that is very similar to the ONL land; rolling and kanuka covered.

The western half of this strip is substantially clear of vegetation and has been the subject of significant earth works in the past associated with the development of the wider Peninsula Bay site.

The Visual Baseline

In broad terms, the Peninsula Bay suburban area slopes to the west and hence can be seen from western parts of Wanaka. Topography means that it is not easily seen from the south. It is hidden by the high topography of the Sticky Forest area from the east and is hidden from northern viewpoints (generally from the Lake) by the steep lakeside escarpment. When seen in broad views from the west or southwest, the Peninsula Bay area reads as part of the suburban pattern of Wanaka; the upper band of development backed by Sticky Forest.

The area that is proposed to be rezoned is visible from parts of the Wanaka Township to the west and south of Pembroke Park at distances between 3 and 4 kilometres. This includes the Sargood Drive area, the Meadowstone area and the Rural Residential Zoned land adjacent to Studholme Road. As one continues towards Glendhu Bay, the area of proposed zoning is visible from the foreshore of Lake Wanaka as far north as Damper Bay including the lakeside public walkway. These views are at distances of 4 to 4.5 kilometres. Visibility is also available from the east facing slopes of Roy's Peak including the associated public walking track at distances of 5 to 7 kilometres. From many specific viewpoints within these described areas, views of the plan change land are blocked by close foreground elements or by mid-ground elements such as the treed area of Eely Point.

For observers on the lake, views to the area of proposed rezoning are available from Roy's Bay. As one travels north, towards Beacon Point or Damper Bay, visibility of the zone change area (generally a gentle south-facing slope) becomes more difficult, although the developed area of Peninsula Bay is still easily seen. Once an observer moving north on the lake passes a line running approximately from Beacon Point to the eastern point of Roys Peninsula, the plan change land can no longer be seen. Similarly, visibility is not available from within Glendhu Bay.

3. THE PROPOSED PLAN CHANGE

3.1 THE PURPOSE OF AND REASONS FOR THE PROPOSED PLAN CHANGE

Current Zoning

The subject site is currently zoned Open Space in the District Plan, with the relevant Open Space provisions applying. Part of the site is within an ONL as set out in **Figure 4** below.

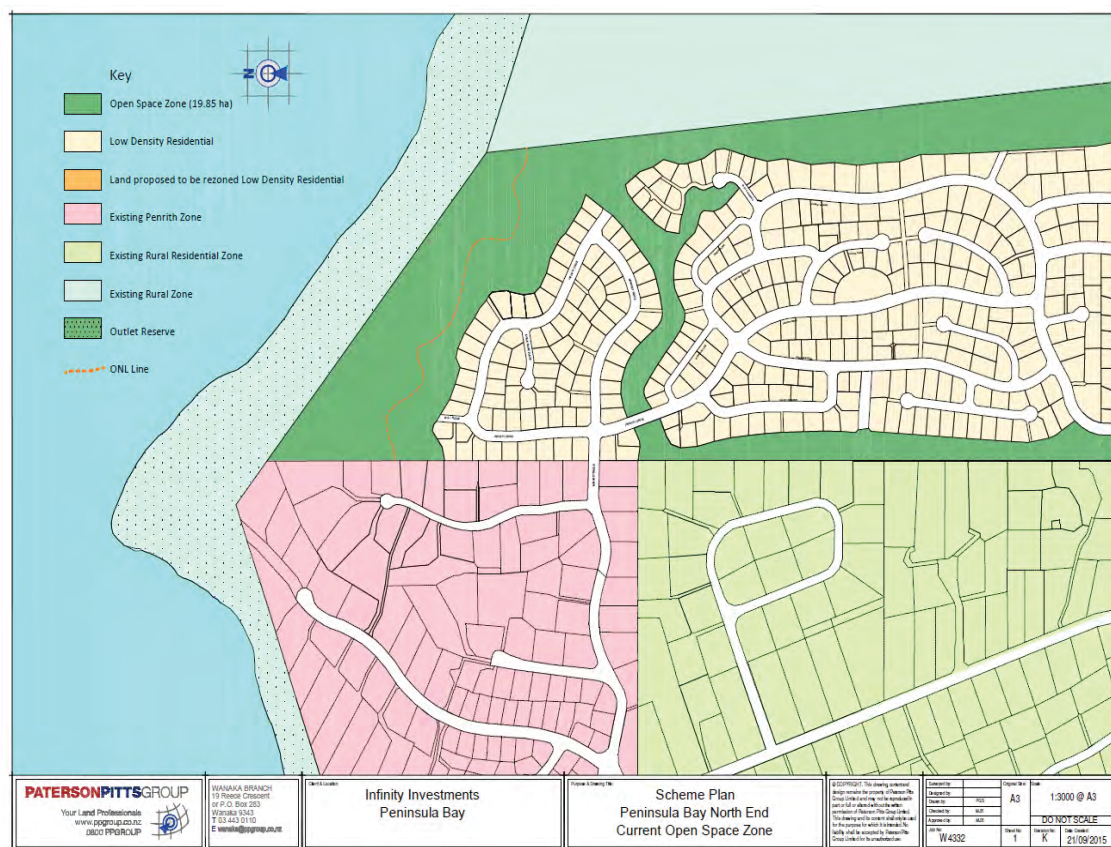


Figure 4: Existing District Plan Zoning

Purpose of and reasons for the Plan Change

PBJV wishes to develop part of the land currently zoned Open Space for low density residential activity. Residential development in the Open Space zone is prohibited. Therefore the zoning of the relevant part of the land needs to be changed from Open Space to LDR in order to allow development to occur. The future land use and subdivision of the land will require resource consent.

The plan change seeks to rezone a portion of the Open Space zone at Peninsula Bay to LDR. As shown in **Figure 1**, no change is sought to the ONL overlay.

The project team has used models to determine the exact location, dwelling height and extent of land suitable for future dwellings on the site, such that the values of the site will be appropriately protected. In particular, the part of the site with the ONL overlay is only proposed to be developed to the extent appropriate, and in a manner where future dwellings will sit comfortably within the landform and will not be prominent from surrounding viewpoints. In particular, views from the Lake have been carefully considered.

A comprehensive land covenant is proposed to be registered on the titles of existing and future lots to ensure that the location and layout of residential building platforms are appropriately mitigate the effects on the ONL. The scheme plan shown in **Figure 5** below (and attached as **Appendix A**) has been used to assess the landscape, natural character and ecological effects of changing the zoning as proposed. The original proposal was for 31 allotments, however on testing the effects of this option, the number of allotments was reduced to 26.

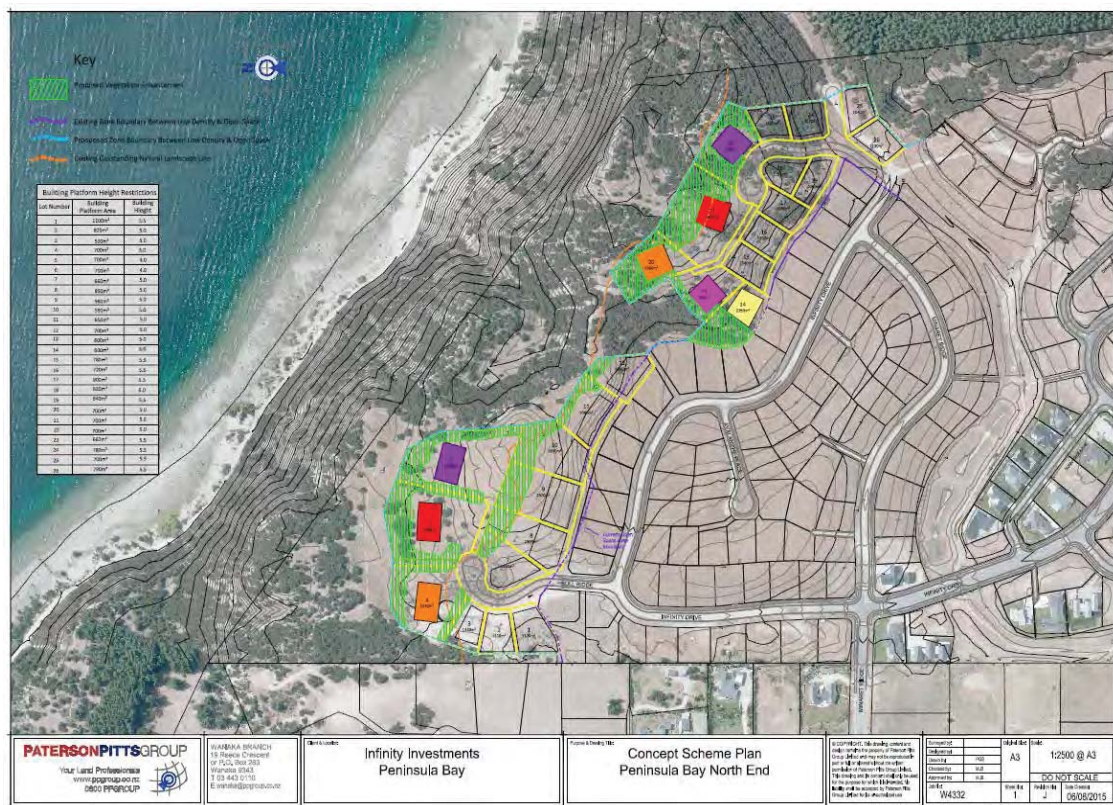


Figure 5: Proposed Scheme Plan including building platform locations, height and future building heights.

The covenant will ensure that the site is developed in accordance with the scheme plan and landscape plan (refer **Appendices A, C** and **G** attached). The scheme plan provides for 26 large residential lots, each with a specified building platform, and a

restriction on building height. The majority of the lots are outside of the ONL overlay, with only three building platforms (Lots 4 – 6) being within the ONL. The front part of the building platform on Lot 21 is partially within the ONL.

The development of residential building platforms (as shown in **Appendix A** attached) will necessitate the removal of approximately 4,850m² of existing indigenous vegetation. An area of approximately 4500m² of existing kanuka will be retained and enhanced and an additional 1.1ha (11,000m²) of new planting is proposed. Overall, the amount of indigenous vegetation at the site will increase as a result of the proposed plan change, resulting in ecological gains.

PBJV proposes to enhance the land which remains zoned Open Space by creating new walkways, mountain bike tracks and installing a memorial to the late Bob Robertson, co-founder of Infinity. Bob, a Wanaka resident was a trail blazer when it came to property development in the South Island, using bold and innovative approaches to create high quality developments, which are sensitive to the environmental values of their respective locations. It is appropriate that Bob be honoured in this way. These works will be secured by way of covenant on the Certificate of Title. The land which remains Open Space is proposed to be vested in the Council as reserve.

In summary, the purpose of the plan change is:

To enable the development of part of the land currently zoned Open Space at Peninsula Bay north for specified low density residential development, whilst providing for ecological gains and improved passive recreation on the balance of the Open Space zoned land between the Peninsula Bay development and Lake Wanaka.

4. CONSULTATION

This section sets out the process that has been undertaken in the development of the plan change. It is noted that the applicant has undertaken a considerable amount of targeted consultation in relation to the plan change. This process, including feedback received and how the feedback has informed the assessment is set out in the following sections.

4.1 STATUTORY CONSULTATION FOR THE PLAN CHANGE

Information about the plan change was sent to the following parties during the development phase of the plan change:

- the Minister for the Environment,
- the Minister of Conservation,
- the Otago Regional Council,
- Kai Tahu ki Otago (“**KTKO**”), and
- Te Ao Marama.

Consultation with KTKO has identified that Maori archaeological sites are located near the lake's edge, to the west of the site. PBJV anticipate that, as part of any future subdivision and/or earthworks consent for the area, an accidental discovery condition will be included in the consent to ensure that appropriate procedures are in place should any historic artefacts be found. Please refer to **Appendix GA** for a copy of the correspondence received from KTKO.

4.2 CONSULTATION WITH KEY STAKEHOLDERS AND NEIGHBOURS

Peninsula Bay sought to engage with individuals and the Upper Clutha Environmental Society to inform them about and obtain their feedback on the proposal to change the district plan to rezone the subject site to LDR. The following section describes the consultation undertaken with, and the feedback received from, key stakeholders and neighbours. This section also describes how the feedback has been used to inform the plan change.

From around 2012 the general area which was being considered for the extension of Peninsula Bay has been shown in green, but not as reserve on the Peninsula Bay maps used to promote the subdivision. Comments from some residents during the consultation phase are that they were expecting this area to be developed.

During August 2015 an information pack was sent to properties within the Peninsula Bay subdivision, along with residents of Mt Gold Place³. The packs contained a personalised letter advising of the plan change proposal, a three page executive summary with aerial photograph of the area affected, and the scheme plan and landscape plan (refer **Appendix GB**). Residents were encouraged to provide feedback. Responses were received from four neighbours.

Contact was also made with Julian Haworth, representative of the Upper Clutha Environmental Society. Mr Haworth advised that the Society did not wish to take part in consultation in relation to the plan change, and that the Society would oppose it.

Summary of key stakeholder and neighbours feedback and how it informed the plan change

Issues raised from the four who provided feedback included queries regarding ongoing access to the reserve and clarification regarding the proposal. Support was expressed for the planned retention of vegetation, and for the layout of the building platforms.

The feedback provided additional comfort to the project team that the proposal is appropriate and in particular the retention of the reserve, vegetation and carefully chosen location of the building platforms should remain part of the plan change proposal.

All purchasers of residential allotments within the Peninsula Bay development entered into agreements with PBJV via their Sale and Purchase agreement and covenants registered on the Certificate of Title for their property agreeing that they would not

³ Lots, 166-174, 300, 308-318, 323-327, 330, 336, 337; Mt Gold Place Lots 79, 101-111.

oppose, object to, frustrate or take any action that might in any way prevent or hinder PBJV from progressing and completing the Peninsula Bay development plans and/or effecting any zone change and/or subdivision and/or land use consent.

5. STATUTORY REQUIREMENTS

5.1 EVALUATION UNDER SECTION 32 OF THE ACT

All District Plan changes must be evaluated as directed by section 32 of the RMA. Section 32(1) and (2) specifies what the evaluation must examine:

- (1) *An evaluation report required under this Act must—*
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
 - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

Section 32(3) is relevant to this proposed plan change as the plan change proposes to amend the existing operative District Plan:

- If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
- (a) *the provisions and objectives of the amending proposal; and*
 - (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*

Section 32(3) requires a proposal that amends objectives and provisions of an existing plan or plan change to be evaluated in terms of efficiency and effectiveness against the relevant existing objectives (where the existing objectives are relevant to the amending proposal and would remain if the amending proposal was to take effect).

5.2 EVALUATION OF EACH NEW OBJECTIVE

Section 32(1)(a) of the RMA requires the evaluation to examine the extent that a new objective is the most appropriate way to achieve the purpose of the Act. As no new objectives are proposed, section 32(6) is relevant:

- s32(6) In this section,—*
objectives means,—
 (a) *for a proposal that contains or states objectives, those objectives:*
 (b) *for all other proposals, the purpose of the proposal.*

Therefore an evaluation is required of the extent to which the purpose of the proposal is the most appropriate way to achieve the purpose of the Act.

The purpose of the proposal is:

To enable the development of part of the land currently zoned Open Space at Peninsula Bay north for specified low density residential development, whilst providing for ecological gains and improved passive recreation on the balance of the land zoned Open Space between the Peninsula Bay development and Lake Wanaka.

The landscape/visual, natural character and ecology assessments undertaken conclude that, by giving effect to the scheme plan and landscape plan, the values of the site will be maintained and enhanced, and that the land will be used in an appropriate manner. It is assessed that by giving effect to the purpose of the Plan Change, sustainable management will be achieved in terms of section 5 of the RMA. These themes are considered more fully throughout the assessment below.

6. EVALUATION OF POLICIES, RULES AND OTHER METHODS

Section 32(1)(b)(i) requires the identification of other reasonably practicable options for achieving the objectives (or in this case, as there are no new objectives proposed, the purpose of the plan change) as part of the plan change evaluation.

Consideration of Alternatives to the Extent of the Plan Change

Firstly, the extent of the area to be re-zoned LDR was defined for the purposes of assessment by the technical specialists. As part of this process, lot layouts and building platforms were established, and models used to assess the visibility of future dwellings on each lot from various public viewpoints including Lake Wanaka. An iterative process occurred with the landscape architect, surveyor, engineer and ecologist all working together to achieve a layout and associated development

parameters that would ensure future dwellings would have very limited visibility from the Lake in particular, and that indigenous vegetation of value would be retained and enhanced, thus achieving a net positive ecological outcome. The LDR Zone boundary was then drawn around the edge of the LDR lots, thus ensuring that the minimum area necessary to achieve the development would be zoned LDR and the maximum area appropriate to left as Open Space zone.

Alternative Planning Methodologies

Four alternative planning strategies have been identified that could be used to address the purpose of the plan change. These options are discussed in turn.

Option 1 – Amend the Open Space Zone Rules to Provide for Residential Activity

This option would involve amending the Open Space zone rules to provide for residential activity as (for example) a discretionary activity. This option was not considered appropriate as it would apply to (and enable resource consent to be sought for development on) all Open Space zoned land in the District. This approach would be contrary to the existing Open Space zone objectives and policies which deter rather than encourage residential development in the Open Space zone. It would not achieve the purpose of this plan change which is intended to be limited to the Peninsula Bay site.

Option 2 – Status Quo

The status quo option does not address the purpose of the plan change which is to establish a low density residential use at the site. Under this option the site would remain zoned for Open Space activities and any residential development would be prohibited (thus no resource consent could be applied for).

Option 3 – Re-zone Part of the Open Space Zone to LDR

This option re-zones the appropriate part of the Open Space zone to the north of the existing Peninsula Bay development to LDR, and leaves the remaining area as open space. It is intended the balance Open Space zone will be enhanced for passive recreation (such as developing walkways and mountain bike tracks, providing a carpark and seating area) and be vested in Council as reserve to provide for public access. It is considered LDR is the appropriate density level, as it is consistent with the zoning of the adjoining Peninsula Bay land.

Option 4 – Re-zone Part of the Open Space Zone to an alternative zoning

This option re-zones the appropriate part of the Open Space zone to the north of the existing Peninsula Bay development to an alternative zone, such as Penrith Park Special Zone, Rural Residential Zone or a specific spot zone such as “Peninsula Bay North”. None of the existing zones within the district plan provide any additional or more appropriate or effective methods with which to achieve the purpose of the plan change. Furthermore, the zone provisions for Penrith Park Special Zone for example, seek to achieve specific environmental outcomes that are unique and specific to that zone. These are not applicable or consistent with the outcomes of the Peninsula Bay LDR.

It was considered whether to create a “spot zone” and incorporate the controls intended to be implemented via the proposed covenants as rules. Given the plan change area creates 26 new lots, it was considered the scale of the plan change area was too small for such a zone to be an efficient mechanism within the District Plan.

It is therefore concluded that (in terms of section 32(1)(b)(iii) Option 3 is the most appropriate for achieving the purpose of the plan change (which is the relevant test in terms of section 32(6) given no new objectives are proposed).

6.1 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Efficiency and Effectiveness (section 32(1)(b)(ii))

Under section 32(2)(a) an assessment under section 32(2)(1)(b)(ii) must:

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for —*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced (section 32(2)(a));*
- (b) *if practicable, quantify these benefits and costs (section 32(2)(b)); and*
- (c) *assess the risks of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (section 32(2)(c)).*

The following sections provide an assessment of effects (“**AEE**”) arising from the proposed plan change. Specifically, the AEE addresses the following:

- An assessment of the economic effects likely to result from the plan change, including economic growth and employment opportunities;
- A Preliminary Site Investigation for the site to assess any potential for effects on human health as a result of past uses of the land;
- An assessment of the capacity of the existing infrastructure and servicing network and the extent to which this is able to service the proposed plan change land;
- A geotechnical evaluation of the plan change site which addresses the stability of the site;
- An assessment of the current ecological values of the plan change area and the potential effects arising;
- An assessment of the landscape and visual effects anticipated from the development of built structures on the plan change site (some of which are within an ONL); and,

- An assessment of the plan change against the Environment Court's four key findings on Variation 15.

6.1.1 Economic Effects

In order to construct and implement the level of development anticipated shown in the scheme plan, the services of various development and building specialists will be required, including (but not limited to) surveyors, builders, plumbers and electricians. While no definitive assessment of the employment opportunities has been undertaken, should the proposed plan change proceed and the 26 lot development be realised, employment/contracting opportunities will accrue.

By enabling residential development in the rezoned area, development contributions in the order of \$351,000 are anticipated, with a subsequent annual (and ongoing) rates intake of \$91,000 estimated. How such intakes are subsequently used is at the discretion the Consent Authority, however it is anticipated that it would be in general accordance with the schedule of works set out in the Annual Plan.

The area of land to rezoned to LDR is currently owned by PBJV but was originally intended to be vested with QLDC as reserve. The proposed plan change will reduce the total area of land to be vested as reserve by approximately 6.11ha. The balance of the land remaining as Open Space (6.45ha) will be vested in the Council. The reduction in the extent of land to be vested will result in estimated maintenance cost savings of \$7,500 per year.

The proposed plan change will have positive economic effects.

6.1.2 Effects on Human Health

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012 (“**NES**”) provides clear direction for the assessment of sites when changing the use of certain types of land. A preliminary site investigation (“**PSI**”) of the plan change area has therefore been carried out to determine whether or not the site is likely to be contaminated, and if so, implications for development (refer **Appendix H** attached).

The PSI identified that the plan change area has historically been subject to agricultural activities that may have impacted the soil quality of the site. The risk to human health arising from development of this area however has been assessed as low.

Slightly elevated background concentrations of arsenic were found in the soil samples taken from the plan change area. While the concentrations are highly unlikely to be a risk to human health, Class B landfill acceptance criteria are much lower than the NES standards. Any soil taken offsite during development would therefore need to be tested prior to cartage to determine whether disposal to Class A landfills is required.

It is appropriate to address such matters during the later subdivision and development of the site.

6.1.3 Infrastructural Effects

An assessment of the servicing and infrastructure network at Peninsula Bay has been undertaken by Paterson Pitts Group to confirm that the site (if rezoned to LDR) can be serviced (refer to **Appendix I** attached). A summary of the assessment is set out in the following sections.

Roading, Footpaths and Walkways

The new LDR area is proposed to be accessed from the existing roading network established as part of the wider Peninsula Bay development. Specifically, proposed Lots 1 to 12 will be accessed via an extension to Bull Ridge, with Lots 13 to 26 accessed via an extension to Infinity Drive. Pedestrian and cycle linkages are proposed throughout the site and comprise of two main types; those associated with the roading network and those connecting with existing walking and cycling trails in the Open Space zone.

It is appropriate for the final roading and footpath specifications and design to be undertaken in association with later subdivision and development of the site.

Water Supply

Water can be supplied to the plan change land by an extension to the existing water mains located at the end of Infinity Drive and Minaret Ridge.

Water modelling undertaken by Tonkin and Taylor⁴ demonstrates that residual water pressures will be at least $\geq 300\text{kPa}$ and will therefore meet QLDC's minimum water pressure requirements. Modelling also shows a minimum of Class FW2 fire flow can be achieved. While detailed design will be addressed during later subdivision, it is anticipated that future connections will be serviced with 100mm diameter water supply pipes.

Overall, the effects on the existing water supply network are considered by Tonkin and Taylor to be minimal.

Waste Water

Modelling undertaken by Rationale⁵ demonstrates that sufficient capacity is available within the waste water network to accommodate the additional development enabled by the LDR zoning proposal.

It is anticipated that the eastern portion of the rezoned site will be serviced from existing gravity waste water drains located at the end of Infinity Drive. The western most area will likely be serviced by existing gravity mains in Minaret Ridge. Both of these catchments discharge via gravity to the existing pump station located at Bremnar Bay. The specific connection details, including which waste water catchment each lot will

⁴ Water modelling was based on a development scenario of up to 31 lots. The proposed plan change now only provides for 26 lots.

⁵ Waste water modelling was based on a development scenario of up to 31 lots. The proposed plan change now only provides for 26 lots.

discharge to and the size of waste water pipes will be established during later subdivision and development of the site.

Stormwater

The wider development of Peninsula Bay has necessitated the installation of various stormwater management devices. Existing stormwater mains located within Infinity Drive and Minaret Ridge can be extended to service the plan change area, with stormwater treatment provided via the existing swales and stormwater treatment ponds located within the central Peninsula Bay site.

Power and Telecommunications

Confirmation of the availability of power and telecommunications servicing has been provided by Chorus and Aurora Energy. Such connections can be supplied to the site via existing infrastructure installed within the recently completed stages of the Peninsula Bay development.

It is anticipated that all cabling will be provided underground, however this will be confirmed during the later subdivision and development of the site.

6.1.4 Geotechnical Considerations

A geotechnical assessment of the plan change area was carried out in relation to Variation 15 (as described in section 2.1) to determine whether or not the wider Peninsula Bay site (including the northern area subject to this plan change) could support the nature and scale of development proposed by Variation 15 from a geotechnical perspective. The findings of the earlier geotechnical investigations are relevant to the current plan change, and are attached to the Infrastructure Report contained in **Appendix I**.

The geotechnical assessment has determined that the site is suitable for residential development.

6.1.5 Earthworks Effects

Earthworks will be required across the site to enable the formation of roads and building platforms. The preliminary earthworks plan attached to **Appendix I** demonstrates that approximately 4,500m³ of cut and 1,800m³ of fill will be required within the rezoned land. Cross sections from the lots down to the Lake are included in **Appendix I**.

Where earthworks require the removal of existing vegetation, vegetation will be replanted in accordance with the landscape plan attached as **Appendix C**. This is discussed further in section 6.1.6 below, however it is anticipated that such planting will mitigate the visual effects of cut and fill batters on site.

Erosion, sediment and dust control measures can be effectively implemented to minimise nuisance erosion, sediment and dust effects during the later development of the site.

6.1.6 Terrestrial Ecology Effects

The plan change site contains large areas of indigenous vegetation. Accordingly, an assessment of the terrestrial ecology has been undertaken to determine the nature and scale of ecological values associated with the site, and the extent to which any effects can be appropriately avoided, remedied or mitigated (refer to **Appendix F** attached for the complete terrestrial ecological assessment).

A range of indigenous vegetation was found within the plan change area, including large areas of kanuka shrubland and depleted tussock grassland. While considered to be small and degraded in quality, the indigenous vegetation found triggers the significance criteria articulated in Appendix 5 of the District Plan.

The development of residential building platforms (as shown in **Appendix A** attached) will necessitate the removal of approximately 4,850m² of existing indigenous vegetation. An area of approximately 4500m² of existing kanuka will be retained and enhanced with an additional 1.1ha (11,000m²) of new planting proposed. Overall, the amount of indigenous vegetation at the site will increase significantly as a result of the proposed plan change, resulting in an ecological gain.

A comprehensive landscaping proposal has been established (refer to **Appendix C** attached) for the area of land proposed to be rezoned utilising locally sourced plants typical of shrubland in the Wanaka and Pisa Ecological District. The landscaping proposal has been developed with the input of an ecological expert, and is expected to result in improved ecological integrity, diversity, function and connection between the existing patches of habitat. A reduction in the exotic grassland currently present on site is also expected.

A land covenant will be registered on the titles of the relevant land in order to ensure that the future development and use of the site is in general accordance with the Landscape Plan. The covenant requirements include:

- *Any development on the subject allotments shall be undertaken in general accordance with the Rachel Stanford Landscape Design, Peninsula Bay North End Proposed Plan Change, Landscape Concept, 5 November Revision F, and the Patterson Pitts Group, Concept Scheme Plan Peninsula Bay North End, Sheet 1, Rev J, 06.08.15.*
- *Vegetation shown as “existing vegetation to be protected” on the Rachel Stanford Landscape Design, Peninsula Bay North End Proposed Plan Change, Landscape Concept, 5 November Revision F, shall not be removed, unless dead or diseased.*
- *Revegetation sections shall be planted in general accordance with the Rachel Stanford Landscape Design, Peninsula Bay North End Proposed Plan Change, Landscape Concept, 5 November Revision F.*
- *Revegetation areas shall be planted prior to s224c certificates being issued for the relevant subdivided Lots.*

- *Should any plants within vegetation protection or revegetation areas die, become diseased or fail to thrive they shall be replaced by species listed on the Landscape Concept during the next planting season.*
- *Despite condition X (above), fence and boundary lines may be cleared of vegetation for the purposes of establishing the fence only.*
- *Fencing shall be established generally as shown on the Rachel Stanford Landscape Design, Peninsula Bay North End Proposed Plan Change, Landscape Concept, 5 November Revision F.*
- *All allotments shown on the Patterson Pitts Group, Concept Scheme Plan Peninsula Bay North End, Sheet 1, Rev J, 06.08.15, including any areas of road reserve, shall be kept free of Pinus, Pseudotsuga and Cytisus plant species.*

The covenant will ensure that the ecological values of the site are retained and enhanced in perpetuity.

Having considered the nature of the existing vegetation, the extent of vegetation removal required, and the extensive planting and maintenance proposed (secured by the land covenant), the ecological assessment has determined that the plan change will give rise to overall ecological benefits within the plan change area.

Overall, positive ecological effects will accrue as a result of the proposed plan change.

6.1.7 Landscape and Visual Effects

An assessment of the landscape and visual effects arising as a result of the plan change was completed (refer to **Appendix E** attached).

Section 3 of this report provides a detailed account of the nature and scale of development that would be enabled by the proposed plan change. In summary, the proposed plan change would enable a strip of 20 large low density residential lots along the south facing slopes of the low, rounded ridge that lies to the north of the current LDR zone. An additional six large lots would be created close to or north of the crest of the rounded ridgeline.

To minimise the potential visual and landscape effects arising as a result of the built form enabled by the LDR zoning, a series of building design controls have been proposed. To secure their implementation in perpetuity, the design controls will be included in the land covenant and registered on the certificate of title of the relevant land. The requirements of the covenant are attached as **Appendix G**. Those of relevance to the following assessment are set out below.

- *Any development on the subject allotments shall be undertaken in general accordance with the Rachel Stanford Landscape Design, Peninsula Bay North End Proposed Plan Change, Landscape Concept, 5 November Revision F, and the Patterson Pitts Group, Concept Scheme Plan Peninsula Bay North End, Sheet 1, Rev J, 06.08.15.*

- *Buildings shall not be established outside the building platforms shown on the Patterson Pitts Group, Concept Scheme Plan Peninsula Bay North End, Sheet 1, Rev J, 06.08.15. For the following lots, building platforms established shall not exceed the following heights:*
 - *Lot 4 – RL 328.9*
 - *Lot 5 – RL330.7*
 - *Lot 6 – RL 331.1*
 - *Lot 20 – RL 337.0*
 - *Lot 21 – RL 339.8*
 - *Lot 22 – RL 335.5*
- *Buildings (other than garden sheds, retaining walls or other garden structures or fences less than 3m in height) shall have a height not greater than the following:*
 - *Lots 2-3, 7-14, 18: 5m above existing ground level.*
 - *Lots 1, 15-17, 19, 23-26: 5.5m above existing ground level.*
 - *Lots 4, 20-22: 5m above the RL required by condition 2 above.*
 - *Lots 5 and 6: 4m above the RL required by condition 2 above.*
- *No exterior building cladding (including roofing) shall have a reflectivity value of greater than 36%.*
- *Prior to any dwelling being constructed on the relevant allotment, earthworks shall be established as per the Patterson Pitts Group, Engineering Drawings Earthworks Cut Fill Plan, Sheet 201, Rev A, 19.07.15.*

LANDSCAPE EFFECTS

Landscape effects are considered to be those effects that an activity may have on landscape as a resource in its own right. Landscape effects relate to landscape character and the elements and patterns that make up the character, rather than the visual effects. From a landscape perspective, the proposed plan change will enable residential development of particularly low density over an area of land currently zoned for 'open space' purposes.

Lots 1 to 3 and 22 to 26 are considered to be of a conventional low density and of a similar character (albeit slightly larger) than the existing lots within the Peninsula Bay LDR zone. A strip of larger lots (Lots 7 to 19) with a low building profile are proposed along the south facing slopes of the rounded ridge. Restrictive building controls, particularly for Lots 4 to 6 and 20 to 22 will ensure that any lots located within the ONL are developed in a manner that reflects the sensitivity of the ONL. Overall, a significant portion of the plan change area will be characterised by large, dense stands of native vegetation, as required by the Landscape Plan (attached as **Appendix C**).

The new elements enabled by the plan change will not be foreign to this area, however the plan change will see the existing residential land use extent northwards, into an area of relatively natural character. The effects of such change will be permanent, and are considered to be moderate in scale. The extensive revegetation proposed will be a significant enhancement of natural vegetative character and biodiversity, and will mitigate the effects of the development on landscape character.

Landscape Effects - Outstanding Natural Landscape

The part of the plan change site located on the lakeside of the northern rounded ridge line has a high degree of natural character as it is considered to be part of the ONL that includes the lake and its margins (including slopes). This area is considered to be valued by both the local and district community.

The parts of the site located within the ONL are considered to be particularly susceptible to character degradation. Residential development would alter the existing character substantially.

As set out above, restrictive building controls for Lots 4 to 6 and 20 to 22 will ensure that any lots located within the ONL are developed in a manner that reflects the sensitivity of the ONL. Specifically, all of the building platforms for these lots have been located in areas of lower topography, with reduced floor levels and maximum building heights specifically identified. Controls on the external finishes will ensure that these dwellings remain visually recessive, with vegetation protection and/or enhancement areas identified around these building platforms.

In light of the building design controls, the landscape assessment concludes that the landscape character change effects have been mitigated, however the permanent character effect on this part of the ONL will be of a moderate to substantial degree.

Landscape Effects – Outside of Outstanding Natural Landscape

The area of the site located outside of the ONL generally faces south towards the Peninsula Bay suburban area. This area is largely considered to have a high degree of natural character and is relatively susceptible to having its character degraded by residential development. The landscape character of this area is primarily valued by nearby residents in a way that any relatively natural, open undeveloped land is valued.

The landscape character effect in relation to the non-ONL portion of the plan change area is considered to be of a moderate degree.

Summary of Landscape Effects

By virtue of the change of use, the landscape assessment concludes that the landscape resource will be degraded and the character change will be negative in that open space and naturalness will be reduced in an area where these characteristics are valued. Notwithstanding, the specific design of the development proposed will mitigate these effects.

The ONL will not be significantly adversely affected by the plan change.

VISUAL EFFECTS

Visual effects are those effects that an activity may have on specific views and on the general visual amenity experienced by people. The observers that are potentially visually affected by the proposed plan change can be generally categorised into five key groups:

- Observers within the Peninsula Bay suburban area;

- Observers within the western parts of Wanaka town;
- Terrestrial observers between western Wanaka and Damper Bay;
- Observers on the surface of Lake Wanaka in the Roys Bay area; and,
- Observers on the surface of Lake Wanaka in the Clutha Outlet/Dublin Bay area.

Digital modelling of the visual built form anticipated from the plan change (including the restrictions imposed by covenants) has assisted with the visual effects assessment attached as **Appendix E** and summarised below.

Observers within Peninsula Bay

When viewed from the consented suburban Peninsula Bay area, the development enabled by the plan change will appear as a horizontal strip of buildings rising towards the north, backed by distant mountains.

Existing residential development between Minaret Ridge and Infinity Drive will considerably screen the plan change area from many viewpoints within Peninsula Bay due to the elevated nature of the existing dwellings. Development enabled by the plan change is therefore only anticipated to have potentially significant visual effects for those properties located directly adjacent to the plan change area.

The current outlook for the residential allotments immediately adjoining the plan change area (along Infinity Drive, Bull Ridge and the northern portion of Edgewood Place) comprises the south facing slopes of the rounded ridge which provide visual relief and a foreground in northern views that has relatively natural character. The kanuka scattered, open and undulating land is immediately backed by distant mountains. This entire foreground will become characterised by suburban elements, therefore the visual effect will be of a substantial degree, with the natural elements being lost to suburban pattern.

The northern views from these allotments are considered to be valued by the occupants of the affected properties only. In this regard, the lots backing onto proposed Lots 1 to 3, and 7 to 12 are owned PBJV. Eight lots immediately adjoining the plan change area are not owned by PBJV. The views are not considered to be valued at a large or district wide scale.

Observers within Western Wanaka Town

Views of the plan change area are available from within western Wanaka. Foreground elements, such as trees and the existing dwellings within Minaret Ridge and Eely Point, collectively offer a degree of screening of these views. This is clearly depicted in Photographs 16 and 17 of the landscape assessment attached in **Appendix E**.

Overall, the landscape assessment considers that the scale of visual change from the western Wanaka viewpoints will be low and the visual effect negligible to slight at most.

Observers between Western Wanaka and Damper Bay

Views of the plan change area are available northwest of Ruby Island Road. The views between Ruby Island Road and Damper Bay are experienced at distances of between 3.8 and 4.8 kilometres.

The Peninsula Bay / Beacon Point suburban area is seen as a horizontal band of suburban patterning spread across the moraine landform. As evidenced by the relevant photographs and modelling contained in the landscape assessment (photographs 19 to 21), the scale of development enabled by the plan change is slight and difficult to notice, particularly when viewed against the suburban development that already exists in these views.

Observers from the Surface of Lake Wanaka

Roys Bay Areas

Visibility of the plan change area is available from the surface of Lake Wanaka, in the Roys Bay area. These views are largely obscured by Eely Point until an observer is north of Ruby Island Road. Viewers from this part of the lake are between 2 and 5 kilometres from the plan change area and approximately 60m lower in elevation.

Viewers from Roys Bay are generally surrounded by the suburban view of Wanaka. The plan change will enable a minor addition to the mass of existing suburban development, however the dwellings will be directly adjacent to an existing residential area and will often be screened by existing development.

The overall scale of change to existing views from the surface of Lake Wanaka (from Roy's Bay) is considered to be altered by a slight degree.

Clutha Outlet / Dublin Bay

Suburban Wanaka (including Peninsula Bay) is not visible from the surface of Lake Wanaka from Bull Island, Dublin Bay and the Clutha Outlet. From Beacon Point to approximately 1 kilometre east of Bull Island, the existing large dwellings on Mount Gold Place and Beacon Point itself are visible.

Views from this area of Lake Wanaka are natural in character and built form is minimal. Any significantly visible residential development would therefore alter the nature of the current views and character.

As demonstrated in photographs 13 to 15 of the landscape assessment, visibility of the built form will only become available to viewers in the vicinity and northwards of Bull Island (at least 1.1 kilometres from the plan change site). The building envelopes modelled in photographs 13 to 15 also demonstrate the maximum buildable extent and height for each building platform. The actual built form of each lot is therefore anticipated to be less than that modelled, and will be darkly coloured and surrounded by vegetation cover. The scale of visual change is therefore considered to be small and difficult to notice. The overall visual effect is considered to be slight.

Summary of Visual and Landscape Effects

The plan change will essentially impose a low density suburban pattern over the plan change area, moving the boundary between suburbia and open space to the north by

approximately 150m. While the open space and natural character values of the area will be impacted, the landscape assessment concludes that the overall effect on the ONL has been well mitigated.

With respect to visual effects, the overall effects on views and visual amenity will be negligible to slight, with the exception of the very northernmost properties within the existing Peninsula Bay development. The value of the views is largely isolated to these properties and is not valued at a larger scale.

Overall the landscape and visual effects of the plan change will have particularly localised effects.

6.1.8 Variation 15

As set out in section 2, the Environment Court's decision on Variation 15 provides important context in assessing the values of the land to which this plan change relates, and in determining whether it is appropriate to re-zone part of the Open Space land created by Variation 25. The following section assesses the proposed plan change against the four key findings of the Court in its decision on Variation 15.

Finding 1: The adverse landscape and visual amenity effects of the proposal at that time in Activity Area 5 (the northern part of the site) and Activity Area 2 (the eastern margin) were found to be significant

As set out in section 6.1.7, a series of design and landscaping controls are in place to mitigate the effects of the plan change on landscape and visual effects. These will be provided for in perpetuity, via use of covenants registered on the certificate of title.

The plan change also only includes as much land as necessary to achieve the purpose of the plan change, with over 6ha to remain as Open Space zone.

Finding 2: Development within Activity Area 5 would have had significant adverse effects on the natural character of the Lake and its margin

Sections 6.1.6 and 6.1.7 and the Mitchell Partnerships Limited and Vivian Espie reports attached as **Appendix F** and **Appendix E**, respectively, consider the impact of the proposed plan change on the natural character of the Lake and its margins (i.e. the ONL). Significant enhancement of the natural vegetative character and biodiversity will result from the plan change, which will in turn provide a degree of offset in relation to adverse landscape character effects. While overall, the landscape character will be degraded, it is considered that the most valued area that the Environment Court was most concerned about (the prominent ONL slopes that face the lake) will not be significantly affected.

Finding 3: There was a lack of demonstrated need for the residential sections that would have been enabled by Variation 15

Peninsula Bay is reaching capacity, with nearly all of the residential allotments developed and/or sold. The site is also located with the urban growth boundaries for Wanaka, therefore growth in area is anticipated where it can be appropriately balanced with managing environmental effects.

Finding 4: There was inconsistency with policy calling for compact urban form and urban consolidation.

Since Variation 15, urban growth boundaries have been defined for Wanaka. The plan change is located within these growth boundaries, and represents a logical extension of Peninsula Bay, which has capacity within its existing infrastructure networks to accommodate the development enabled by the plan change.

6.1.9 Conclusion

Overall the proposed use and development of the plan change area will provide for an efficient, and coherent extension of the existing Peninsula Bay development. The visual and landscape effects arising as a result of the plan change are considered to be localised and for the most part, will be visually negligible to slight. Where the visual and landscape effects are more than minor, mitigation has been proffered via the form of covenants to ensure these effects are minimised. The extensive landscape planning proffered as part of this plan change is expected to result in an overall positive ecological outcome for the plan change area, while providing enhanced passive recreational use.

The key areas of concern for the Environment Court when declining Variation 15 have all been taken into consideration when preparing this plan change. As demonstrated by section 6.1.8 and the preceding assessment of the environmental effects, the concerns of the Environment Court have been given due consideration in the promulgation of this plan change, and the barriers to previously approving the plan change removed.

6.1.10 Costs and benefits of the environmental effects, including economic growth, and employment (section 32(2)(a))

Under section 32(2)(a) an assessment under section 32(2)(1)(b)(ii) must:

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for —*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced (section 32(2)(a));*
- (b) *if practicable, quantify these benefits and costs (section 32(2)(b)); and*
- (c) *assess the risks of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (section 32(2)(c)).*

The necessary assessment of the proposed rezoning under sections 32(1)(b) and (2)(a), is provided in **Table 2** below. The method has been assessed in terms of its appropriateness in achieving the purpose of the proposal, and against the existing LDR Zone and District Wide objectives (sections 32(3)).

Table 2: Assessment of the proposed methods under sections 32(1)(b), 32(2) and 32(3) of the Act

PURPOSE OF THE PROPOSAL

To enable the development of part of the open space area at Peninsula Bay north for specified low density residential development, whilst providing for ecological gains and improved passive recreation on the balance of the open space area between the Peninsula Bay development and Lake Wanaka.

<u>EXISTING URBAN GROWTH AND RESIDENTIAL RELATED OBJECTIVES</u>	<u>EXISTING TAKATA WHENUA RELATED OBJECTIVES</u>	<u>EXISTING NATURAL ENVIRONMENT, LANDSCAPE AND VISUAL AMENITY RELATED OBJECTIVES</u>	<u>EXISTING UTILITY AND INFRASTRUCTURE RELATED OBJECTIVES</u>
4.9.3 Objective 2 – Existing Urban Areas and Communities Urban growth which has regard for the built character and amenity values of the existing areas and enables people and communities to provide for their social, cultural and economic wellbeing. 4.9.3 Objective 3 - Residential Growth Provision for residential growth sufficient to meet the District's needs. 4.10.1 Objective 1 - Access to Community Housing or the provision of a range of Residential Activity that contributes to housing affordability in the District. 7.1.2 Objective 1 – Availability of Land Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to constraints imposed by the natural and physical environment. 7.1.2 Objective 2 – Residential Form A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure. 7.1.2 Objective 3 – Residential Amenity Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs. 7.3.3 Objective 1 – Residential and visitor accommodation development of a scale, density and character within sub zones that are separately identified by such characteristics as location, topology, geology, access, sunlight or views.	4.3.4 Objective 1 – Kaitiakianga (Guardianship) Recognition and provision for the role of Kāi Tahu as customary Kaitiaki in the District. 4.3.4 Objective 4 – Mahika Kai The limitation of the spread of weeds, such as wilding trees. 4.3.4 Objective 8 – Rakau (Trees) The protection that some specific native tree or trees may be of cultural significance to Kāi Tahu.	4.1.4 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 protection of outstanding natural features and natural landscapes. 4.2.5 Objective Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values. 4.4.3 Objective 1 – Provision of Reserves Avoid, remedy or mitigate the adverse effects on public open spaces and recreational areas from residential growth and expansion, and from the development of visitor facilities. 4.4.3 Objective 3 – Effective Use Effective use and functioning of open space and recreation areas in meeting the needs of the District's residents and visitors. 4.9.3 Objective 1 – Natural Environment and Landscape Values Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.	4.5.3 Objective 1 - Efficiency The conservation and efficient use of energy and the use of renewable energy sources. 14.1.3 Objective 1 – Efficiency Efficient use of the District's existing and future transportation resource and of fossil fuel usage associated with transportation. Objective 2 – Safety and Accessibility Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District. Objective 3 – Environmental Effects of Transportation Minimal adverse effects on the surrounding environment as a result of road construction and road traffic. 17.1.3 Objective 1 – Coordination of Utilities Co-ordinate the provision of utilities with the development of the District. 17.1.3 Objective 2 – Efficient Use and Establishment of Utilities The establishment, efficient use and maintenance of utilities necessary for the wellbeing of the community. 17.1.3 – Environmental Impacts Avoid, remedy or mitigate the adverse effects of utilities on the surrounding environments, particularly those in or on land of high landscape value.

Method	Assessment under section 32(2) of the Act		Assessment under section 32(1)(b)(ii) of the Act	
	Environmental, Economic, Social and Cultural Benefits	Environmental, Economic, Social and Cultural Costs	Having regard to the appropriateness of the provisions by assessing their efficiency and effectiveness in achieving the objectives	
District Planning Maps <i>Proposed amendment to District Planning Map 19 to rezone the subject land from Open Space Zone to Low Density Residential Zone.</i>	The rezoning of the subject land will provide additional residential land resource in Wanaka. The area proposed to be rezoned represents a logical extension of the suburb of Peninsula Bay, utilising capacity within the current (or future proposed) roading and servicing network. The benefits of this proposed rezoning are discussed in section 6.1.1 and 6.1.6. In summary: - Initial financial benefits of approximately \$351,000 would arise from the payment of development contributions from the development of 26 residential allotments enabled by the plan change. - Annual benefits in the order of \$91,000 would arise from annual rates intake. - Annual maintenance cost savings of \$7,500 are expected from the reduced area of open space zone. - Employment opportunities would arise during the construction of the residential development. Ecological gains and benefits anticipated include: - Reduction in exotic grassland. - Increased diversity of existing shrubland. - Improved ecological connectivity and functioning; - Overall, a better ecological outcome than allowing succession to progress at the site unaided. The proposed rezoning will also provide an additional residential land resource directly adjacent to the existing Peninsula Bay LDRZ. This represents an efficient and logical extension of this zone which is almost at capacity. Providing for additional residentially zoned land will enable the community to continue to provide for its social wellbeing.	The proposal will see low-density residential development in an area that is currently zoned open space. The nature and scale of development enabled in the plan change area will be significantly less than that of the LDR zone. The proposed plan change will also result in the removal of indigenous vegetation. This environmental cost is mitigated by the extensive new planting proposed, areas of enhancement planting and protection of existing areas of indigenous vegetation. These will be secured in perpetuity by covenants registered on the relevant certificate of title and are expected to result in ecological benefits for the site. The plan change will also give rise to visual and landscape effects, which will introduce elements of built form not currently present in this area of the ONL and its surroundings. Strict design controls around building location, height and reflectivity will minimise the visual impacts of the built form.	Efficiency: <u>EXISTING URBAN GROWTH AND RESIDENTIAL RELATED OBJECTIVES</u> The proposed extension of the residential zone provides for additional residential land resource within greater Wanaka. The proposed method is therefore an efficient means of achieving the purpose of the plan change whilst meeting the urban growth and residential objectives of the existing District Plan. <u>EXISTING TAKATA WHENUA RELATED OBJECTIVES</u> In preparing the plan change local iwi have been consulted and their feedback sought. The land covenant proposed over the plan change area will protect and enhance areas of native vegetation, including a number of species described in the KTKO Natural Resource Management Plan. The land covenant also requires ongoing pest plant management, including the removal of plant species such as Pinus, Pseudotsuga and Cytisus from the site. The proposed rezoning is therefore an efficient means of implementing the objectives of particular relevance to KTKO. <u>EXISTING NATURAL ENVIRONMENT, LANDSCAPE AND VISUAL AMENITY RELATED OBJECTIVES</u> The existing Open Space zone is inefficient at achieving the objectives of the existing District Plan as it largely prevents development and use of the Open Space Zone, and thus any corresponding conservation gains that may result. The proposed rezoning combined with the use of land covenants is an efficient means of maintaining and enhancing the diversity of indigenous flora across the site, whilst managing effects on landscape and visual amenity values. <u>EXISTING UTILITY AND INFRASTRUCTURE RELATED OBJECTIVES</u> The plan change represents the logical extension of Peninsula Bay and will result in economic and infrastructural efficiencies through the concentration of residential activity (and services) within the existing suburban area of Peninsula Bay making good use of existing infrastructure. Effectiveness: <u>EXISTING URBAN GROWTH AND RESIDENTIAL RELATED OBJECTIVES</u> The changes to the District Plan maps to expand the LDR zone will be effective in diversifying the range of residential living options within Peninsula Bay. Matters such as height and density were considered in terms of affordable housing and an appropriate balance was achieved in terms of protecting the landscape values of the site and providing for affordable housing.	

	Recreational benefits are also anticipated from the proposed network of tracks and trails through the plan change area.	The retention of an underlying LDR zone will ensure that the scale, density and character of development is consistent with the existing Peninsula Bay development, and thus is effective in achieving the relevant objectives. <u>EXISTING TAKATA WHENUA RELATED OBJECTIVES</u> The proposed native vegetation planting, including enhancement planting of species defined in the KTKO Natural Resource Management Plan is an effective means of implementing Objectives 1, 4 and 8 of Section 4.3.4 of the Operative District Plan. <u>EXISTING NATURAL ENVIRONMENT, LANDSCAPE AND VISUAL AMENITY RELATED OBJECTIVES</u> The use of specific building design controls and enhancement planting (secured by covenants) is an effective means of ensuring landscape and visual amenity effects are appropriately avoided or mitigated. Enhancement planting will effectively improve diversity and linkages of indigenous vegetation planting that may not otherwise occur with natural succession. Overall, the rezoning will be effective at implementing the existing Objectives. <u>EXISTING UTILITY AND INFRASTRUCTURE RELATED OBJECTIVES</u> The plan change area will utilise existing utilities and infrastructure located within Peninsula Bay to service the additional 26 residential allotments. The plan change will therefore be effective and implementing the existing utility and infrastructure related objectives, as capacity is available within the existing networks to accommodate this growth. Appropriateness: <u>ALL OF THE LISTED OBJECTIVES</u> The efficiency and effectiveness of the implementation method will assist in achieving existing Objectives, whilst also achieving the purpose of the proposal. The proposed change to the zone maps is appropriate.
--	--	---

6.2 RISKS OF ACTING OR NOT ACTING IF THERE IS UNCERTAIN OR INSUFFICIENT INFORMATION

Section 32(2)(c) of the Act requires, in the evaluation of the proposed method, consideration of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter.

Part of the efficiency and effectiveness assessment is to identify if there is uncertain or insufficient information about the subject matter of the provisions. If there is uncertain or insufficient information, an assessment of the risk of acting or not acting in terms of the provisions is required.

For the purpose of section 32, risk relates to changes in circumstances or an unforeseen event. This circumstance or event may increase the potential economic, social, cultural or environmental costs that may be incurred by a proposal. Risk may also be associated with a failure of a provision to achieve or move significantly towards the benefits sought by the objective.

Uncertainty relates to possible changes in assumed circumstances which are unknown at the time of evaluation. Uncertainty also relates to a lack of scientific knowledge or other knowledge about the nature or scale of an issue.

For the proposed plan change, there is not considered to be uncertainty, and there is sufficient information to enable the effects of the plan change to be assessed, and the requisite evaluations to be undertaken.

While an assessment of the risk of not acting may not be required under section 32(2)(c), failing to extend the zone would result in a lost opportunity that would otherwise contribute to the availability of residential land, enhance a degraded area of indigenous vegetation, utilise existing capacity within the infrastructure network, while managing the visual and landscape effects. The status quo option, or “not acting”, would prevent any residential activity from occurring within the plan change area, and the associated ecological and economic gains that would arise from enabling such activity.

7. CONSIDERATION OF POLICIES, PLANS AND OTHER RELEVANT DOCUMENTS

Section 74(1) of the RMA sets out the matters which are to be considered by territorial authorities when preparing or changing district plans. That section states that any change to district plans must be in accordance with the functions for territorial authorities set out in section 31, the provisions of Part 2, the duties under section 32, and any regulations.

Section 74(2) of the Act requires that when preparing or changing a district plan, a territorial shall have regard to:

- (a) any –
 - (i) *Proposed regional policy statement; or*
 - (ii) *Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
- (b) any-
 - (i) *Management plans and strategies prepared under other Acts; and*
 - (ii) *Repealed*
 - (iia) *Relevant entry [on the New Zealand Heritage List/Rarangi Korero required by the Heritage New Zealand Pouhere Taonga Act 2014]; and*
 - (iii) *Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*
to the extent that their content has a bearing on resource management issues of the district; and
- (c) *The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

Section 74(2A) requires that when changing a district plan a territorial authority must 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 the resource management issues of the district.

Section 75 of the Act details the requirements for the content of district plans. Section 75 of the Act states that:

- (3) *A district plan must give effect to –*
 - a) *any national policy statement; and*
 - b) *any New Zealand coastal policy statement; and*
 - c) *any regional policy statement.*
- (4) *A district plan must not be inconsistent with -*
 - a) *a water conservation order; or*
 - b) *a regional plan for any matter specified in section 30(1).*

Consideration has been given to the matters detailed in sections 74 and 75 of the Act below.

7.1 NATIONAL POLICY STATEMENTS

There are currently four operative national policy statements which the District Plan must give effect to:

- The New Zealand Coastal Policy Statement
- The National Policy Statement for Renewable Electricity Generation 2011
- The National Policy Statement for Freshwater Management 2014
- The National Policy Statement for Electricity Transmission 2008

It has been determined that none of these policy statements are relevant to the proposed plan change.

7.2 NATIONAL ENVIRONMENTAL STANDARDS

National environmental standards are regulations made under section 43 of the RMA. They can prescribe technical standards, methods or other requirements for environmental matters. In some circumstances, local authorities can impose stricter standards. There is one national environmental standard which is relevant to the proposed plan change:

- The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

In terms of assessing environmental effects as directed by this NES, a PSI has been undertaken at the plan change site by Davis Consulting Group (refer to **Appendix H** attached) to determine whether any contaminants are likely to be present at the site which may affect human health. The site is subject to the provisions of the NES due to the proposed change in land use, and the fact that historical agricultural activities that may have impacted the soil quality of the site.

Davis Consulting Group concluded that that the proposed plan change will not give rise to adverse effects on human health. Davis Consulting Group have stated that some consideration of contaminant concentrations should be undertaken if offsite disposal of soil is required to ensure the soils are disposed of appropriately.

The proposed plan change does not impose a greater prohibition or restriction on an activity to which this NES already imposes. Therefore, no further evaluation of the NES is required for this plan change evaluation (section 32(4)).

7.3 REGIONAL POLICY STATEMENT

Otago's operative Regional Policy Statement ("**RPS**") promotes the sustainable management of natural and physical resources by giving an overview of the resource management issues facing Otago, and by setting policies and methods to manage Otago's natural and physical resources. The RPS does not contain any rules. A copy of the relevant objectives and policies is attached as **Appendix J**.

Key resource management issues identified by the operative RPS can be summarised as follows:

- Meet the reasonably foreseeable needs of the Region's people and communities via development which is efficient and meets community's expectations regarding amenity values.
- Ensure efficiency of urban development and the efficient use of infrastructure by maximising the use of existing infrastructure.
- Minimise adverse effects of urban development and settlement on the region's environment. Such effects include visual intrusion and a reduction of landscape qualities and significant irreversible effects.
- Maintain and enhance the quality of life for people and communities. This is to be achieved via the identification and provision of an acceptable level of amenity, avoiding, remedying and mitigating adverse effects on community health and safety, and adverse effects of subdivision, land use and development on landscape values.
- Protect the Region's outstanding natural features and landscape from inappropriate subdivision, development and use.
- Ensure that opportunities for public access exist where activities utilise Otago's natural and physical land features.

The proposed plan change will achieve the relevant objectives and their associated policies contained within the RPS. In particular:

- The plan change area is directly adjacent to existing suburban development within Peninsula Bay.
- Concentrating development in one area is an efficient use of land which is readily serviced by existing infrastructure.
- Large areas of indigenous vegetation will be protected and enhanced in perpetuity.
- Proposed tracks and trails will improve recreational opportunities within the ONL.
- The allotments located within the ONL have been specifically situated within areas of low lying topography surrounded by existing (and future enhanced) indigenous vegetation. Building design controls will ensure that visibility of built elements is minimised.

In May 2015 Otago Regional Council publicly notified the Proposed Regional Policy Statement for Otago ("**Proposed RPS**"). A copy of the objectives and policies relevant to this plan change is attached as **Appendix K**.

Key objectives identified by the Proposed RPS of relevance to this plan change can be summarised as follows:

- The values of Otago's natural and physical resources are recognised, maintained and enhanced.
- Otago's significant and highly valued natural resources are identified, and protected or enhanced to maintain their distinctiveness.
- Protection, use and development of natural and physical resources recognises environmental constraints.
- Good quality infrastructure and services meet community needs.
- Urban areas are well designed, sustainable and reflect local character;
- Adverse effects of using and enjoying Otago's natural and built environment are minimised.

The AEE contained in Section 6.1 canvasses the key themes set out in each of the objectives above. Overall, it is anticipated that the proposed plan change will achieve the relevant objectives of the Proposed RPS.

7.4 REGIONAL PLANS

The purpose of the Otago Regional Plan: Air is to promote the sustainable management of the air resource in the Otago region. The Otago Regional Plan: Water addresses the use, development and protection of Otago's rivers, lakes, aquifers and wetlands. The Otago Regional Plan: Coast is relevant to the coastal marine area. This plan change does not raise any matters that are managed under any of these regional plans.

The Otago Regional Plan: Waste applies to solid waste management, including waste minimisation, contaminated sites, hazardous substances and hazardous wastes and landfills. Objectives 5.3.1 and 5.3.2 manage effects of contaminated sites. The PSI (refer **Appendix H** attached) has concluded that:

- The site is subject to the provisions of the NES due to the proposed change in land use and the fact that historical agricultural land use activities have been undertaken on the land which could potentially impact soil quality on the site.
- It is unlikely that the concentrations of contaminants within the soil will be at concentrations which exceed the contaminant standards for a residential land use scenario.
- The arsenic concentrations detected in the soils collected from the site are representative of background concentrations and are not over and above the risk that is inherent in the NES standard.
- Hydrocarbon contamination associated with minor spills over the groundworks yards are highly unlikely to be more than localised and associated with small drips and spills.

- It is unlikely that concentrations of hydrocarbon associated contaminants within the soil would be present at concentrations in excess of the Tier 1 soil acceptance criteria for residential use.

The PSI has not identified any issues that cannot be appropriately managed under the Otago Regional Plan: Waste.

7.5 IWI MANAGEMENT PLANS

Kai Tahu Ki Otago Resource Management Plan

The Kai Tahu Ki Otago Resource Management Plan (2005) (NRMP) is the principal planning document for KTKO (KTKO is used to describe the four Papatipu Runanga and associated whanau and ropu of the Otago Region). Chapter 5 of the NRMP identifies issues, objectives and policies for the Otago Region as a whole, and includes the following objectives:

- i. *The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported.*
- ii. *Ki Uta Ki Tai management of natural resources is adopted within the Otago region.*
- iii. *The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical and historic resources in the Otago Region.*
- iv. *Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago Region.*
- v. *The respective roles and responsibilities of Manawhenua within the Otago Region are recognised and provided for through the other objectives and policies of the Plan.*

Chapter 10 sets out objectives and policies as they are relevant to the Clutha/Mata-au Catchment, in which Wanaka is located. Policy 10 specifically aims to promote sustainable land use in the Clutha/Mata-au Catchment.

During pre-lodgement consultation, KTKO identified that historic hangi sites are located to the west of the plan change area, near the lakes edge. During the later development of the site, it is anticipated that accidental discovery protocols will be put in place to ensure that appropriate procedures are in place should any historical artefacts be found.

Policies 9 and 11 seek to encourage the adoption of sound environment practices and encourage the bundling of resource consent applications. Both of these matters can be addressed during the subdivision and development of the plan change area.

Ngai Tahu Ki Murihiku Natural Resource and Environmental Iwi Management Plan (2008)

The Ngai Tahu Ki Murihiku Natural Resources and Environmental Iwi Management Plan (Murihiku Plan) was issued in 2008 and consolidates Ngai Tahuki Murihiku values, knowledge and perspectives on natural resources and environmental management issues. The Murihiku Plan identifies kaitiakitanga, environmental and social, economic, health and wellbeing outcomes that need to be recognised when

considering the plan change. The plan change is not contrary to any of the relevant objectives and policies.

Activities identified in the Murihiku Plan as potentially affecting Te Ao Marama include activities which impact upon:

- Mahinga kai and access to it
- Habitat (both flora and fauna)
- Mauri (life sustaining capacity of land)
- Riparian margins within 20 metres of a waterway or body of water
- Significant natural features (eg. monuments, spiritual sites)
- Wahi tapu (sacred places such as burial or battle sites)
- Wahi taonga (special places such as village or pa sites)

Vegetation clearance and burning and its impact on indigenous plant and animal species, habitat loss, and the subsequent establishment of undesirable planting and animal pest species is identified in the Murihiku Plan as a specific issue in Takitimu me ona Uri (the High Country and Foothills). As discussed in section 6.1, despite the development enabled by the plan change removing some areas of existing indigenous vegetation, overall ecological benefits are expected to accrue from the long term protection and enhancement of indigenous vegetation.

Te Ao Marama have not provided any feedback or response to pre-lodgement consultation.

7.6 QUEENSTOWN LAKES DISTRICT GROWTH MANAGEMENT STRATEGY

The Queenstown Lakes District Growth Management Strategy (2007) was prepared to help guide the Council and community in planning for the future growth and development of the District. Its main purposes are to:

- Guide Council's detailed planning for the urban settlements in the District.
- Provide a context for transportation planning and investment in infrastructure.
- Provide a context for land owners and developers, stating what type of growth is wanted and where.
- Help inform the community of likely changes to the District over the next 20 or so years and the steps Council will take to manage this growth.
- Alert other infrastructure providers to the location and scale of growth to assist with their planning (eg. Transit, District Health Boards, central government agencies like Ministry of Education, Police).

The growth management principles set out in this Strategy include:

Principle 1: Growth is located in the right places

Implementation strategies relevant to the subject plan change seek that all settlements are compact with distinct urban edges and defined urban growth boundaries, and that growth is to be accommodated in the two urban centres (Queenstown/Frankton and Wanaka), as well as existing special zones outside of these centres.

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

Specifically within the Wanaka Area, Strategy (2o) of the Queenstown Lakes District Growth Management Strategy (2007) seeks to encourage land within the Wanaka Structure Plan being released for development in a staged manner, to help ensure efficient use of land, as well as to ensure infrastructure is provided in step with growth.

The plan change area is located within the Wanaka Structure Plan Inner Growth Boundary. Existing capacity is available with the Peninsula Bay infrastructure network to accommodate the proposed plan change.

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

The local transport network should support the desired pattern of activities in the Queenstown and Wanaka areas through the following processes:

- high density areas located to support public transport and not located in areas difficult to serve with public transport.
- transport routes managed to fit in with communities, with connected roading patterns in newly developing areas providing.
- for increased transport choices, including walkability.
- giving priority to public transport, walking and cycling over private cars and reducing car use to the main twin centres.
- through controls on parking, and by not adding significant traffic capacity to the roading network.

The plan change will provide for the intensification of land use within the Peninsula Bay area, which is supported by existing roading and footpath networks. The plan change area will also connect to existing tracks and trails located on the edge of Lake Wanaka.

Principle 4: High quality development is demanded

The relevant strategies to achieve this principle suggests that the Council will require subdivision layouts that respect the landscape and accord with the principles of high quality urban design by creating compact and connected neighbourhoods. Development will also be required to be of a high quality that respects existing and future character.

The built form resulting from the proposed plan change is well defined as a result of the building and landscaping design controls proposed. These controls are intended to enhance the character of the plan change area.

Overall, the proposed plan change achieves consistency with the Growth Management Strategy for the District.

7.7 WANAKA 2020 AND WANAKA STRUCTURE PLAN 2007

In 2002 a community planning exercise was undertaken within the Wanaka Community to develop a growth management strategy for Wanaka that was economically, social and environmentally sustainable, whilst providing:

- a vital town centre, servicing the daily needs of Wanaka;
- protection of key landscapes;
- accessibility and ease of movement throughout the town area, by car and on foot;
- access to natural recreational amenities, through walkways, cycle ways, public open space surrounding the town, and access to the lake and rivers.
- a clear statement of the desired character of the town and of surrounding rural areas, and a clear definition of the transition from town to rural areas.

The outcome of the exercise is reported in “Wanaka 2020”. This report was then used to inform the development of the 2004 Structure Plan for Wanaka. A review of the Structure Plan was completed in 2007.

The proposed plan change site is located within the Inner Growth Boundary of the 2007 Structure Plan. While the site is located adjacent to and partially within an ONL, the development proposed to occur within the plan change area has been carefully designed to respond to the site context through a low building profile, low exterior reflectivity, and protection and enhancement of indigenous vegetation planting (refer to section 6.1).

8. CONCLUSION

This evaluation report is for a plan change to rezone the plan change area from Open Space – Landscape Protection to LDR zoning. The current Open Space – Landscape Protection zoning is not the most appropriate zone for this site as it prevents the efficient development of the subject land and the ecological gains that could accrue as a result of development.

Rezoning the subject land is necessary:

- To enable the extension of the Peninsula Bay Low Density Residential Zone which is almost at capacity;
- To increase the range and quality of residential living options available within Peninsula Bay and Wanaka; and,
- Provide for the efficient use of existing infrastructural services within Peninsula Bay.

The plan change site is a rare under-developed parcel of land located directly adjacent to an existing area of residential development. The section 32 evaluation has determined that the proposed zoning is appropriate and will enable the sustainable development of the site.

The proposed plan change only proposes to amend an existing method contained in the District Plan. Specifically, it seeks to extend the LDRZ boundary approximately 150m northwards. Where stricter controls are considered necessary, a land covenant is proposed to ensure the scale of development achieves the purpose of the RMA, which is to promote sustainable management of natural and physical resources⁶.

The technical assessments undertaken have confirmed that, for the most part, any significant adverse effects can be mitigated. Within this report a number of positive effects that are anticipated to result from the implementation of the plan change have been identified.

An assessment of the proposed provisions under section 32 of the Act has determined that the proposal is the most appropriate to achieve the purpose of the Act, and that the benefits and costs of the environmental effects of the proposed method have been identified and properly assessed.

This plan change will complement any relevant provisions at the regional level by enhancing the opportunity to ensure sustainable development of the Peninsula Bay site, enabling opportunities for residential development. This will result in efficiencies in terms of containing urban development and activities, and efficiencies in the use of natural and physical resources.

Consultation has been undertaken in the development of the plan change. No concerns have been identified during this consultation. Where appropriate, feedback from consultation has informed the plan change.

Based on the assessments provided throughout this report, it is considered appropriate for the Council to proceed to public notification⁷.

⁶ Section 5, Resource Management Act 1991.

⁷ Schedule 1, Part 1, Clause 5 of the Resource Management Act 1991.