

**BEFORE THE QUEENSTOWN LAKES
DISTRICT COUNCIL**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of Plan Change 44 of the
Queenstown Lakes District Plan

**STATEMENT OF EVIDENCE OF CHRISTOPHER BRUCE FERGUSON FOR
HENLEY DOWNS FARM LIMITED AND HENLEY DOWNS FARM LAND
HOLDINGS LIMITED
Date 29 June 2015**

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QUALIFICATIONS AND EXPERIENCE

- 1 My name is Christopher Bruce Ferguson. I hold the position of Associate Principal with the environmental consultancy firm Boffa Miskell Limited. I am based in Queenstown and Christchurch and have been employed by Boffa Miskell since April 2015.
- 2 I have 19 years' experience as a resource management practitioner and am a full member of the New Zealand Planning Institute. I have held positions as a Planner in both local Government and private practice within Selwyn District, Christchurch, Queenstown as well as London, England.
- 3 Prior to commencing employment at Boffa Miskell, I was employed by AECOM New Zealand Limited as a Principal Planner, based in Christchurch. My work experience in Queenstown has included employment with Civic Corporation Ltd from Feb 200 to Nov 2011, planning manager at Clark Fortune McDonald & Associates Ltd from 2003 to 2010 and then as Director of planning consultancy company Ferguson Planning Ltd.
- 4 I have been involved with many policy processes within Queenstown over the last decade, including, Plan Change 6, 8 and 10 (Amenity in the High Density Residential Zone), Plan Change 11 (Ground Level), Plan Change 19 (Frankton Flats) throughout the process to final environment court decision, Plan Change 30 (Urban Boundary Framework), Plan Change 41 (Shotover Country) as well as preliminary work for the Council on the District Plan review (NPS-REG, Earthworks and Utilities).
- 5 More recently, my work in Christchurch has involved secondment positions with the Canterbury Earthquake Recovery Authority (CERA) providing planning support on several anchor projects. I have managed a process of obtaining global resource consents for CERA to implement its programme of land clearance on contaminated land within the Residential Red Zone. I have also worked for private clients on proposals relating to the Replacement Christchurch District Plan through the processes established under the Order in Council, including hearings before the Independent Hearings Panel.

- 6 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 7 I record that I have undertaken work in the past for Grant Hensman in relation to Scope Resources Limited and related entities for planning work associated with the operation of the Scope quarry. In particular through the development of mitigation plans required through consent conditions, consenting new activities i.e. concrete batching within the quarry, consenting a clean fill site, aspects of consents for the two building platforms located on the land uphill of the quarry and a resource consent for a 20 unit residential development complex within the rehabilitated quarry area. This was work that I carried out during my employment at Clark Fortune McDonald over the period 2003 to 2010. Although I have been involved with these projects during that time, I have had no further involvement with any of the above entities since 2010, including any part in submitting on PC44 as that was conceived well after my time.

SCOPE OF EVIDENCE

- 8 I have been asked by Henley Downs Farm Limited and Henley Downs Farm Holdings Limited ('Henley Downs') to prepare evidence in relation to their submissions on Plan Change 44 ('PC44'). My involvement in these proceedings has come since after the initial hearing and I was not involved in the preparation of submissions for Henley Downs. Henley Downs has been working with the Council on the District Plan review as it relates to Jacks Point. I have been commissioned by Henley Downs to prepare the revised Jacks Point Zone provisions and s.32 report. The preparation of this material has informed my approach to PC 44 and I explain this further below within the Background.
- 9 I confirm that I have visited the site of the plan change and am familiar with the area through over ten years of working within and around the zone for Jacks Point as well as for surrounding land owners.
- 10 The scope of this evidence includes:
- (a) Background

- (b) A summary of the proposed relief
 - (c) Further changes to the provisions in response to the s.42A report
 - (d) Statutory Framework and proposed Regional Policy Statement Framework
 - (e) S.32AA evaluation, including a consideration of options, assessment of effectiveness and reasons for the preferred approach
 - (f) Comments on specific matters raised by Submitters
 - (g) Summary
- 11 In preparing this evidence I have reviewed:
- (a) The reports and statements of evidence of other experts giving evidence relevant to my area of expertise, including:
 - (i) The landscape design evidence of Mr Tyler, the landscape planning evidence of Yvonne Pfluger and the infrastructure evidence of Mr Ken Gousmett.
 - (ii) The evidence of Mr Potts, Mr Dent and My Kelly
 - (b) The notified version of PC 44
 - (c) The submissions by the Henley Downs entities and any further submissions
 - (d) The proposed Otago Regional Policy Statement
 - (e) The Council s.42A Report

EXECUTIVE SUMMARY

- 12 This planning evidence is provided in respect to the proposed changes sought to PC 44 through the submissions by Henley Downs. The key outcomes that are sought by Henley Downs are to ensure that subdivision and development within the PC44 land appropriate integrates with the existing and planned development at Jacks Point. The Jacks Point settlement has developed within a decade to provide a high standard of amenity for residents through a high proportion of open space and integrated services for infrastructure, recreation and conservation.

- 13 This response to the landscape was informed from detailed analysis through the original Coneburn Study that considers the environment to provide high level of guidance for managing change. That process of understanding change within the environment has driven the need to update this document and underpin the landscape design and planning approach to the management of the natural and physical resources of the Coneburn area within PC 44.
- 14 This evidence documents the background to the collaborative development of provisions for PC44 and the relationship to the District Plan review.
- 15 The recommendations contained within the s.42A report have continued to drive improvements and refinements to the provisions and many of the suggestions from the Council have been the basis for refinements to the approach with Activity Area FP-1 and 2, management of the interface of the zone with the State Highway, including flood hazard protection, the impact of commercial and retail activities on other commercial centres, the constraints on scale of built development within the EIC and the built outcomes anticipated within Activity Area R(HD-SH) -2.
- 16 I have conducted a further evaluation in terms of the s.32AA of the Act to evaluate the potential costs and benefits of these changes and their potential to better achieve the relevant objectives of the District Plan.
- 17 Matters raised within submissions has informed my consideration of the use and development within the former ACRAA and in particular to provide much greater certainty of outcomes, the visual interface with the State Highway to mitigate impacts on residents views from beyond PC44 and reverse sensitivity, flood hazard protection and stormwater management.
- 18 In my opinion the updated provisions and structure plan are based on an understanding of the environment and considered master planning response that strikes a balance of enabling use and development with appropriate controls. In my view these changes are the most appropriate to implement the objectives of the District Plan and ultimately the sustainable management of the natural and physical resources of the Coneburn area.

BACKGROUND

- 19 The requestor of PC 44 RCL Queenstown Pty Ltd ('RCL') has provided to the Council through a letter dated 9 June 2015 an updated package of Part 12 Resort Zone objectives, policies and rule, structure plan and part 15 subdivision rules. Those provisions have been prepared by Dan Wells (Planner) for RCL and myself for Henley Downs.
- 20 The process of informal conferencing with RCL that led to the formulation of the agreed provisions was triggered by discussions with the Council on the forthcoming District Plan review. I have been working collaboratively with Mr Wells since February 2015 initially in respect of resolving the zone wide issues for inclusion within the District Plan review and then since on the changes to the operative District Plan through PC 44 to ensure integration.
- 21 Our general approach has been to formulate changes to the operative District Plan that can remain consistent with any changes promoted through the review. The Council has confirmed it will include Jacks Point into the stage one chapters being notified a part of the review. The draft Jacks Point Zone has been included on the Council agenda for its meeting on 30 June 2015¹.
- 22 In addition to formulation of the material for the District Plan review and changes to PC44, I have also been involved in preparing an update to the Coneburn Area Resource Study. The package of plans and text that formed this update were supplied to the Council on 18 June 2015 and are attached to the evidence of Mr Tyler. The original Coneburn Area Resource Study was commissioned by the Council in 2002 and was designed to provide high level guidance to the management of resources within the Coneburn area. The purpose of updating this study now are so that it incorporates over a decade of change and growth at Jacks Point and continues to support decisions on the use, management and protection of the resources in this area being made through this process and the forthcoming District Plan review.

¹ <http://www.qldc.govt.nz/council-online/council-documents/agendas-and-minutes/full-council-agendas/2015-full-council-agendas/30-june-2015/>

PROPOSED RELIEF

- 23 The nature of the proposed relief is detailed within the letter and related documents provided to the Council on 9 June 2015 and as published by the Council on its website on Tuesday 16 June 2015. As part of the package of material provided to the Council in advance of this hearing was a document summarising the changes to PC44 from notification.
- 24 Without repeating that summary and in terms of the Henley Downs land interests, the key changes to PC44 from notification, include:
- (a) The proposal is to introduce a range of policies specific to Hanley Downs, under the umbrella of the Jacks Point Resort Zone objective. The new policies provide for the role of the structure plan as being the primary mechanism to provide for the spatial layout of development within the zone. The role of the Structure Plan is to manage the integration of activities, landscape and amenity values, road, open space and trail networks, the State Highway and Lake Wakatipu. This also signals a key change from the operative District Plan in eliminating the need for Outline Development Plans as a separate consenting stage for the urban areas. A range of new policies that seek to provide for the particular outcomes sought within each of the proposed new Activity Areas (outlined below); to manage the potential effects of non-residential activities within residential Activity Areas and to emphasise the importance of achieving a high standard of amenity and design for non-residential activities.
 - (b) Replacement of Development Area A with the R(HD-SH)-2 Activity Area. This area expands west to and along Woolshed Road and increases in size by 0.8ha in area. The provisions seek to enable subdivision to densities of between 1,000m² to 5,000m² in area, whereas PC44 as notified provided for a maximum number of 4 residential units within this area (an equivalent net density of 0.7 dwellings per hectare).
 - (c) The boundaries of Development Area F and H have been amended through the new R(HD)-F Activity Area. The proposal

is to extent this activity area closer to the base of the Peninsula Hill landform. The density provisions would result in low density rural residential allotments between 1000m² to 5000 m² in area with a potential yield of 14 to 63 houses. The notified version of PC44 provided a combined yield for Development Area F and H or up to 541 houses which would translate to a density of approximately 18 dwellings per hectare (555m² lots) .

- (d) Activity Area R(HD)-G has been created from a part of Development Area F and all of I, with some expansion to the south. The density outcomes for G are the same as for F (as notified) and will provide opportunities for rural residential living below the Tablelands and as a transition away from the medium density housing located within the core of the Hanley Downs area.
- (e) Activity Area FP-1 is a new Activity Area description incorporating all of Development Areas J and K and part of the Agriculture, Conservation and Recreation Activity Area ('ACRAA').
- (f) The provisions relating to the ACRAA generally enabled building development as a discretionary activity (unrestricted), subdivision as a controlled activity with no minimum allotment size. Building within this area was accompanied by an effects policy framework that took into account the protection of biodiversity values, minimal adverse effects on landscape values, areas of valuable natural vegetation and particular direction in relation to infrastructure for servicing greater Jacks Point. Building development was thus a feasible outcome within the ACRAA, subject to achieving these policies. One of the outcomes of the proposed ACRAA was removal of the Peninsula Hill and Highway Landscape Protection Areas from the operative District Plan.
- (g) The main thrust of the ACRAA provisions was on regulating building and because the outline development plan provisions

related only to the urban areas², few rules were proposed to control activities (residential or non-residential).

FP-1 is located between the tablelands landform to the west and the higher density urban areas to the east across the lower slopes of the Peninsula Hill as it tapers into the valley floor. The provisions seek to manage development of this area through the creation of conservation lots that require the protection of open space within the average lot area of 2 ha. This will potentially yield up 34 lots across 69 ha. This is at a much lower density and less concentrated than the provisions relating to development Area J and K which enabled up to 104 lots.

- (h) Activity Area FP-2 is also a new Activity Area classification to better identify and control what will be undertaken on the ACRAA as notified, created from the northern parts of the ACRAA and incorporates the hill ice sculptured ridges below Peninsula Hill. The structure plan identifies large areas as being located within the Peninsula Hill Landscape Protection Area, with two areas available to accommodate potential development. The basis for the identification of the protection areas are the absorption capacity and visibility mapping produced through the updates to the Coneburn Study. The provisions enable subdivision within these areas at a very low average density of 40 ha. The focus of the land use provisions are to manage effects of potential development on the landscape and amenity values, triggered through restricted discretionary activity status.
- (i) The EIC Activity Area has been created along the northern edge of the zone and alongside the new Woolshed Road entrance. The EIC is located on the valley floor on the land formerly contained within the ACRAA. Development within this area is provided for as a restricted discretionary activity. The structure plan includes an area of state highway mitigation along the northern edge of the zone that is designed to work together with the existing treatment along this interface to mitigate the visible effects of building development.

² Policy 2.1, Henley Downs Zone provisions, PC 44 (as notified)

- (j) The Open Space Landscape Protect Activity Area (OSL) occupies the northern most part of the zone located north of the EIC, alongside the state highway and extending west towards the base of Peninsula Hill. The OSL is also overlaid by the Highway Landscape Protection Area which restricts any building. The provisions for this area restrict its use to farming, together with farm buildings, fencing, trail formation, farm access tracks and recreation activities.
- (k) PC 44 proposes to manage the spatial planning outcomes primarily through the structure plan and proposed to remove the intermediate layer of the Outline Development Plan. The reasons for removal of the ODP are detailed further below.
- (l) A number of new rules and amendments to existing rules are proposed to implement the changes arising from the new Structure Plan and related policies, as follows:
 - (i) To remove controlled activity status on all building and to replace with a permissive regime based on meeting conventional bulk and location standards. This has involved the introduction of new rules relating to:
 - internal boundary setbacks
 - outdoor living space
 - site coverage
 - building colour and roof form
- (m) Associated with the addition of the EIC Activity Area are new rules enabling commercial and community activities as restricted discretionary activities.
- (n) The scale of commercial activities will be restricted to 200m², except within the EIC. With the EIC larger scale commercial activities may occur but retailing is limited to 200m².
- (o) Residential density will be controlled through a density table providing a density range for each Activity Area. This replaces the use of a density master plan approved as part of the ODP under the operative plan.

- (p) The access to the State Highway rule has been modified to enable the dual access into the zone, together with a provisions that trigger upgrade of the intersection of Woolshed Road and State Highway 6 based on the number of houses constructed.
- (q) The operative plan also limited building coverage to 5% within the Jacks Point area, 5% within the Henley Downs area and 2.5% within Homestead Bay. It is proposed to remove this rule for Henley Downs to enable the most efficient use of the available land suitable for urban development.
- (r) The activity status of proposed buildings outside of the Structure Plan is proposed to be changed from a non-complying activity to a discretionary activity. This change is accompanied by the introduction of two new policies relating to the Structure Plan to provide a more effects based approach to management of activities outside the Structure Plan. This change will have most impact within the urban parts of the Zone because the balance of the rural areas of the zone were proposed within PC 44 as notified to be included within the ACRAA.
- (s) The vegetation rule has also been amended to ensure 75% of any shrubs and trees planted within any of the residential activity areas are from an approved list. The approved Jacks Point plant list has been incorporated into the zone as a schedule.

Outline Development Plans

25 As outlined above, the provisions remove the requirement to submit an ODP for the residential areas of Hanley Downs. This change has been influenced by several factors, including:

- (a) Difficulties with the administration of the ODP provisions under the operative District Plan. In particular, the administrative costs and time involved in updating the ODP plan for matters relating to:
 - (i) The indicative subdivision plans. The demands for subdivision change over time and in particular for higher density, which has resulted in the need to update these plans for matters that can be otherwise addressed through the approval of subdivision consent.

- (ii) The density master plan – that allocated densities and yields across the zone to achieve the density range of 10 - 12 dwellings per hectare.
 - (iii) The State Highway mitigation plans. These are important plans for mitigation purposes, but required changes through the ODP consent if new planting occurs for any changes to planting.
- (b) The move away from the regulatory involvement of the Council over blanket design controls and approval of the design guidelines for buildings. Through PC 44 and the District Plan review it is proposed to enable most residential building development to occur as a permitted activity, subject to compliance with bulk and locations standards and the use of the established Design Review Board process administered by the Jacks Point Residents and Owners Association (JPROA).
- (c) Many of the design elements contained within the ODP can be implemented through the structure plan, including the provision of open space, primary and secondary roads, public trails and landscape protection areas.
- (d) The vires of the operative plan provisions relating to ODP's identified by the Environment Court in its third interim decision on plan Change 19 (Frankton Flats). Although there are ways the vires can be overcome, the rules relating to ODP in the operative Plan cannot remain as they are.
- 26 The main reasons for moving away from the ODP are related to the administrative inefficiencies, which is related to its particular content in Jacks Point with density master plans and indicative subdivision plans that in an urban context are constantly changing. Coupled with the ability to secure key elements of spatial planning into the structure plan this alternative is considered a more effective and efficient means of achieving the objective for the zone to enable the development of an integrated community. The difficulties that are expressed above come from my involvement in several projects within neighbourhood 6 and 7 at Jacks Point seeking to implement changes to density. In my experience the process obstacles involved in these projects have

eclipsed the focus on outcomes. I also note these views have informed the District Plan review that is taking the same approach.

FURTHER CHANGES

- 27 As a result of matters raised in the Councils s.42A report, a number of further changes to the structure plan and provisions are proposed. These are summarised below and shown in further detail within the tracked change version to the provisions contained within Appendix 2. The changes tracked incorporate both changes proposed by RCL on 29 June, and changes proposed by Henley Downs as a result of the section 42A report.

Activity Area FP-1

- (a) The structure plan has been amended to shift the northern boundary of this activity area south to follow the ONL-WB line.
- (b) It is proposed to move away from a minimum and average lot size approach that could lead to a homogenous development outcome, to a master plan led approach involving the formulation of a Spatial Layout Plan (SLP) with a maximum overall yield of 34 lots/dwellings.
- (c) The SLP would:
 - (i) Identify the location of any sites intended to be developed for the purposes of enabling visitor accommodation activities.
 - (ii) Identify the location of residential building platforms (no greater than 1,000 m² in area)
 - (iii) Be accompanied by landscape analysis to ensure development is located within areas with the most capacity to absorb change.
 - (iv) Provide an indicative subdivision lot layout
 - (v) Identify the location of protected open space
 - (vi) Identification of significant rock outcrops, streams, ephemeral wetlands, swamps and grey shrubland habitats (taken from current assessment matters on subdivision)

- (d) The SLP would be triggered through a land use consent for residential and visitor accommodation activity as a restricted discretionary activity (non-notified). Future subdivision and development will be required to be in accordance with the approved SLP.
- (e) Any subdivision of land within FP-1 following the approval of the SLP is a restricted discretionary activity and prior to the SLP, non-complying.
- (f) Building development located within each approved residential building platform is a controlled activity and subject to control over external materials and colour.
- (g) Visitor accommodation within any areas identified on the SLP is a restricted discretionary activity, subject to the same matters of discretion as the Lodge Activity Area.

Activity Area FP-2

- (h) Activity Area FP-2 and the Peninsula Landscape Protection Area is preferred as the most appropriate basis to manage the land located within Peninsula Hill above the ONL-WB line.
- (i) Within FP-2, two Home sites are identified (FP-HS₁ and FP-HS₂). Within these areas, all building development, farm buildings and visitor accommodation is provided for as a restricted discretionary activity (non-notified).
- (j) All building development outside the home sites and the Peninsula Hill Landscape Protection Area is a discretionary activity (unrestricted). There is no maximum yield on development.
- (k) The status of any building development within the Peninsula Hill Landscape Protection Area is non-complying.
- (l) There is no minimum allotment size for subdivision and the status of subdivision is restricted discretionary.
- (m) The policy framework relating to this area has been strengthened to provide for a more robust protection of landscape values.

Activity Area R(HD) - F

- (n) This activity area have been divided into two areas, as follows:
 - (i) The upper slopes with rocky landform have been absorbed into Activity Area FP-1; and
 - (ii) The lower parts located on the valley floor retained within Activity Area R(HD) – F
- (o) Within the residual area of R(HD) – F located on the flats alongside R(HD) – D, it is proposed that built development would take on much more of an urban character with an increase to density (500m² to 2,500m² lots).

Activity Area R(HD-SH) – 2

- (p) The boundaries of this activity area remain unchanged, however the nature of the built environment has been changed to reflect the character of establishing housing. Densities of approximately 1ha are proposed, which would result in an overall yield of 7 lots across this activity area.
- (q) All subdivision shall provide for the location of one residential building platform, no greater than 1,000 m² in area on each lot. The location of the building platforms within this area will need to take particular account of potential impacts from flood hazard.

EIC

- (r) The use of this land for commercial, community and visitor accommodation activities is provided for as a restricted discretionary activity.
- (s) There is no limit on the scale of commercial or visitor accommodation activities, but retailing is restricted to tenancies no greater than 200m². An overall limitation on retailing of 500m² is proposed
- (t) Prior to the development of the land, the state highway mitigation will need to be established within the location shown on the structure plan.
- (u) Building development within the EIC is provided for up to a maximum building coverage of 20% as a permitted activity, up to

30% through resource consent as a restricted discretionary activity and above 30% as a discretionary activity.

- (v) Building height is limited to 10m as a permitted activity and non-complying activity status to go above.

Wetland

- (w) The provisions relating to the wetland prevent building development, apart from any boardwalks fences or other structure related to the protection or enhance of biodiversity. It is a non-complying activity to undertaken development, landscape and earthworks within 7m of the wetland.
- (x) There is no obligation for the owner of the land within the Wetland Activity Area to enable public access or to undertake ecological enhancement measures.

STATUTORY FRAMEWORK

- 28 s.73(4) provides for changes to a district plan in the manner set out in schedule 1. A district plan must “give effect to” any national policy statement and any regional policy statement³ and “must not be inconsistent with” a regional plan⁴.
- 29 The private plan change request application and associated reports prepared for RCL Queenstown Pty Ltd⁵ provides comprehensive assessment of that proposal against the relevant provisions of the operative RPS, regional air plan, regional water plan and the regional waste plan.
- 30 I accept and adopt that assessment as appropriate to the outcomes proposed for the Henley Downs land.
- 31 In changing a district plan, the territorial authority shall also “have regard to” any proposed regional policy statement⁶. The Otago Regional Council notified a review to the Otago Regional Policy Statement in May 2015 with submissions closing on 24 July 2015. The

³ s.75(3) Resource Management Act 1991

⁴ s.75(4) Ibid

⁵ John Edmonds and Associates “Private Plan Change Request Henley Downs” (February 2013)

⁶ s.74(2) Ibid

relevant provisions of the proposed RPS to this proposal are outline below.

Proposed Otago RPS

- 32 The relevant provisions of the proposed RPS are outlined below.

Objective 2.2

Otago's significant and highly valued natural resources are identified, and protected or enhanced to maintain their distinctiveness

- 33 Objective 2.2 and policies 2.2.3 and 2.2.4 relate to the identification and management of areas of outstanding natural landscape. In particular policy 2.2.4 seeks to protect, enhance and restore the values of outstanding natural landscapes by avoiding adverse effects on those values which contribute to the significance of the natural landscape.
- 34 The Queenstown Lakes District Plan identifies the Outstanding Natural Landscape of the Coneburn area through Appendix 8 (Map 3). This identification has following the decision of the environment court C90/2005.
- 35 Management of the use and development within this landscape is achieved through the proposed structure plan and related provisions. Activity Areas FP-1 and 2, in particular are located over a part of the Peninsula Hill ONL. The provisions within these areas include the identification of the Peninsula Hill Landscape Protection Area, based on the visibility mapping, identification of areas of landscape character and absorption capacity analysis undertaken as part of the Coneburn Area Resource Study update (2015). This higher level of analysis identifies area of the ONL with greater capacity to absorb development. Within these areas the provisions seek to enable:
- (a) Development within two identified home site locations within Activity Area FP-2, development outside of the home sites as a discretionary activity (unrestricted) and development within the Peninsula Hill Landscape Protection Area as a non-complying activity; and
 - (b) A master planned approach to development on the lower slopes of the Peninsula Hill landform activity area FP-1, where it can

protect open space and provide the protection and potential enhancement of native habitats

- 36 Through the mapping of landscape protection areas and related provisions for this area, development will protection and enhance the ONL. In my view, this approach is consistent with Objective 2.2 and related policies.

Objective 3.2

Risk that natural hazards pose to Otago's communities are minimised

- 37 Objective 3.2 and policies 3.2.5, 3.2.6 and 3.2.7 take a risk based approach to the management of natural hazards. The policy approach under 3.2.6 to avoid increasing natural hazard risk by avoiding activities that significantly increase risk and encouraging design that facilitates recovery from hazard events or relocation to areas of lower risk. The evidence of Mr Dent assessing the risk from natural hazards and in particular from alluvial fan processes and flooding. I understand from that evidence that an approach to hazard mitigation is proposed. In relation to the Henley Downs land this involve the development of a flood protection mound and the individual assessment of house sites located within Activity Area R(RD-SH)-2.

- 38 Through the implementation of these recommendations, the proposed development within the area of PC 44 implements objective 3.2 and related policies.

Objective 3.4

Good quality infrastructure and services meet community needs

- 39 Objective 3.4 and policy 3.4.1 relate to infrastructure services and seek to ensure infrastructure takes into account foreseeable land use change, population growth, effects of natural and physical resources and co-dependence with other infrastructural services. The policy also seeks to manage urban growth within areas where infrastructure services can be upgraded or extended efficiently, including the staging of land use change to match development.
- 40 The proposed approach to the provision of infrastructure to accommodate the increase demands from implementation of PC44 is outlined within the evidence of Mr Gousmett), Mr Potts and Mr Dent.

- 41 I understand from the recommendations contained within this evidence that infrastructure services will integrate with the proposed land use activities in a manner that accommodates increased demand from growth with the area of PC 44.

Objective 3.8

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

- 42 Objective 3.8 and policies 3.8.1 and 3.8.3 relate to the management of urban growth, including the fragmentation of rural land. PC44 will result in both the consolidation and extension of the established Jacks Point settlement. The effect of the proposed provisions will be to increase the capacity for residential, commercial and community activities to cater for demand. As outlined above, the infrastructure necessary to services this growth is proposed to be coordinated to with that growth in an efficient way.
- 43 There are areas within PC44, including parts of Peninsula Hill and land to within the central valley towards the northern parts of the zone used for rural purposes falling within the framework of the open space activity areas under the operative District Plan. The changes to the structure plan proposed as part of PC44 will result in an increase to the overall settlement size through a logical outwards expansion that seeks to enable a greater diversity of accommodation choices, transitioning from higher density urban to rural residential and rural. The layout of that expansion will not result in the fragmentation of land and with provisions seeking to actively enhance the ability to continue land management and farming within these areas.
- 44 The rural and open space land included within PC 44 is not considered by itself to be highly versatile soil.
- 45 In my view the provisions are consistent with Objective 3.8 and related policies.

Objective 4.3

Sufficient land is managed and protected for economic production

- 46 Objective 4.3 and Policy 4.3.4 relate to the management of land for economic production and the distribution of commercial activities. In particular, Policy 4.3.4 seeks to avoid unplanned extensions of

commercial activity with significant adverse effects on the central business district.

- 47 PC 44 promotes commercial activity within the EIC for the purposes of enabling technology based activities, including commercial and medical research, laboratories, training, education facilities and specialist health care. Commercial and community activities within the EIC trigger resource consent as a restricted discretionary activity, with retail activities also limited to 200m² by individual tenancy and 500 m² overall. The scale of building development within the EIC is also limited to 20% coverage as a permitted activity, with a maximum height of 10m.
- 48 The type and scale of commercial development provided for within the EIC is unlikely to result in significant adverse effects on the central business district of Queenstown and is consistent with Objective 4.3 and related policies.

SUMMARY SECTION 32AA EVALUATION

- 49 The following summary evaluation is in my view necessary under section 32AA of the Act. That requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed. I have been advised that this evaluation has to be undertaken in terms of the version of s.32 that existing prior to December 2013. The scope of this evidence is confined to the Henley Downs land interests are described in further detailed within the Proposed Relief and Further Changes above. In summary, the main changes, include the addition of the EIC, FP-1 and FP-2 Activity Areas and related land use and subdivision controls.
- 50 In accordance with section 32AA(1)(c) I have undertaken this evaluation at a level of detail which in my opinion corresponds to the scale and significance of the changes.

District Plan Policy Framework

- 51 PC44 and related submissions have not sought to change any of the relevant higher order district wide objectives of the District Plan, including those relating to the natural environment, landscape and

amenity values, open space and recreation, natural hazards and urban growth. The relevant objectives of the District Plan are detailed below.

Natural Environment

Objective 1 - Nature Conservation Values

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

Improved opportunity for linkages between the habitat communities.

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

The protection of outstanding natural features and natural landscapes.

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

The protection of the habitat of trout and salmon.

Policies:

- 1.1 *To encourage the long-term protection of indigenous ecosystems and geological features.*
 - 1.7 *To avoid any adverse effects of activities on the natural character of the District's environment and on indigenous ecosystems; by ensuring that opportunities are taken to promote the protection of indigenous ecosystems, including at the time of resource consents.*
 - 1.13 *To maintain or enhance the natural character and nature conservation values of the beds and margins of the lakes, rivers and wetlands.*
 - 1.16 *To encourage and promote the regeneration and reinstatement of indigenous ecosystems on the margins of lakes, rivers and wetlands.*
 - 1.17 *To encourage the retention and planting of trees, and their appropriate maintenance.*
- 52 The objectives seeks to protect such areas, to improve opportunities for linkages between habitat communities and to also preserve remaining natural character of lakes, rivers and wetlands. This objective is relevant to the Hanley Downs land because of its indigenous vegetation communities, including grey shrubland habitats, ephemeral water courses and several wetlands and swamps.
- 53 The natural habitats across the PC 44 land are described within more detail within the ecological report prepared as part of the notified plan change by Natural Solutions for Nature Ltd. Within the Peninsula Hill landform, the ecological report identifies a number of small swamps, ephemeral wetlands, streams and grey shrubland plant communities.

- 54 The land use provisions within FP-1 and 2 are proposed to include matters of discretion seeking to:
- (a) Restrict grazing within and around wetlands with remnant indigenous communities and schist outcrops containing grey shrubland habitats
 - (b) Prevent the loss of grey shrubland habitats
 - (c) Remove woody pest plants
 - (d) Improve connectivity between the network of ephemeral wetlands and swamps and adjacent Jacks Point and Lakeside public conservation land.
- 55 Through these measures, the provisions will encourage protection and promote regeneration of indigenous ecosystems, including on the margins of rivers and wetlands. In my view the provisions will positively achieve Objective 1 and related policies.

Landscape and Amenity Values

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

Policies:

1. Future Development

- (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
 - (b) *To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
 - (c) *To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*
- 56 The landscape values of Jacks Point and the wider area are an important resource. The nature of that resource has been mapped and analysed through the updates to the Coneburn Area Resource Study and through the evidence of Ms Pfluger. Figure 14 to the Coneburn Study, in particular identifies absorption potential within the landscape. That study has been informed by visibility analysis from State Highway 6 and Lake Wakatipu and assessments of landscape character.

- 57 Within the Henley Downs land, that analysis identifies areas with low potential to absorb change, which have been expressed through the creation of the Peninsula Hill and State Highway Landscape Protection Areas as shown on the Structure Plan. The provisions make building in this area a non-complying activity. Within the areas of the Peninsula Hill outside of the ONL-WB and the Valley Floor with medium or high – medium potential to absorb change, the provisions relating to building development seek to implement a master planned approach to development within FP-1 and to enable development closer to the state Highway where mitigation is provided.
- 58 Through these provisions the potential of development to adversely effect landscape and amenity value that are vulnerable to degradation is avoided or mitigated and is encourage in areas with greatest potential to absorb change.

3. Outstanding Natural Landscapes (Wakatipu Basin)

- (a) *To avoid subdivision and development on the outstanding natural landscapes and features of the Wakatipu Basin unless the subdivision and/or development will not result in adverse effects which will be more than minor on:*
- (i) *Landscape values and natural character; and*
 - (ii) *Visual amenity values*
 - *recognising and providing for:*
 - (iii) *The desirability of ensuring that buildings and structures and associated roading plans and boundary developments have a visual impact which will be no more than minor, which in the context of the landscapes of the Wakatipu basin means reasonably difficult to see;*
 - (iv) *The need to avoid further cumulative deterioration of the Wakatipu basin's outstanding natural landscapes;*
 - (v) *The importance of protecting the naturalness and enhancing the amenity values of views from public places and public roads.*
 - (vi) *The essential importance in this area of protecting and enhancing the naturalness of the landscape.*
- (b) *To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*
- (c) *To remedy or mitigate the continuing effects of past inappropriate subdivision and/or development.*
- 59 The Environment Court has identified the outstanding natural landscapes of the Coneburn area through decision C90/2005. This has been incorporated into the District Plan within Appendix 8 (map 3) and also included within the analysis of the landscape values undertaken through the Coneburn Study update (Fig 14).

60 In respect of the Henley Downs land, all of Activity Area FP-2 is located within the ONL(WB). The evidence of Ms Pfluger provides a detailed assessment of the impact of potential subdivision and development within these areas to impact on the ONL.

61 I agree with Ms Pfluger evidence where she finds that the two proposed home sites within the ONL are suitable in terms of their location and ability to absorb dwellings without compromising the landscape values of the Peninsula Hill landscape. Taken together with the higher level of protection proposed within the Landscape Protections Area, the provisions are consistent with Policy 3.

6. Urban Development

- (a) *To avoid new urban development in the outstanding natural landscapes of Wakatipu basin.*
- (d) *To avoid remedy and mitigate the adverse effects of urban subdivision and development in visual amenity landscapes by avoiding sprawling subdivision and development along roads.*

62 The nature of subdivision and development anticipated within the ONL(WB) is of a very low density. The outcomes resulting from development within these areas is not considered urban, the proportions of open space and the nature of the farming activities provided for within these areas. The provisions do not conflict with Policy 6.

7. Urban Edges

To identify clearly the edges of:

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

63 The urban areas within PC 44 with comprise the residentially zoned areas R(HD)-A to G, R(HD-SH)1 and 2 and the EIC. These are all contiguous areas which consolidate the overall Jacks Point settlement to the area mainly within the valley floor. At the northern end, the addition of the EIC enables the urbane edge to extend into the area of former open space, but will otherwise maintain a clear edge to the urban area.

64 Treatment of the edge of the zone and its interface with the State Highway by continuing with the design of mitigation established within Jacks Point is considered an important adjunct to the location of the urban areas and positively achieving Policy 7.

Open Space and Recreation

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.

Objective 3 - Effective Use

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

Policies:

- 3.1 *To recognise and avoid, remedy or mitigate conflicts between different types of recreational activities, whilst at the same time encouraging multiple use of public open space and recreational area wherever possible and practicable.*
 - 3.2 *To ascertain and incorporate the needs of communities by encouraging effective public participation in the design, development and management of public open space and recreational areas.*
 - 3.3 *To encourage and support increased use of private open space and recreational facilities in order to help meet the recreational needs of the District's residents and visitors, subject to meeting policies relating to the environmental effects of recreational activities and facilities.*
- 65 Apart from one area of Council reserve within Jacks Point, the majority of the open space within Jacks Point is held in communal ownership through the residents association. The open space within Jacks Point accommodate passive and active areas of recreation activities and have the potential to be impacted on through the growth provided for within Hanley Downs. The provision seek to integrate the provision of open space through the structure plan and related policies and rules.
- 66 Through the provision of open space on the structure plan the PC 44 can provide an effective means of meeting a part of the recreation needs of residents for this area. Incorporating public trails into the structure plan will ensure future development connects to the existing trail network as the settlement grows.
- 67 The proposed provisions are consistent with Objects 1 and 2 and the policies relating to open space and recreation.

Part 4.5 Energy

Objective 1 - Efficiency

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

Policies:

- 1.1 *To promote compact urban forms, which reduce the length of and need for vehicle trips and increase the use of public or shared transport.*
 - 1.2 *To promote the compact location of community, commercial, service and industrial activities within urban areas, which reduce the length of and need for vehicle trips.*
 - 1.3 *To encourage residential sites to be large enough to enable buildings to be constructed to take the greatest advantage of solar energy for heating, both active and passive.*
 - 1.4 *To control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.*
 - 1.5 *To encourage and support investigations into alternative and further public transport options both within the urban areas and throughout the District.*
- 68 The layout of Jacks Point is a compact form, generally defined by topography and State Highway 6. The changes proposed through PC44 will increase the density of settlement as well as the diversity of commercial and community activities. These changes will make a more efficient use of the land resource and increase non-vehicle by promoting a well-connected and compact urban area. In my view the provisions positively implement Objective 1 and the policies relating to energy efficiency.

Natural Hazards

Objective 1

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

- 69 The submission by the Otago Regional Council raises concerns relating to the identification and response to natural hazards affecting the site. The particular risks identified by the ORC relate to alluvial fan processes and flood hazard. The evidence by Mr Dent responds to the risk of this hazards in more detail. From a planning policy perspective, the emphasis within the District Plan is on avoidance or mitigation of natural hazards to people, communities and infrastructure. The evidence of Mr Dent recommends a range of measure to mitigate the potential impacts of flood hazard over the alluvial fans at the base of the Remarkables. Through the inclusion of these recommendations into the provisions, PC 44 achieves Objective 1 and related policies.

Urban Growth

Objective 1 - Natural Environment and Landscape Values

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

Policies

- 1.1 *To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.*

70 Those parts of the site located within the outstanding natural landscape are described above and will accommodate two home sites that are located within discrete areas of topography that have greatest capacity to absorb change. The use and development of these areas is not considered urban and includes a range of matters of discretion seeking to identify and protect indigenous vegetation habitats, including the margins of swamps, ephemeral wetlands and small streams across the Peninsula Hill landform.

Objective 3 - Residential Growth

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

Policies

- 3.1 *To enable urban consolidation to occur where appropriate.*
 3.2 *To encourage new urban development, particularly residential and commercial development, in a form, character and scale which provides for higher density living environments and is imaginative in terms of urban design and provides for an integration of different activities, e.g. residential, schools, shopping.*
 3.3 *To provide for high density residential development in appropriate areas.*
 3.4 *To provide for lower density residential development in appropriate areas and to ensure that controls generally maintain and enhance existing residential character in those areas.*

71 PC44 provides for a greater intensity and choice of accommodation within an area recognised as being suitable to accommodate future urban growth for Queenstown⁷. It will expand the Jacks Point settlement beyond its current boundaries into areas that are appropriate to accommodate growth. The urban development provided for within PC44 provides for higher densities within the urban core, is imaginative in terms of urban design of the urban core and of urban fringe where a master planned approach is being proposed to manage low density rural living areas and integrates different activities throughout the residential areas and the EIC.

72 The overall outcome from the components of PC44 will in my view positively implement Objective 3 and related policies.

Objective 4 - Business Activity and Growth

⁷ Growth Management Strategy (2007).

A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.

Policies

- 4.1 *To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.*
- 4.2 *To promote and enhance a network of compact commercial centres which are easily accessible to, and meet the regular needs of, the surrounding residential environments.*

- 73 The commercial activities provided for at Jacks Point under the operative plan forms a part of the network of commercial centres within Queenstown. The scale and nature of the specialty technology based activities promoted within the EIC seeks to enhance the relationship between the residential and recreation functions of the wider Jacks Point area. The proposed rules for the EIC also seek to constrain the scale of retail so that it will not conflict with the function of either the town centre or the network of higher order commercial centres outside of the town centre. In my view the provisions for PC 44 do not conflict with Objective 4 and related policies.

Objective 7 Sustainable Management of Development

The scale and distribution of urban development is effectively managed.

- 7.2 *To provide for the majority of urban development to be concentrated at the two urban centres of Queenstown and Wanaka.*
- 7.3 *To enable the use of Urban Growth Boundaries to establish distinct and defensible urban edges in order to maintain a long term distinct division between urban and rural areas.*
- 7.4 *To include land within an Urban Growth Boundary where appropriate to provide for and contain existing and future urban development, recognising that an Urban Growth Boundary has a different function from a zone boundary.*
- 7.5 *To avoid sporadic and/or ad hoc urban development in the rural area generally. To strongly discourage urban extensions in the rural areas beyond the Urban Growth Boundaries.*

- 74 The operative District Plan has not yet established urban growth boundaries for Queenstown, although they have been identified as part of the Growth Management Strategy (2007) (a non-statutory documents formulated by the Council). Within the plans contained within the urban growth strategy Jacks Point is included within the overall Queenstown urban area, along with Kelvin Heights and Frankton. Including Jacks Point within the greater Queenstown urban area, the proposal for development of the Jacks Point area through

PC44 will positively concentrate urban development within Queenstown. Because the planned growth is occurring to an established urban areas, PC44 is not sporadic or ad hoc. In my view the proposed provisions positively implement Objective 7 and related policies.

4.10 Affordable and Community Housing

Objective 1

Access to Community Housing or the provision of a range of Residential Activity that contributes to housing affordability in the District

- 1.1 *To provide opportunities for low and moderate income Households to live in the District in a range of accommodation appropriate for their needs.*
- 1.2 *To have regard to the extent to which density, height, or building coverage contributes to Residential Activity affordability.*

- 75 The range of densities and outcomes promoted within the urban areas of the Zone (within the RCL land) are the primary method for providing a range of accommodate needs with greatest potential to reach low and moderate income households. Within the Henley Downs land, the focus is on extending the range of accommodation choice, although additional commercial and community activity will increase the synergistic benefits of living and employment. Taken together the PC 44 provisions as a whole will positively implement Objective 1 and the policies relating to affordable housing.

EVALUATION

Identification of other reasonably practicable options for achieving the objectives s.32(1)(b)(i)

Farm Preserve - 2

- 76 Building on the discussion within the s.42A report⁸ the reasonably practicable options available to manage the land located within the Farm Preserve to achieve the relevant objectives of the Plan, include:
- (a) Retaining the operative Jacks Point open space area(s)
 - (b) Retaining the operative Jacks Point open space zoning, with amendments specific to the Hanley Downs part of the JPRZ.

⁸ Page 53, QLDC S.42A Report

- (c) Applying Rural General zoning to all that land outside of the Hanley Downs urban (i.e. A new (RG(HD)) area, with or without the landscape protection overlays
 - (d) Accepting the FP-1 and FP-2 areas, the landscape protection overlays, and EIC as proposed in the 2015 provisions and Structure Plan (in whole or in part).
 - (e) Applying the landscape protection overlays over those areas proposed in the 2015 version but with a single FP area but applying the JPRZ rules to the landscape protection overlays unaltered
- 77 I would add a further option to the above, being the retention of the Farm Preserve activity area with the identification of individual home sites and retention of the landscape protection areas and an enhanced framework for consideration of effects on landscape values.
- 78 The s.42A report comments that the provisions relating to subdivision and development within the ONL-WB cannot effectively achieve Objective 4.2.5 of the District Plan (Part 4.2 Landscape and Amenity Values). The Council proposes to replace FP-1 and 2 with a single RG(HD) activity area with a much small area of FP-1 contained within the former development areas J and K. It is proposed that the provisions of the Rural General Zone would apply to the RG(HD) area, although I note that it is also proposed to retain the Peninsula Hill Landscape Protection Area. I am unclear how the rules would operate within this area in the case where the status of activities would be determined through two different zone rules.
- 79 The outcomes promoted through the amended provisions for Activity Area FP-2 are largely designed to provide greater protection for landscape and amenity values. The mapping of the resources and analysis that has occurred through the Coneburn Study update has enabled a framework of development controls to be formulated that refines and enhances the approach taken within the Rural General zone, in particular through the identification of landscape character, visibility and the ability to absorb development. This work has also resulted in the creation of the various landscape protection areas within and alongside the Peninsula Hill landform and being able to retain that continuity of protection into PC44 in my view supports the

retention of the Farm Preserve over the Rural General zone as the most appropriate option of giving effect to the objectives of the District Plan (particularly 4.2.5).

80 The policies relating to the Farm Preserve within the 8 June 2015 version are Policies 3.16 (Structure Plan), 3.18 (Diversity of living accommodation) and 3.22 (Farm Preserve). Under the more refined approach now proposed for this area, including the elevation in status to discretionary and non-complying for building development located outside the two home sites, the district wide policy provisions will come into play.

81 In terms of the ONL-WB, the key policy is Policy 3. This is stated in full above and in summary commences as follows:

3. Outstanding Natural Landscapes (Wakatipu Basin)

(a) *To avoid subdivision and development on the outstanding natural landscapes and features of the Wakatipu Basin unless the subdivision and/or development will not result in adverse effects which will be more than minor on:*

...

82 Given this strong policy direction I consider the focus of the lower order provisions should be on the recognition of the circumstances where subdivision, use or development might depart from his general policy approach. The justification for this lies in the finer level of landscape analysis provided through the Coneburn Study and related visibility assessments and landscape absorption mapping. The two key areas in my view where additional policy support would be appropriate is in relation to the home sites and the use of the land for on-going rural purposes.

83 My suggestion is to amend the policies relating to this area, as follows:

Policy 3.22 (Farm Preserve - 2)

To provide farming ~~and rural living~~ in the Farm Preserve 2 Activity Area to enable continued rural land management, where such use can protect the natural biodiversity values by restricting grazing around wetlands, remnant indigenous communities and schist outcrops and presents the loss of grey shrubland habitats. ~~together with providing a greater diversity of lot sizes that retains rural amenity and protects landscape values, while ensuring that:~~

- (i) ~~within the Farm Preserve 1 Activity Area, subdivision and development incorporates mechanisms for the protection and management open space and native vegetation.~~*
- (ii) ~~within the Farm Preserve 2 Activity Area, the effects of development on landscape and amenity values, when viewed~~*

~~from Lake Wakatipu and State Highway 6, are avoided, remedied or mitigated.~~

New Policy 3.23 (FP- 2 Home Sites)

To avoid adverse effects on landscape and amenity values on the ONL(WB) from the use, development or subdivision within the home sites identified within Activity Area FP-2, by:

- (i) Confining development to the home sites areas shown on the Structure Plan
- (ii) Restricting the use of non-recessive buildings materials and colours
- (iii) Restricting landscape planting to a predominance of native vegetation consistent with the ecological habitats of that area;
- (iv) Avoiding development on rocky outcrops
- (v) Minimising the visible effects of vehicle access to each home site through adjacent farm land.

Farm Preserve – 1

84 Within the this part of the Peninsula Hill landform the options for the management of this land differ and would include each of the options (a) to (d) above, as well as:

- (a) Confining development to the former development areas J and K;
- (b) Extending the concept of identified home sites across all or farm of this area;
- (c) Maintaining the original conservation lot provisions, including related assessment matters, together with an average allotment size of 2ha; and
- (d) Adopting a master planned approach that determines the location of building development through individually placed residential building platforms together with the provision of open space and a range of further ecological considerations spatially integrated with development or subdivision.

85 For this part of Peninsula Hill, the provisions need to balance the protection of landscape values, internal amenity effects for other areas of Jacks Point and enabling the efficient use and development of the available land resource to accommodate a greater diversity of accommodation. Retention as open space will protect the landscape

values, albeit with pastoral dominant vegetation patterns, and require on-going management through farming or some other form of rural activity or potential recreation activities. Such outcomes can in the absence of controls conflict with the retention of unprotected native flora.

- 86 Alternatively, some development through a conventional 2ha average will potential realise some ecological and open space protection but result in homogeneous forms of development that are less response to landscape values. The identification of individual home sites, either within a structure plan or through a secondary process such as the Spatial Layout Plan would provide the ability to manage variances of landscape sensitivity, land cover and ecological values. Because of the time that would be required to undertake the master planning for this area, the SLP process is considered the most appropriate option to implement the objectives of the plan.
- 87 As above, the proposed approach for the development of activity area FP-1 will require additional support from the new and amend policies that establish the framework for guiding the content of the SLP, protections against development outside that process and the outcomes anticipated from the use and development of that land.
- 88 I recommend policies for FP-1, as follows:

New Policy 3.25 (FP-1)

Subdivision and development of the land within Activity Area FP-1 be subject to a master planned process that responds to the landscape values of this area. Use of land within Activity Area FP-1 is restricted to residential and visitor accommodation, rural and recreation activities that implements the master planned outcomes prescribed through Policy 3.26.

New Policy 3.26 (FP-1 SLP)

To require the use of a Spatial Layout Plan for subdivision and building development within Activity Area FP-1. The Spatial Layout Plan is to identify the following features:

- (i) The location and size of residential building platforms
- (ii) The location and size of platforms for any visitor accommodation;
- (iii) Landscape absorption analysis in support of a layout of development in a manner that responds to the landscape values of the site.

- (iv) An indicative subdivision layout
- (v) Areas where open space, rock outcrops, streams, ephemeral wetlands, swamps and grey shrubland habitats will be protected

EIC

- 89 The EIC is a new activity area introduced following the submissions by Henley Downs. It is an area located on the valley floor and forms the northern edge to urban part of the zone. The area was originally part of the ACRAA under PC 44 as notified, where all building development was listed as a discretionary activity. The reasonably practicable options available to manage the land located within this area to achieve the relevant objectives of the Plan, include:
- (a) Maintaining the area as protected open space and uses limited to farming and recreation activities;
 - (b) Applying the provisions of the Rural General Zone;
 - (c) Expanding the urban area to provide for further opportunities to provide for employment related to specialist commercial and community activities.
- 90 Within the discussion on non-residential activity, the Council s.42A report considers further options around the development of commercial activity, including:
- (a) Introducing a cap to the amount of retail in order to present the possibility of a large node of retailing establishing remote from the Jacks Point Village;
 - (b) Add matters of discretion relating to the effect of retail on the vibrancy and viability of the Jacks Point Village; or
 - (c) Relocate the EIC closer to the Jacks Point Village.
- 91 It is useful to consider the role of both the EIC and the Jacks Point village to understand the potential impacts of the new provision. The role of the Jacks Point Village is best describe within the operative district plan within Rule 12.2.5.1(i) Structure Plan. This rule provides for the following list of activities:
- (a) Residential Activities

- (b) Visitor Accommodation Activities, including bars, restaurants, theatres, conference, cultural and community facilities and office and administration activities ancillary to the above activities.
 - (c) Small-scale commercial activities
 - (d) Health activities
 - (e) Educational activities
 - (f) Offices
 - (g) Administration activities
 - (h) Indoor and outdoor recreation facilities
- 92 The related rules for the Village area under the operative District Plan, restrict any commercial activity to a maximum of 200 m² with a minimum use of one-third of the 60% permissible building coverage for residential living and one-sixth of the permissible 60% building coverage for commercial purposes.
- 93 By contrast the role of the EIC is explained within Rule 12.2.5.1(i) Structure Plan, as follows:
- The use of this area is restricted to technology based activities including commercial and medical research, laboratories, training, educational facilities, specialist health care and associated administrative, office, accommodation, retailing and recreation facilities.*
- 94 The provisions for this area do not limit the extent of commercial activity, but limit any retail activity to no greater than 200m². The Council s.42A report further suggests that an overall cap of 500m² for retailing activity is established together with an additional matter of discretion requiring that the retail and commercial activity within the EIC consider the effect on the viability and vibrancy of the Jacks Point Village. Given the current limitation of the scale of commercial activities within the Village to 200m², another option to avoid such conflict with the function of the commercial activities in the Village would be to restrict commercial activities within the EIC to greater than 200m².
- 95 If the scale of commercial activity in the EIC was restricted to the larger scale greater than 200m² it would also help to distinguish it from the finer grain format of commercial activity expected within the village.

96 In terms of the provision of retail activity, the provisions for the EIC are designed to support the development of the EIC as a commercial node but not to develop at such a scale as to become a destination in its own right. This could have the effect of conflicting with the urban growth objective 4 seeking to promote a close relationship and good access between living, working and leisure and objective 7 relating to the scale and distribution of urban activity.

97 There are elements of Policy 3.21 suggested within the s.42A report that have merit in describing the functional relationship with the Village and could in my view be extended to also avoid the potentially adverse effects of large format retail on other commercial centres within the District. For these reasons, I suggest amending the relevant policy, as follows:

To ensure that the Education Innovation Campus (EIC) is developed as a high quality specialised mixed use node that:

- (a) Complements the function of the Jacks Point Village
- (b) Avoids large format retail and a scale of retail activity conflicting with the function of other commercial centres within Queenstown and Frankton
- (c) Enables technology based activities, including any related activities including commercial and medical research, laboratories, training, educational facilities, specialist health care activities
- (d) Achieves a layout, scale and appearance of built form with a high standard of urban design
- (e) Mitigates the visual impacts of building development through appropriate landscape mitigation and provision of open space.

Urban Rural Interface

98 A range of activity areas provide for lower density living environments and are generally located at the periphery of the zone. They include Activity Areas R(HD) – F and G, R(HD-SH) – 1 and 2. The Council s.452A report raises concerns within the density and location of development located within parts of R(HD) – F and all of R(HD) – G and R(HD-SH) – 2. It is understood that R(HD-SH) – 1 is considered acceptable through the implementation of mitigation planting alongside the State Highway prior to development occurring.

99 The reasonably practicable options available to manage the land located within R(HD) – F and all of R(HD) – G and R(HD-SH) – 2 to achieve the relevant objectives of the Plan are outlined below.

Acknowledging that these areas have diverse landscape values, land cover and topography, I have considered these together have because of their similarity of built outcome.

- (a) Create a “hard” urban edge along the edge of the zone with no transition into open space and rural areas;
- (b) Create a soft urban edge with lower density bleeding out into the surrounding landscape in a logical reduction of density from the urban core;
- (c) Define the edge on the basis of landscape and topographical patterns to provide a comprehensive treatment of the interface of the zone with the State Highway.

100 The key objectives within this plan change relate to the protection of landscape values and within urban areas achieving a consolidated urban form, with higher and lower density in “appropriate areas”⁹. There is no preference within the objectives for hard or soft edges, only that urban areas are consolidated and respect the ability of the landscape to accommodate change. Mitigation of the visual impacts of development is an important component to the district wide objective 4.2.5 for landscape values and for these reasons I prefer the option of defining the urban rural interface through a landscape and topographical response, including mitigation where necessary.

101 The purpose of the state highway mitigation is set out within Policy 3.17 and 3.21. These could be further clarified within an amendment to Policy 3.17 as a key element to the structure plan and to re-focus Policy 3.21 as a comprehensively development landscape treatment for the zone edge. Suggested edits to both are outlined below:

3.17 To ensure subdivision and development incorporates the design elements shown on the Structure Plan, namely roads, road connections, state highway mitigation, open space, access connections and trails as shown on the Hanley Downs Structure Plan.

3.21 To require a comprehensively designed landscape edge to the northern edge of the zone along the interface with State Highway 6 that mitigates the visual impacts of development within the Residential State Highway and Education Innovation Campus Activity Areas.

⁹ Policies 3.3 and 3.4, Part 4.10 Urban Growth, Queenstown Lakes District Plan.

Assessment of efficiency and effectiveness of provisions s.32(1)(b)(ii) and s.32(2)(a)

- 102 An assessment of the proposed methods, including their relative effectiveness and efficiency, for achieving the relevant objectives of the district plan is included within the assessment table contained within Appendix 1.

Summary of reasons for proposed provisions s.32(1)(b)(iii)

- 103 The proposed changes to the Jacks Point Resort Zone provide the most appropriate way of achieving the relevant objectives of the Queenstown Lakes District Plan because:
- (a) The elements introduced to the structure plan, together with the addition provisions relating to spatial design, density and subdivision provide a higher level of certainty with less transaction costs that reliance on ODP processes;
 - (b) The proposed structure plan and related provisions enable a greater diversity of housing choice;
 - (c) The provisions provide a much greater level of certainty in relation to the management of the landscape containing the Peninsula Hill landform, including providing a high level of protection of more sensitive areas and appropriate controls for areas to enable a limited development within areas with greater capacity to absorb change;
 - (d) The provisions will expand the range of commercial activities that promote the synergies between areas for employment, leisure and living;
 - (e) Increase the amount of residential land available within recognised urban growth boundaries;
 - (f) Through greater choice of living densities and land supply, increases housing affordability.

SUBMISSIONS

Fong Tablelands Limited

- 104 This submitter opposes the entire plan change and seeks that it be declined in its entirety. The particular concerns stated in the submission relate to:
- (a) The creation of a new special zone
 - (b) Adverse effects on existing residents and landowners of the area to be rezoned.
 - (c) It is premature to consider the plan change in isolation to the forthcoming review of the District Plan.
 - (d) The outcomes of the plan change do not match with the initial intentions disclosed during pre-lodgement consultation
 - (e) The provisions of the ACRAA will encourage consent applications for activities not specified in the provisions, will potentially result in adverse effects on views from SH6, Lake Wakatipu or neighbouring properties service activities need to be specifically identified and may lead to inconsistent administration of the district plan.
 - (f) There is no justification or demand for the level of development contemplated.
- 105 The updated provisions, including those that replace the ACRAA may provide a greater level of certainty for this submitter, in particular by identifying areas where building development is not provided or otherwise could be provided subject to consent for spatial layout. The discussion within the background section (above) addresses the relationship to the forthcoming review of the District Plan and the integration that has occurred in the drafting of the proposed relief.

Scope Resources Ltd, Pure 1 Ltd and Grant Hensman

- 106 This submitter opposes the entire plan change and seeks that it be declined in its entirety. The particular concerns stated in these submission are summarised below.
- (a) Increasing proximity to neighbouring sites, reserve sensitivity effects relating to the operation of the quarrying activities, clean

fill operations and contractors yards, removal of the provisions protecting 95% of Jacks Point as open space, adverse effects on landscape and amenity values. The plan change is uncertain on the status of activities and should be managed as rural general. Status of activities relating to the ODP are too week.

- (b) The submission by Scope Resource Ltd raises similar concerns as those expressed in the submission from Pure 1 Ltd. This submission however provides a greater level of detail relating to the nature of the resource consents held by Scope for quarrying, clean fill activities and for residential development across its land.
 - (c) The submission from Grant Hensman is as the trustee on behalf of the Hensman Family Trust that owns land on the eastern side of State Highway 6, north of the Scope Quarry. This submission details its interests in the land within this area as including the Beaver Contracting yard, a second transport and storage depot and a site used by Contact Energy for the storage of LPG. The reasons for opposing the plan change are similar to those expressed in the two other submissions from Pure 1 Ltd and Scope Resources Limited.
- 107 I agree with the value of the land and uses being undertaken by Scope as being an important resource for the District, both in respect to the operation of the quarry, but also the clean fill site. Similarly the contractor's depot and related storage areas are important for different reasons and I appreciate that the land available within the Queenstown Lakes District has been historically constrained for such activities which have been forced into rural areas. In fact, many of these activities and resources such as LPG and aggregate as well as contracting services may be necessary to support the construction necessary to implement the development enabled through Plan Change 44.
- 108 However each of these activities are also required to operate within the rural area through land use consents that establish appropriate controls in relation to noise, dust and nuisance related matters. I understand that noise emissions for the quarry and clean fill site are required to meet the district plan noise standards for this zone. Further

the operation of machinery being located within the working areas is from my experience typically much lower than natural ground level and thus attenuated by the high bunding established through the mitigation plans developed for this quarry.

- 109 Given the distance to PC44, the mitigation proposed along the interface along the state highway and the operation of the conditions that limit the nuisance related components of the above activities, I do not consider PC 44 will result in greater potential for reverse sensitivity effects that would exist under the operative plan.

Triumph Trust

- 110 This submitter opposes the entire plan change and seeks that it be declined in its entirety. The particular concerns stated in the submission relate to the ACRAA and the lack of protection given to open space and inconsistencies within the higher order provisions relating to landscape values. The submission raises concerns with the rule framework for the ACRAA being less stringent than the rural general zone and the policies weight too much in favour of the development of services and are weaker than Jacks Point. .
- 111 I agree that the policies and outcomes within the ACRAA were unclear in relation to the management of effects on landscape values and in terms of the nature of potential activities that may occur within this area. As detailed above, the proposal is to remove the ACRAA and replace with a range of activity areas that seek to manage this land in a more refined way, including through affording greater protection to landscape values in some areas and seeking to balance appropriate development within other areas with greater potential to absorb change, the integration of greater protections for open space and also for the identification and protection of areas of ecological values.
- 112 A particular focus at the interface between the urban areas and the state highway is on the implementation of landscape mitigation that would reduce the visible effects of development viewed from the State Highway (in particular). That landscape mitigation will also double as flood hazard mitigation for existing and proposed building located within the R(HD-SH) – 2 Activity Area.
- 113 The submissions does not raise concerns about the impact of development within Development Area A, now R(HD-SH)-2). For

comparison purposes, it is noted that the amended provisions for this area seek to implement a built form outcome with a character similar to that of the dwelling located on the Trust's land – 1 ha lots. Development Area A provided for a maximum number of 4 residential units. R(HD-SH) – 2 is slightly larger in area (6.33ha) and could result in a maximum yield of 7 units. The outcome is considered similar but with greater potential to manage impacts on amenity values through the location of building platforms.

NZTA

- 114 The submission from the New Zealand Transport Agency (NZTA), seeks to have existing crossing points 60, 62 and 63 permanently closed and that direct highway access be only from the Woolshed Road. The submission also seeks to ensure that the upgrade of the Woolshed road intersection with the state highway is to an acceptable standard for the NZTA, prior to any vehicles using the Woolshed Road access, and that the plan change include provisions for the ongoing improvements to the intersection as development progresses. The submission also seeks to address the effects of reverse sensitivity through provisions requiring new residential buildings located within 80m of the seal edge to achieve an internal noise performance standard.
- 115 The provisions have addressed the matters raised in this submission through rules relating to the upgrade of the Woolshed road intersection and also in respect of reverse sensitivity through a suggested addition to the Noise standards.

ORC

- 116 The submission by the Otago Regional Council opposes the Plan Change in respect to natural hazards, stormwater management, transport and wastewater. In terms of natural hazards the ORC are concerned within the impact of alluvial fan process and in particular flood hazard impacts on people, communities and infrastructure.
- 117 The evidence of Mr Dent addresses the natural of the flood hazard risk in some detail and proposes mitigation in the form of a 400m reinforced flood bank to reduce potential flood flows within the downstream activity areas. The reinforced flood bank coincides with the location of the additional state highway mitigation recommended

by the Council for landscape purposes. The evidence of Mr Dent provides useful comments on ways in which landscaping can be incorporated into the design.

- 118 In respect to stormwater management, the evidence of Mr Dent sets out in detail the proposal for managing flows within PC44. I understand that the approach is to provide detention for events up to a 100year ARI event and to delay the release of first flush. I understand from this evidence that the facilities for internal stormwater management confirm that the scale of effects and mitigation do not represent a limitation to development within the PC44 areas.

CONCLUSION

- 119 PC 44 as it has been modified and proposed through this evidence and the further evaluation in terms of s.32AA provides a well resolved response to the natural and physical resources of the Coneburn area and the Henley Downs Land. In particular, the outcome provide for much greater integration within the existing Jacks Point settlement and a higher level of certainty, including more restrictions over parts of the rural areas than under the ACRAA.
- 120 The structure of the policies and rules required to provide for that level of certainty and to accommodate the appropriate development outcomes within the former ACRAA area are thus very different from the notified provisions. Ultimately that structure will better achieve the key objectives of the plan than reliance on the notified provisions, because they:
- (a) Avoid development within the most sensitive parts of the landscape
 - (b) Enable limited development within those parts of the landscape that have the greatest capacity to absorb change
 - (c) Are underpinned by robust analysis
 - (d) Provide a greater diversity of living accommodation, employment options and open space and conservation protection

- (e) Consolidates the urban form
 - (f) Creates a clear urban edge between the proposed urban areas and surrounding rural land
 - (g) Mitigates the risk of flood hazard to acceptable levels using a return period of 1 in 100 years (with freeboard)
- 121 In my view the provisions are the most efficient and effective, taking into account the realistic alternatives, than the notified provisions to achieve the objectives of the District Plan.

DATED this 29th day of June 2015

A handwritten signature in blue ink, appearing to read "Chris Ferguson", with a long horizontal stroke extending to the right.

Chris Ferguson

APPENDIX 1

Assessment of efficiency and effectiveness of provisions

Farm Preserve			
<i>Proposed provisions</i>	<i>Costs</i>	<i>Benefits</i>	<i>Effectiveness & Efficiency</i>
<p><u>Policies:</u></p> <p>3.16 Structure Plan, 3.22 Farm Preserve 2, 3.23 Farm Preserve Homesites, 2.24 Farm Preserve 1, 2.35 Farm Preserve 1 Spatial Layout Plan</p>	<p><i>Environmental</i></p> <p>The Coneburn Area Resource Study update 2015 provides a high level guidance for the management of the natural and physical resources of the Coneburn area. This includes analysis of the landscape character and values of the land located within the Farm preserve and classification of the areas ability to absorb change, informed through visibility analysis. This assessment has provided the basis for the introduction of landscape protection, the boundaries of the farm preserve activity area generally and the approach to enabling development.</p> <p>The Coneburn study is further supplemented by the evidence and analysis undertaken in the evidence of Mr Tyler (design) and Ms Pfluger (landscape Planning) who has consider wider landscape effects, points of visibility and relevant District Plan policies.</p> <p><i>Economic</i></p> <p>Overdevelopment of the Jacks Point area would lead to a loss of landscape amenity values and therefore a reduction of visitors to the area. The strong approach taken through the Structure Plan, policies and relates rules act to</p>	<p><i>Environmental</i></p> <p>The provisions for the FP-2 Activity Area identify two homesites that are designed to contain development within this part of the landscape. In addition to the homesites, the provisions also seek to identify the Peninsula Hill Landscape Protection Area and to elevate the status of activity for building within this area to non-complying.</p> <p>Together the changes to the structure plan and provisions will provide for greater certainty over the effects of development within the landscape and also protection of open space.</p> <p><i>Economic</i></p> <p>Sensitive development of this part of the Jacks Point area, including the protection of open space and areas of native vegetation will protect the values which underpin visitors coming to the greater Queenstown Lakes area. Therefore, increasing the economic viability of this area.</p> <p><i>Social & Cultural</i></p> <p>A more cohesive and integrated population around existing settlements, utilising existing infrastructure. The retention of open space that provides the backdrop and setting for all of the Jacks Point settlement.</p>	<p>The provisions relating to the farm preserve seek to increase the level of certainty around enabling development and protection landscape values and open space. The framework of rules relies on the identification of two homesites and related areas for landscape Protection. In respect to FP-1 this area has greater potential to absorb change and a master planned approach, supported by landscape analysis, is proposed to identify areas for building development based on capacity to absorb change. The overall yield for this area is limited to 34 dwellings.</p> <p>Development that occurs outside of that framework will become a discretion or non-complying activity and subject to assessment under the existing district wide landscape policies. This approach better aligns the outcomes for this area with the existing higher level policies under the District Plan.</p> <p>Dealing with these environmental issues in a consistent manner for the Jacks Point Zone is considered to be an efficient approach.</p>

	<p>prevent that from occurring.</p> <p>Social & Cultural</p> <p>Insensitive development would negatively impact on landscape amenity and nature conservation. This would serve to reduce natural heritage values which would impact on cultural associations with the land. Planning provisions are in place to avoid overdevelopment of the land, and protect existing vegetation.</p>		
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EIC			
Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p><u>Policies:</u></p> <p>3.16 and 3.17 Structure Plan, 3.20 EIC, 3.21 State Highway Mitigation, 3.27 commercial, community and visitor accommodation activities</p>	<p>Environmental</p> <p>The EIC is located within an area of the valley floor at the northern edge of the zone. As such the focus is to ensure development does not compromise the landscape and amenity values of the area and also the entry experience to Queenstown. The provisions emphasise the importance of a high standard of design and mitigation of visual impacts.</p> <p>Economic</p> <p>The scale of commercial or community activity has the potential to impact on the network of commercial centres within the district, including the town centre and</p>	<p>Environmental</p> <p>The EIC has emerged from the ACRAA as a distinct area at the northern edge of the zone to provide for technology based activities and employment.</p> <p>The changes to the structure plan and provisions relating to the EIC provide for greater certainty over the effects of development within the landscape.</p> <p>Economic</p> <p>The economic benefits of the EIC are considered significant in seeking to enable a range of specialist technology based activities with opportunities for employment and</p>	<p>The provisions will increase the effectiveness and efficiency commercial, community and visitor accommodation development from PC 44 as notified</p> <p>The provisions enable commercial and employment activities to occur within the framework of a restricted discretion activity resource consent. That rule is considered an effective means of managing effects on the landscape, mitigation from the state highway and also the scale of commercial activity.</p>

	<p>planned commercial activity at Jacks Point. The provisions allow a small area of retail activity, confined to small format retailing less than 200m² in area. The function of the area will develop as a mixed use node that seeks to enable technology based activities that are not provided for at Jacks Point.</p> <p>Social and Cultural</p> <p>Large scale development within the EIC could result in negative impacts on the amenity values for residents at Jacks Point and also impact on the new entry experience into the zone. Provisions are proposed to limit the scale and height of building development, together with the creation of a comprehensively designed landscape edge to the urban area generally.</p>	<p>diversification within the districts economy.</p> <p>Social & Cultural</p> <p>The EIC increases the potential reduce the proximity of living and employment and deliver a more efficient urban form.</p> <p>The EIC is located within an area with direct access onto Woolshed Road ensuring traffic effects are less likely to impact on the existing or planned residential areas.</p>	
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Rural Urban Interface			
Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
<p>Policies:</p> <p>3.11 southern entrance to Queenstown, 3.16 and 3.17 Structure</p>	<p>Environmental</p> <p>The northern edge to the zone is important for landscape and amenity purposes as it generally forms the first interface between the urban areas of the Zone and the State Highway. The northern edge is comprises of the R(HD-SH) 1 and 2, EIC and OSL Activity</p>	<p>The provisions seek to address the state highway mitigation through the creation of a comprehensively designed landscaped urban edge. The benefits of this approach is that it will assist with the mitigation of built form within the zone generally, maintain the entry experience on the southern approach to</p>	<p>The provisions seek to state highway mitigation through a single comprehensive design approach. This simplifies the consent process and minimises the administration and transaction costs.</p> <p>The nature of individual development</p>

<p>Plan, 3.21 Urban Edge</p>	<p>Areas.</p> <p>The R(HD_SH) – 1 Activity Area provides for a low density of built outcome consistent with the established character of building. As with the EIC this area is comparatively large (13ha) but limited to overall building coverage of 20%.</p> <p>The provisions seek to control the scale of building within the EIC and also ensure a high standard of urban design. A important part of managing the interface is the state highway mitigation and that is proposed to be undertaken on a comprehensive basis to create a landscape urban edge that clearly defines the urban area.</p> <p>Economic</p> <p>The visible effects of development on the landscape are important to maintain the qualities of Queenstown as a nationally important tourist destination.</p> <p>The provisions seek to maintain these qualities.</p> <p>Social and Cultural</p> <p>The interface between the urban and rural areas is an important step towards identifying the edge to the Jacks Point Settlement. The location of insensitive development within this area could result in negative impacts on the amenity values for residents at Jacks Point and also impact on the new entry experience into the zone.</p>	<p>Queenstown.</p>	<p>within the urban areas behind that can be addressed on a case by case basis, building on the treatment established from the outset.</p> <p>On balance I consider the provisions as being the most effective and efficient to achieve the relevant objectives.</p>
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APPENDIX 2

Amended Plan Provisions