

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

of proposed Private Plan Change 51
to the Queenstown Lakes District
Plan

**STATEMENT OF EVIDENCE OF LOUISE TAYLOR FOR PENINSULA
BAY JOINT VENTURE**

Dated 1 August 2016

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1 INTRODUCTION

- 1.1 My name is Louise Elizabeth Robertson Taylor. I hold a Bachelor's degree in Geography and a Master's degree in Regional and Resource Planning from the University of Otago (completed in 1996). I am a full member of the New Zealand Planning Institute. I am a Partner and Director of the firm Mitchell Partnerships Limited, which practices as an environmental consultancy nationally, with offices in Dunedin, Auckland and Tauranga.
- 1.2 I have been engaged in the field of resource and environmental management for 19 years. My experience includes a mix of local authority and consultancy resource management work. This experience has included particular emphasis on providing consultancy advice with respect to resource consent and environmental impact assessments, regional and district plans, and designations. This includes extensive experience with large-scale projects involving inputs from a multi-disciplinary team. I hold the Chair accreditation to hear Resource Management Act 1991 ("**RMA**" or "**Act**") applications and have sat on several Hearing panels for resource consent applications.
- 1.3 I have prepared plan changes to and submissions on proposed Regional Policy Statements and Regional and District Plans throughout New Zealand and have prepared resource consent applications for various activities under almost all District and City Plans in the South Island and many in the North Island. I am very familiar with the environmental and statutory context of the Queenstown Lakes District, having prepared numerous resource consent applications and plan change applications within the District. A summary of my recent experience is included at **Appendix A**.
- 1.4 My firm was engaged by Peninsula Bay Joint Venture ("**PBJV**") to provide advice in relation to Plan Change 51 ("**PC51**") to the Operative Queenstown Lakes District Plan ("**the District Plan**"). My firm prepared the section 32 evaluation for the plan change, and the proposed plan change provisions. I provided ongoing advice during the preparation of these documents and I conducted a peer review. In preparing this evidence I have reviewed the plan change documentation (again), submissions, further submissions, and other

relevant information that has been provided by the Council in relation to this matter, including the section 42A report prepared for the Council by Ms Jones.

- 1.5 I can confirm that I have visited the site that is the subject of PC51 on several occasions.
- 1.6 I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Consolidated Practice Note and have complied with it in preparing this evidence. I also agree to follow the Code when presenting evidence to the Council. I confirm that the issues addressed in this brief of evidence are within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

2 SCOPE OF EVIDENCE

- 2.1 My evidence will focus on the principal planning issues that have been raised in the submissions, expert evidence and the section 42A report. I will also provide an overview of PC51, how the plan change was promulgated and the proposed planning provisions.
- 2.2 I have endeavoured to keep this evidence brief. The plan change request includes some quite lengthy documentation and PBJV has called a number of witnesses to give evidence in support of it. My evidence should therefore be read alongside that material, as well as the submissions received, the section 42A report and the evidence presented by the Council's staff and expert witnesses.

3 SUMMARY OF EVIDENCE

- 3.1 In my opinion the primary planning questions to be considered in relation to this plan change are:
 - (a) Is the objective introduced by PC51 consistent with meeting the purpose of the RMA, having considered the relevant matters inherent in section 32?
 - (b) What are the benefits and costs of the environmental, economic social and cultural effects that accrue from the plan change?

- (c) Are the provisions proposed the most appropriate methods of achieving the objectives?

3.2 In addressing these issues, I have relied on and have been assisted by the evidence to the Commissioners by:

- (a) Ms Vicki Jones (Planner);
- (b) Dr Gary Bramley (Ecologist);
- (c) Ms Dawn Palmer (Ecologist);
- (d) Mr Ben Espie (Landscape Architect);
- (e) Ms Marion Read (Landscape Architect);
- (f) Mr Michael Botting (Surveyor);
- (g) Mr Robert Greenway (Recreational Planner);
- (h) Ms Jeannie Galavazi (Senior Parks and Reserves Planner);
and,
- (i) Mr Paul Croft (Director of Infinity Investment Group Holdings Limited).

3.3 In relation to the primary planning questions my conclusions are:

- (a) I consider the plan change to be a carefully thought out package which provides for additional dwellings which form a logical extension to the existing Peninsula Bay subdivision, whilst protecting the important landscape and ecological values of the site overall and providing for increased recreational opportunity and resources.
- (b) In my opinion the objective of this rezoning is consistent with meeting the purpose of the RMA, having considered the relevant matters inherent in section 32.
- (c) In terms of benefits and costs, the primary benefits are, in my opinion¹:
 - (i) Provision of 24 additional dwellings for Wanaka;

¹ Taking into account the proposed objective and relevant existing district plan objectives

- (ii) Provision of additional recreation resource including new walking tracks, a new section of mountain bike track, upgrades to and maintenance of existing biking tracks, separation of biking and walking tracks, two new carparks and a new public toilet;
 - (iii) Provision of financial contributions on a per lot basis to off set any loss in area provided for walking and mountain biking in the future;
 - (iv) Provision of extensive enhancement planting within both private land and public open space land, along with protection of some existing short tussock grassland;
 - (v) Protection of the ONL values of the site via careful building platform locations and building controls along with amenity planting, particularly when viewed from important Lake viewpoints.
- (d) I consider the primary costs to be:
- (i) Loss of open space area, some of which is currently being used informally for walking and mountain biking;
 - (ii) Loss of some short tussock grassland and kanuka;
 - (iii) Change of outlook for some residents of Peninsula Bay and Penrith Park from open space to dwellings and additional plantings.
- (e) Overall I consider the plan change will achieve Part 2 of the Act.

4 **GENESIS OF PLAN CHANGE 51**

4.1 The Peninsula Bay North site comprises of 13.86ha of land that is currently zoned for "Open Space" purposes in the District Plan. The land is privately owned by PBJV, however PBJV has not prevented the general public from using a large part of this site for recreational purposes for a number of years.

- 4.2 As described by Mr Croft², the demand for residential allotments at Peninsula Bay has far exceeded PBJV's expectations. I understand that of the 342 residential allotments approved by resource consents RM060959 and RM10800, only five allotments remain to be titled and sold³. PBJV therefore undertook a review of its wider landholdings at Peninsula Bay to identify whether there is any capacity to accommodate the ongoing demand for residential development within this neighbourhood.
- 4.3 I assisted PBJV with that review and can confirm that the joint venture parties clearly understood that as a portion of the Peninsula Bay North site ("**the site**") is located within an Outstanding Natural Landscape ("**ONL**") and the site is valued by the community for recreational purposes and its ecological values, that any development aspirations would have to be very carefully considered. PBJV therefore undertook a careful process to identify which parts of the site, if any, could absorb additional development to meet the demand for residential growth, while still maintaining and/or enhancing the ecological, landscape and recreational values of the site.
- 4.4 PBJV engaged a team of experts, including Mr Botting, Mr Espie, Dr Bramley and myself to reconcile their development aspirations with the resource management constraints of the site.
- 4.5 An iterative process ensued with all of the experts working together to identify the extent of land suitable for residential and recreational development. Modelling was used to inform this process, with a range of development controls and layouts trialled to determine what level of development could comfortably fit within the landform while maintaining the known ecological, landscape and recreational values of the site. This iterative process ultimately led to PBJV's original proposal of 31 allotments being reduced to 26.
- 4.6 A line was drawn around the edge of the development envelope to ensure the proposed development occupied the least amount of land necessary, thus maintaining the most significant area of Open Space Zone ("**OSZ**") land.

² Refer to paragraph 15 Mr Croft's evidence dated 1st August 2016.

³ Refer to paragraph 18 Mr Botting's evidence dated 1st August 2016.

4.7 With my assistance, PBJV examined the alternative planning mechanisms available to it to achieve the outcomes sought for this site. The following options were explored:

- (a) Amending the OSZ provisions to provide for residential activity;
- (b) Maintaining the status quo;
- (c) Rezoning part of the OSZ to Low Density Residential Zone ("**LDRZ**"); and,
- (d) Rezoning part of the OSZ to an alternative zoning.

4.8 For the reasons set out in section 6 of the original section 32 evaluation and section 3.3 of the section 32AA evaluation (dated 7 July 2016), it was my view that rezoning part of the site for Low Density Residential ("**LDR**") purposes and imposing additional development controls via the inclusion of new provisions in the District Plan, would be the most appropriate way to achieve the overall purpose of the proposal (which then informed the objective of the plan change).

5 **THE PROPOSAL**

5.1 The purpose of the proposal is to:

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

5.2 To achieve this outcome, PBJV proposes to rezone a portion of the existing site from OSZ to LDRZ.

5.3 In recognition of the landscape, ecological and recreational values of the site, development is proposed to be strictly controlled via a combination of development standards and a detailed Structure Plan. I have set out what I consider to be the key elements of the proposal in the following sections.

Bulk and Location Controls

- 5.4 PC51 (as amended following notification) will enable the development of a maximum of 24 residential lots, each with a specified building platform. Building height restrictions will be imposed for all allotments, with minimum floor levels identified for the one lot (Lot 4) located within the ONL. The exterior cladding of all buildings will also be subject to reflectivity controls.
- 5.5 To ensure that the landscape character change remains within the parameters anticipated by PC51, the bulk earthworks required to develop the site have been identified earlier than might usually be the case for a plan change proposal.

Vegetation Enhancement

- 5.6 The development of the proposed residential building platforms will necessitate the removal of approximately 9894m² of existing indigenous vegetation. In order to compensate for this loss, an additional 2.5ha (24,795m²) of enhancement planting is proposed. Approximately 8,110m² of existing kanuka and tussock grassland will also be retained and enhanced.
- 5.7 Via its provisions PC51 will require that all areas of enhancement planting are protected and maintained in perpetuity.

Recreational Enhancement

- 5.8 Within the remaining OSZ, new walkways and a memorial to the late Bob Robertson, co-founder of Infinity, are proposed. Two new car parks will also be provided at the key entrances to the remaining OSZ, with a new public toilet proposed at the end of Infinity Drive.
- 5.9 These proposed new amenities will be constructed by PBJV at their own cost and will be additional to any reserves contributions otherwise payable for the proposed development.
- 5.10 On completion of the recreational enhancements, the remaining OSZ land will be vested in the Council as reserve, and PBJV is now committing to a five year maintenance period for planting within OSZ land.

Planning Provisions

- 5.11 New provisions are proposed to be inserted into Chapter 15 of the District Plan to provide certainty around the nature, scale and intensity of development enabled by PC51 and the associated mitigation. The existing Low Density Residential Zone boundary, as shown on Map 19, is also proposed to be extended 150m northwards⁴.
- 5.12 I note that the original plan change application lodged with the Queenstown Lakes District Council ("**QLDC**" or "**the Council**") promoted the use of land use covenants rather than a bespoke set of district plan provisions. The QLDC corporate submission raised concerns with this approach and with the suitability of the LDRZ more generally.⁵
- 5.13 Following discussions with QLDC, PBJV agreed to amend the planning method proposed. A revised set of planning provisions were prepared and agreed to (in principle) by QLDC (refer to **Appendix B**)⁶. The concerns raised by QLDC with respect to the proposed planning method and the suitability of the LDRZ have therefore been resolved.
- 5.14 The plan change application was formally amended on 7 July 2016 to reflect the agreed provisions. An updated section 32AA evaluation was provided at that time. I therefore do not consider the use of covenants to secure specific mitigation any further in my evidence.
- 5.15 In summary, the proposed new planning framework includes:
- (a) A new objective that seeks to provide for LDR development at Peninsula Bay North while providing for the protection of significant indigenous biodiversity and ONL values and enabling access to land for passive and active recreation (Proposed Objective 22).
 - (b) A new policy that requires development at Peninsula Bay North to be in general accordance with a Structure Plan (Proposed Policy 22.1);

⁴ Although note that this extent is now reduced to around 75m at the western end of the site and 100m at the eastern end.

⁵ Refer to submission 51/155.

⁶ Note that in light the evidence received, some further amendments have been made to these provisions. These new provisions have not yet been provided to the Council.

- (c) New subdivision and development standards specifically targeted at Peninsula Bay North, including specific requirements around (Proposed Rule 15.2.6.3(xi)):
 - (i) Building height;
 - (ii) Building location;
 - (iii) Building reflectivity values;
 - (iv) The provision of enhancement planting;
 - (v) The maintenance and upkeep of enhancement planting;
and
 - (vi) The maximum number of residential units provided for
within Peninsula Bay North.
- (d) A new Structure Plan (attached as **Appendix C**) that prescribes:
 - (i) The maximum building height;
 - (ii) The location of the residential allotments;
 - (iii) The location of the proposed building platforms;
 - (iv) Roading connections to Peninsula Bay North;
 - (v) Areas of enhancement planting and protection;
 - (vi) Enhancement planting species requirements;
 - (vii) Fencing requirements;
 - (viii) Indicative locations for the proposed new walking tracks, car parking and toilet.
- (e) A new rule that results in a non-complying activity status for any subdivision or development that is not in accordance with the Outline Development Master Plan or the Peninsula Bay North Structure Plan. Proposed Rule 15.2.3.4(v))

5.16 A copy of these provisions is attached as **Appendix B**.

5.17 I note that the reporting officer has recommended further amendments to these provisions should the Panel be of a mind to approve the plan change. I address the proposed amendments to Objective 22 later in my evidence (refer to paragraph 12.23). With respect to the recommended amendments to Rule 15.2.6.3(xi), in my view these are unnecessary as the reporting officer's recommendations are included on the proposed Structure Plan, the compliance with which is secured by the Rule.

5.18 I note that the condition relating to rabbit protection measures was inadvertently missed on the proposed Structure Plan. This has been rectified in the revised Structure Plan.

6 THE AMENDED PROPOSAL

6.1 In response to the concerns raised by submitters and the expert evidence presented on behalf of the Council, PBJV is now proposing the following further amendments to PC51:

- (a) Proposed Lots 5 and 6 will no longer be rezoned to LDRZ. The extent of the plan change area has therefore been reduced to 4.37 hectares.
- (b) Proposed Lots 4, 7 to 12 and 20 to 22 have been downsized to retain a larger area of OSZ. Part of the enhancement planting formerly contained within these lots will now be located in the OSZ.
- (c) The building platform contained in proposed Lot 21 has now been moved outside of the ONL.
- (d) The landscaping proposal along the northern boundary of Lot 4 and Lots 7 to 12 has been revised to account for the removal of Lots 5 and 6 from the plan change. In response to the evidence of Ms Palmer, the landscaping proposal through this area now incorporates short tussock grasslands, and the requirement to transplant prostrate blue grass and cushion pimelea.
- (e) Further enhancement planting is proposed along the western boundary of proposed Lots 23 and 24.

- (f) The proposed new walking trails will now be 1.5m wide in accordance with national guidance.
- (g) Minor upgrades are proposed to the mountain bike track.
- (h) The memorial is to be relocated near proposed Lot 4. The track formerly proposed to access the memorial has been removed.
- (i) The following changes are proposed to the development standards:
 - (i) amendments to ensure that enhancement planting within the OSZ is provided prior to section 224(c) certification and that such planting is appropriately protected and maintained.
 - (ii) a new standard to ensure new walking tracks are constructed to a width of 1.5m.
 - (iii) a new standard that imposes restrictions on building colour and external finishes.
 - (iv) a further amendment to the vegetation removal standard to clarify that no short tussock grassland is to be removed outside of identified building platforms.
- (j) An additional rule is also proposed that will require PBJV to make a financial contribution towards the development and maintenance of trails within the Wanaka area. This contribution will provide for up to \$5000 per allotment.

6.2 A copy of the revised provisions is attached as **Appendix B**. A further section 32AA evaluation to account for the proposed changes to the proposal is appended as **Appendix D**.

7 **STATUTORY FRAMEWORK**

7.1 The legal submissions for PBJV that will be presented at the outset of this hearing set out the statutory context for assessing PC51.

Schedule 1

7.2 In accordance with Schedule 1 of the Act, I understand that:

- (a) Any person may request a change to a district plan (Section 21, Part 2, Schedule 1);
- (b) Any request to change a district plan must be made to the local authority in writing and shall explain the purpose of and reasons for the proposed plan or change of the plan and must contain an evaluation report prepared in accordance with section 32 of the Act (Section 21, Part 2, Schedule 1); and,
- (c) Where environmental effects are anticipated, the request shall describe those effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change.

7.3 PBJV filed a formal plan change request with QLDC on 30 September 2015. This request included a description of the proposed plan change, the purpose for the plan change and a section 32 evaluation. This plan change was resubmitted on the 10 November 2015 to address issues of completeness.

7.4 Following the receipt of submissions, particularly with respect to the QLDC and ATN (and similar) submissions, further amendments were made to the proposal. Specifically, the planning method was updated to replace the use of covenants with zone provisions and various amendments to the walking/biking tracks and associated car parking were proposed. This formal amendment was lodged with the Council on 7 July 2016.

7.5 As described in section 6, a further amendment is now proposed in response to some of the expert evidence presented on behalf of the Council. A section 32AA evaluation has been provided with respect to these changes and the associated environmental effects considered by each of PBJV's relevant expert witnesses where appropriate.

Section 32

7.6 In accordance with section 32 of the Act:

- (1) *An evaluation report required under this Act must—*
- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
 - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*

(c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

(3) *If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*

(a) *the provisions and objectives of the amending proposal; and*

(b) *the objectives of the existing proposal to the extent that those objectives—*

(i) *are relevant to the objectives of the amending proposal; and*

(ii) *would remain if the amending proposal were to take effect.*

7.7 PC51 seeks to amend the operative District Plan. I therefore understand that PC51 necessitates, in addition to the evaluation required in section 32(1) and section 32(2), an evaluation of the matters specified in section 32(2).

7.8 In a practical sense and in the context of PC51, I understand that the section 32 evaluation must therefore:

(a) examine the extent to which proposed objective of the plan change (i.e. Objective 22) is the most appropriate way to achieve the purpose of the Act⁷;

(b) examine whether the proposed provisions⁸ of the plan change are the most appropriate way to achieve the objective of the plan change (i.e. proposed Objective 22) and the existing relevant objectives of the District Plan by:⁹

⁷ Section 32(1)(a) of the Act.

⁸ Including proposed Policy 22.1, proposed Rule 15.2.3.4(v)(ii), proposed Rule 15.2.6.3(xi), the proposed new Structure Plan and the proposed amendments to District Planning Map 19.

⁹ Section 32(1)(b) of the Act.

- (i) identifying other reasonably practicable options for achieving the objectives (i.e. proposed Objective 22 and the relevant objectives of the existing District Plan);
 - (ii) assessing the efficiency and effectiveness of the provisions at achieving the relevant objectives (i.e. proposed Objective 22 and the relevant objectives of the existing District Plan); and
- (c) Summarise the reasons for the proposed provisions.
- (d) Identify and if possible, quantify the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, in the context of efficiency and effectiveness;¹⁰ and
- (e) Assess the risk of acting or not acting if uncertain or insufficient information about the subject matter exists¹¹.

7.9 I note that a number of submitters¹² are of the view that PC51 is inconsistent with the objectives and policies of the Operative District Plan and Proposed Queenstown Lakes District Plan ("**Proposed Plan**"). The QLDC expert witnesses and the reporting officer have also undertaken a similar assessment.

7.10 My interpretation of section 32 is that the proposed provisions are required to be assessed against the objectives of the proposal (i.e. Objective 22) and the objectives of the existing proposal (i.e. the operative District Plan)¹³. Section 32 does not necessitate an assessment against the policies of the operative District Plan nor does it require an assessment of the proposal against the Proposed Plan.

7.11 It is on this basis that the section 32 evaluation and supplementary section 32AA evaluation was prepared.

7.12 The evaluation contained in section 12 of my evidence has also been formed on this basis.

¹⁰ Section 32(2)(a) and (b) of Act

¹¹ Section 32(2)(c) of the Act.

¹² For example Submission 51/147

¹³ Section 32(1)(b) and section 32(3).

Section 75

7.13 In preparing this evidence I have had regard to whether the plan change:

- (a) Accords with s74(1) and assists QLDC to carry out its functions (s31) so as to achieve the purpose of the Act (s72);
- (b) Gives effect to national policy statements that are relevant (s75(3)(a));
- (c) Gives effect to the Otago Regional Policy Statement (s75(3)(c));
- (d) Has had regard to Proposed Otago Regional Statement (s74(2)(a)(i));
- (e) Has had regard to any relevant management plans and strategies under other Acts (s74(2)(b));
- (f) Takes into account any relevant planning document recognised by an iwi authority;
- (g) Does not have regard to trade competition (s74(3));

7.14 As addressed in the section 32 report, there are no national policy statements that are relevant to this plan change, and the Plan Change is considered to give effect to the Otago Regional Policy Statement ("**RPS**")¹⁴. I return to the RPS later in response to concerns raised by submitters.

7.15 Other relevant management plans have been considered through the development of the plan change and the section 32 assessment. Other documents to which I have had regard include the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, the Otago Regional Plan: Waste, the Queenstown Lakes Growth Management Strategy and the Wanaka 2020 and Wanaka Structure Plan 2007¹⁵.

7.16 The Kai Tahu Ki Otago Resource Management Plan (2005) and the Ngai Tahu Ki Murihiku Natural Resource and Environmental Iwi

¹⁴ Refer to sections 7.1 and 7.3 of the section 32 report.

¹⁵ Refer to sections 7.2, 7.4, 7.6 and 7.7 of the section 32 report.

Management Plan (2008) are the relevant Iwi Management Plans to this plan change. As described in the section 32 report, the plan change takes into account these documents and no concerns associated with these documents have been identified¹⁶.

Queenstown Lakes District Plan Review – Stage 1

7.17 On 26 August 2015 the Council publicly notified Stage 1 of the Proposed Plan review. The OSZ is not subject to Stage 1.

7.18 I understand that because no decisions have been made on the Proposed Plan, very little to no weight can be given to it. In my view, it is useful to note however that:

- (a) The PC51 site is located within the proposed urban growth boundary for Wanaka;
- (b) The Proposed Plan identifies that this site is located within an ONL. The location of this line differs to the ONL line identified by the Environment Court in 2005 and includes all of the OSZ on the advice of Dr Read¹⁷;
- (c) A new chapter has been inserted in the Proposed Plan that specifically addresses Landscape matters¹⁸;
- (d) The LDRZ has been revised as a result of the Proposed Plan review.

7.19 As set out in paragraph 7.10, there is no statutory requirement to evaluate PC51 against the provisions of the Proposed Plan. I have therefore not considered it further in this brief of evidence.

7.20 However I note that PBJV has lodged a submission on the Proposed Plan challenging the location of the ONL line and Mr Espie addresses the location of the line in his evidence¹⁹.

8 KEY THEMES AND ENVIRONMENTAL EFFECTS

8.1 The reporting officer has provided a detailed summary of the submissions received and the expert evidence prepared on behalf of

¹⁶ Refer to section 7.5 of the section 32 report.

¹⁷ Environment Court decision C10/2005.

¹⁸ Refer to Chapter 6: Landscapes of the Proposed Plan.

¹⁹ Refer to paragraphs 53 to 57 of Mr Espie's evidence dated 1st August 2016.

the Council. I do not see any reason to duplicate this undertaking here, and therefore focus the remainder of my evidence on what I consider to be the key themes arising out the submissions received and the discussion and recommendations of the expert witnesses and the section 42A report.

8.2 In summary, I discuss the following matters:

- (a) Landscape and visual effects;
- (b) Ecological effects;
- (c) Recreational effects and the reduction in Open Space.

8.3 I note that a degree of polarity exists between the opinions expressed by the various expert witnesses. The reporting officer appears to favour the evidence of the Council's experts, with no analysis provided around the points of difference and/or the reasons why the reporting officer appears to simply adopt Council officers' views as opposed to the material provided with the plan change application and subsequent material provided by the applicant.

8.4 I have taken into consideration all of the expert evidence and reportage received to date when forming the views set out. When I have considered it necessary to prefer the view of one expert over another I have identified which expert I have relied upon when forming my views and the reasons for doing so.

9 LANDSCAPE AND VISUAL EFFECTS

9.1 One of the key resource management constraints of the site and a topic that has drawn much interest from submitters is the landscape and visual effects arising as a result of PC51.

9.2 A landscape and visual assessment of the proposal was undertaken by Mr Espie and was appended to the original plan change application²⁰. This assessment included a description of the existing environment from a landscape perspective. For the purposes of my evidence, I accept and adopt Mr Espie's contextual landscape description and do

²⁰ Refer to Appendix E of the original plan change application dated 10 November 2015.

not repeat it here. I note that Dr Read has also adopted Mr Espie's description of the existing environment.²¹

9.3 Mr Espie has set out in paragraph 8 of his evidence, an overview of his key findings with respect to PC51. I do not intend to repeat those findings here either, however will draw from them where, in my opinion, there are outstanding matters of contention between the views expressed by Mr Espie, the submitters and Dr Read.

9.4 The key visual and landscape matters arising from submissions which fall to be assessed include:

- (a) The importance of the OSZ as a buffer between the lake edge and the residential development within Peninsula Bay;
- (b) The ability of the ONL to absorb additional development; and
- (c) The desire to ensure development is kept away from the edge that rolls over towards the lake so that views from the lake will not be adversely affected.

9.5 Further visual and landscape matters arising from the evidence of Dr Read include:

- (a) The effect of the plan change on the natural character and legibility of the site, including the character of the Lake Wanaka outlet landscape unit;
- (b) The visual effects of the proposal on the existing Peninsula Bay subdivision;
- (c) The visibility of proposed Lots 4, 5 and 6 and potentially Lots 23 and 24 from some of the Dublin Bay to Deans Bank track;
- (d) Whether the proposed rules (specifically the lack of defined recessive colours) sufficiently mitigate visual amenity effects on some sites;
- (e) The landscape effects arising as a result of the proposed planting and the uncertainty around how effective/successful the proposed planting will be;

²¹ Refer to paragraphs 2.3 to 2.5 of Ms Read's report dated 7th June 2016.

- (f) The effects on the natural context of the Peninsula Bay residential area and strong character and sense of place it provides;
- (g) The location of the ONL and the extent to which the plan change is contained within it.

9.6 In light of Dr Read's findings on the above, the reporting officer is of the opinion that:

- (a) The plan change is contrary to sections 6 and 7 of the Act and the district wide objectives and policies;
- (b) The ONL values will not be adequately protected by the plan change;
- (c) The proposed earthworks will reduce the legibility of the landform and have an adverse effect on the character of the outlet landscape²²;
- (d) The rezoning will have adverse effects the openness, naturalness and visual amenity of the ONL²³.

9.7 To assist the Commissioners I have grouped these issues into the following landscape and visual effect themes:

- (a) The location of the ONL;
- (b) Visual Amenity Effects;
- (c) Landscape character effects;
- (d) Vegetation effects; and
- (e) Wanaka moraine and the Outlet character.

9.8 In the following sections I set out, at a high level, the opinions of the expert witnesses and the key points of contention. Where relevant/additional to the expert witnesses' opinions, I have also commented on the concerns of submitters. I have provided a planning opinion on the implications of the experts views in relation to

²² Refer to paragraphs 11.6 and 11.7 of the section 42A report.

²³ Refer to paragraph 21.2(d) of the section 42A report.

the suitability of the plan change from a landscape and visual perspective.

Outstanding Natural Landscape Extent

9.9 I understand, based on the evidence of Mr Espie, that the ONL line identified in PBJV's plan change application is consistent with the ONL line confirmed by Judge Sheppard during the Environment Court appeal on Variation 15²⁴.

9.10 I understand, based on the evidence of Dr Read, that the ONL line should follow (approximately) the existing OSZ boundary. In her opinion, the plan change site is of the same character and quality as the northern parts of the site which are visible from the lake. Dr Read also notes that the north eastern corner of the site is highly legible and includes a natural basin with a notable meltwater channel²⁵.

9.11 Section 6(b) of the Act requires all persons exercising functions, in relation to managing the use, development and protection of natural and physical resources, to recognize and provide for the protection of outstanding natural landscapes from inappropriate subdivision, use, and development. In my view, understanding the location of the ONL is therefore important to making any evaluation under section 6 of the Act and Part 2 more broadly.

9.12 To further understand this matter, I have reviewed the Environment Court decision with respect to Variation 15. As set out in paragraphs 138 to 139 of the decision, Judge Sheppard found in favour of the evidence presented by Ms Di Lucas, who identified the ONL in the location shown on PBJV's plan change application.

9.13 The Environment Court decision also provides an overview of the environmental setting as it was in 2005²⁶. This description is, in my view, quite contrasted to the current environmental setting, whereby residential development now occupies large areas of the site. For those parts of the site, the existing environment has changed from one of open pasture with scattered standards of kanuka, to one of residential development.

²⁴ Environment Court Decision C10/2005.

²⁵ Refer to 3.7.3 of Dr Read's report dated 7th June 2016.

²⁶ Refer to paragraphs 6 to 14 of Environment Court decision C10/2005.

9.14 In my view, if the location of the ONL extended southwards to the extent described by Dr Read, it would have been reasonable to expect that the Environment Court would have reached this determination at the time, particularly in light of the greenfield nature of the site. I note that not only did the Environment Court not consider this to be the case, but none of the landscape witnesses suggested that the ONL extended further inland than Ms Lucas concluded.

9.15 I am therefore surprised that Dr Read considers it necessary to re-litigate this matter following both the Court's finding and the extent to which the existing environment to the south has altered. I am not persuaded that there is any requirement to revisit the ONL in this manner and in that regard prefer the position of Mr Espie.

9.16 On the basis of the existing ONL line I note that as a result of the proposed amendments to the plan change, there will be only be one building platform located in the ONL (as determined by the Court) and Mr Espie is satisfied that this is in an area of the ONL able to absorb such development. Moreover, the volume of earthworks required within the ONL is reduced to those works required to establish the necessary reduced floor level for proposed Lot 4.

Visual Effects

9.17 I understand that there is general consensus between Mr Espie and Dr Read with respect to the following²⁷:

- (a) The visual amenity effects on the most northern residences in Peninsula Bay are of a substantial degree; and
- (b) The visual effects from the remaining viewpoints will be negligible to slight, including from the surface of the lake to the west of Beacon Point.

9.18 I address in the following sections what I consider to be key points of contention between the two expert witnesses.

²⁷ Refer to paragraph 2.7, 2.9 and 2.10 of Dr Read's report dated 7th June 2016 and paragraph 8(v) of the evidence of Mr Espie dated 1 August 2016.

Lake Wanaka

9.19 I understand that the ONL in this area comprises Lake Wanaka and its margins. As set out in the evidence of Mr Espie, the most sensitive observers in terms of visual effects are therefore likely to be those on the lake, north of the plan change site. That was also the view of the Court in EVC10/2005. I note that both landscape experts agree the visual effects from the surface of Lake Wanaka will be negligible to slight from Lake to the west of Beacon Point²⁸. In my view, the overall visual effects for the most valued part of the site will be minor.

Within Peninsula Bay

9.20 Dr Read does not agree with the assessment of Mr Espie with respect to the visual amenity effects arising within Peninsula Bay and the adjacent lots in Penrith Park.²⁹ Somewhat contradictorily, I note that Dr Read states, with respect to the dwellings on Mount Gold Place (within Penrith Park), that the existing lots are orientated north and west and therefore this provides mitigation for intrusion of their views east³⁰.

9.21 On my review of the landscape and visual assessment, Mr Espie did not opine that there would be no effects on the residents of Peninsula Bay. This is reflected in his evidence where he notes that the existing LDRZ will be affected to a substantial degree, and that the residents northerly outlook will change considerably³¹.

9.22 As noted by Mr Espie, the values from the existing LDRZ are likely to be valued by occupants of the existing properties, the owners of which were made aware of the potential development of the plan change site when they purchased in that area³². The views are not valued at a larger or district wide scale. In my view, if the Panel favours the decision of the Environment Court and the evidence of Mr Espie with respect to the location of the ONL, there is no requirement to protect this site from development on visual amenity grounds alone. If however, the Panel is of a mind to favour the evidence of Dr Read and the whole site is considered an ONL, the evaluation must therefore be

²⁸ Refer to paragraph 2.10 of Dr Read's report dated 7th June 2016 and paragraph 8(v) of the evidence of Mr Espie dated 1 August 2016.

²⁹ Refer to paragraph 5.3 of Dr Read's report dated 7th June 2016.

³⁰ Refer to paragraph 5.5.1 of Dr Read's report dated 7th June 2016.

³¹ Refer to paragraph 8(v) of Mr Espie's evidence dated 1 August 2016.

³² Refer to paragraph 44 of Mr Croft's evidence dated 1 August 2016.

around whether the development protects the ONL from inappropriate subdivision, use and development.

9.23 In this regard, I note that the development controls, including building location, height, cladding and reflectivity are intended to mitigate the visual effects of the proposal (as well as other effects yet to be discussed). In response to the concerns expressed by Dr Read with respect to the potential prominence of non-recessive colours³³, PBJV is now proposing an amendment to the relevant development standard³⁴ to address this concern.

9.24 As outlined by Mr Croft, this area of land has been earmarked for development for some time³⁵. Many of the existing residents therefore purchased their properties with the knowledge that the area would be subject to change.

9.25 I understand that the issues raised from the four residents who provided feedback included queries regarding ongoing access to the reserve and clarification regarding the proposal. Support was expressed for the planned retention of vegetation, and for the layout of the building platforms. The feedback provided additional comfort to the project team that the proposal is appropriate and in particular the retention of the reserve, vegetation and carefully chosen location of the building platforms should remain part of the plan change proposal.

Views from Dublin Bay Track

9.26 Dr Read has identified that the site is visible from the Dublin Bay to Deans Bank Track. Should any built form become visible from this location, Dr Read considers it would have significant adverse effects on the visual amenity from the track.

9.27 As described by Mr Espie, additional enhancement planting along the northern boundaries of Lots 23 and 24 will screen these areas from the Dublin Bay Track³⁶. The removal of proposed Lots 5 and 6 from PC51 will further address the concerns of Dr Read with respect to

³³ Refer to paragraph 5.7.9 of Dr Read's report dated 7th June 2016.

³⁴ Proposed Rule 15.2(ix)(a)(iii)

³⁵ Refer to paragraph 44 of Mr Croft's evidence dated 1st August 2016.

³⁶ Refer to paragraphs 69 to 70 of Mr Espie's evidence dated 1st August 2016.

these lots³⁷. While Lot 4 will still potentially be visible from this view point, in my view the effects would be minor given the wider existing built elements found within this background (specifically, the built elements of 11 Edgewater Place and an existing roofline on Mount Gold Place).

Views from within the Open Space Zone

9.28 Both submitters and Dr Read raised concerns about visual amenity and open space effects when viewed from observers within 'the existing reserve'. I note that while the general public currently use this site for recreation purposes, the site is privately owned by PBJV and is no public right of access over it.

9.29 Views from the open space zoned land in public ownership (i.e. at the lake edge) do not extend to the site.

9.30 Regardless, the careful siting of building platforms and development controls on buildings, along with the planting proposed will result in very little of the development being strongly visible from the resulting open space zone.

Landscape Character Effects

9.31 I understand that there is a general consensus between experts that the open space and landscape character of the ONL that exists over part of the PC51 site is considered to be highly valued by both the local and district community.

9.32 As discussed by Mr Espie, the parts of the site located within the ONL are considered to be particularly susceptible to character degradation³⁸. In his view, residential development would alter the existing character substantially. Notwithstanding this fact, he is of the opinion that the effects on the ONL have been well mitigated, through avoidance of the most prominent and valued parts of the site (i.e. the parts experienced from the lake).

9.33 I note these findings were opined by Mr Espie prior to the amendments described in section 6. With only one building platform

³⁷ Refer to paragraph 5.6.2 of Dr Read's report dated 7th June 2016.

³⁸ Refer to paragraph 40 of the Landscape and Visual Assessment Report dated 22 September 2016.

proposed within the ONL (and thus a reduction in earthwork volumes required to establish reduced floor levels), I therefore anticipate that the scale of these effects has further reduced.

9.34 For the area of the site located outside of the ONL, I understand, based on the landscape and visual assessment report of Mr Espie, that the landscape character effect in relation to the non-ONL portion of the plan change area is considered to be of a moderate degree³⁹. Dr Read appears to reach the same conclusion⁴⁰. The landscape character of this area is however, primarily valued by nearby residents in a way that any relatively natural, open undeveloped land is valued.

Effects of proposed mitigation planting

9.35 As described in sections 5 and 6, enhancement planting is proposed throughout the site and within the remaining OSZ.

9.36 From a landscape perspective, I understand that Dr Read has concerns with the proposed landscaping, citing that the patterns of vegetation would appear unnatural, and the types of vegetation would contrast significantly with the existing vegetation in the vicinity⁴¹.

9.37 Dr Read has also expressed concerns with the practicalities of the proposed covenants (now rules) relating to vegetation enhancement, its ongoing maintenance and the retention of its screening properties⁴².

9.38 Upon the advice of Dr Bramley, I have suggested amendments to the proposed rules in response to Dr Read's concerns in this regard. In summary:

- (a) The landscape plan has been amended so that in the species list a figure is given in relation to each plant which gives the proportion of the overall planting area that will be made up of this plant. (6.4.1).

³⁹ Refer to paragraph 40 of the Landscape and Visual Assessment Report dated 22 September 2016.

⁴⁰ Refer to paragraph 4.4.2 of Dr Read's report dated 7th June 2016.

⁴¹ Refer to paragraph 6.7.2 of Dr Read's report dated 7th June 2016.

⁴² Refer to paragraph 6.5.1 to 6.5.4 and 6.7.2 of Dr Read's report dated 7th June 2016.

- (b) All planting in the OSZ must be undertaken by the developer, prior to 224c and the developer must maintain the planting for five years.
- (c) Require landowners to maintain the required planting in perpetuity.
- (d) Require that any exotic vegetation species planted on Lots 4 and 20 – 26 shall not be allowed to reach a height of more than 2m.

Wanaka Moraine and Outlet Landscapes

9.39 The Wanaka moraine is described by Dr Read in paragraphs 4.3.1 to 4.3.3. Dr Read has identified the plan change site as one of the last remaining portions of the Wanaka moraine which retains its natural landforms and extensive indigenous vegetation. While she acknowledges that the effects of the plan change on this area would be very limited in scale when viewed in the context of the entire moraine landscape feature, given is the last remaining natural moraine remnant, she considers the local effects on this feature will be significant.

9.40 Mr Espie disagrees with Dr Read in relation to the moraine landscape. Mr Espie notes that the western part of the plan change area has been significant earthworked and the vegetation has been substantially modified. I note that the amended plan change area leaves the northernmost part moraine untouched and that the development will be focused on areas which are considerably less natural.

9.41 The Wanaka lake outlet landscape is described by Dr Read in paragraphs 4.5.1 to 4.5.2. In her view, the outlet landscape is also one of the last remaining unmodified outlets from a major lake in the South Island. She considers PC51 would have a significant adverse effect on the natural character and broader landscape character of the lake outlet.

9.42 Mr Espie does not accept that any of the sites are within the Lake Wanaka Outlet vicinity. He notes that all of the lots and all built form enabled within them will be entirely invisible from the outlet area.

9.43 In my suggested rule amendments I have included a restriction on exotic planting to 2m within Lots 4, 20 to 26 as per Mr Espie's recommendation.

9.44 I note Mr Espie considers that overall, there will be negligible effects on the outlet area⁴³.

Summary landscape and visual effects

9.45 In my opinion, based on the evidence of both Landscape Architects, the overall landscape and visual effects of the plan change will have particularly localised effects.

9.46 In my view,

- (a) The proposed plan change avoids inappropriate subdivision, use and development within the ONL through largely locating the proposed development outside of the ONL and ensuring built form will be largely invisible from important viewpoints such as Lake Wanaka.
- (b) The proposed amendments further mitigate adverse effects on the ONL through reducing the overall built form within the landscape feature and controlling exotic vegetation heights. This includes maintaining the legibility of the landform from a reduction in earthworks required.
- (c) Whilst views from some residences in Peninsula Bay and Penrith Park will be changed by the introduction of dwellings and planting within the proposed Lots, I consider this effect to be local (as opposed to of regional or national significance given the ONL) and not unexpected for those residents within Peninsula Bay due to the marketing material used by PBJV over the past few years.

10 ECOLOGICAL

10.1 A terrestrial ecological assessment of the proposal was undertaken by Dr Bramley and was appended to the original plan change application⁴⁴. This assessment included a description of the existing

⁴³ Refer to paragraph 65 of Mr Espie's evidence dated 1st August 2016.

⁴⁴ Refer to Appendix F of the original plan change application dated 10 November 2015.

environment from an ecological perspective. Dr Bramley has also provided a contextual overview of the ecological environment in his evidence⁴⁵. For the purposes of my evidence, I adopt Dr Bramley's contextual ecological description and therefore do not repeat it here.

10.2 An overview of the key ecological findings arising from his assessment have been set out by Dr Bramley in paragraph 7 of his evidence. I will also not repeat those findings.

10.3 From my review of the submissions, the overarching themes arising with respect to ecological values includes concerns around the retention of existing natural areas / protection of ecological values and whether or not the removal of indigenous vegetation can be reasonably addressed.

10.4 There is a reasonable difference in opinion between the two ecological experts regarding the best future management response for this site. In my view, the key ecological considerations arising from the evidence of Ms Palmer include:

- (a) *That the status quo better provides for the ecological values of the site;*
- (b) *The plan change is not required in order to maintain existing connectivity;*
- (c) *The plan change will introduce species that are not currently present on site;*
- (d) *The site's biodiversity will be reduced and will result in a net loss of the species present;*
- (e) *The proposed covenants are insufficient;*
- (f) *Monitoring the replanting and its ongoing maintenance is difficult. The outcomes would be more certain if such planting occurred on public land.*

10.5 In light of the above, the reporting officer is of the opinion that:

⁴⁵ Refer to paragraphs 19 to 34 of Dr Bramley's evidence dated 1 August 2016.

- (a) The plan change is contrary to section 7(d) of the Act, Objective 4.1.4(1) of the District Plan and does not assist the Council to achieve its functions under section 31(1).
- (b) The plan change will not protect existing significant indigenous vegetation and endangered vegetation and will be unsuccessful over time.
- (c) The fact that the tussock grassland is depleted does not make it less vulnerable to degradation.
- (d) The proposed planting and ecological restoration will not provide net indigenous biodiversity benefits.
- (e) The introduction of new woody species for the purpose of amenity/mitigation planting should not be seen as providing ecological benefit.

10.6 In my view, all of the above 'points of contention' fit the following categories which I address in turn in the following sections:

- (a) The nature of the original vegetation occurring on site;
- (b) The appropriateness of the vegetation removal and the feasibility of retaining tussock grassland on site;
- (c) The ecological benefits of the plan change.

Nature of the original vegetation

10.7 I understand, based on the evidence of Dr Bramley, that he considers the pre-human vegetation on site would have likely been a mosaic of shrubland and forest with patches of tussock vegetation⁴⁶. By contrast, Ms Palmer considers that pre-human vegetation was likely comprised of scrub, shrubland and tussock grassland, in particular, kanuka and short tussock grasslands⁴⁷.

10.8 I understand that the nature of the original vegetation on site forms the starting point for both ecological expert's opinions. While relevant to the extent that it informs the type and diversity of species on site,

⁴⁶ Refer to paragraph 21 of Dr Bramley's evidence dated 1st August 2016.

⁴⁷ Refer to paragraph 16 of Ms Palmer's evidence dated 19th July 2016.

in my opinion, the ecological outcomes for the site should be forward focused on what is a sustainable outcome in the future.

Enhancement Planting

10.9 Ms Palmer has expressed concerns that in its current form, PC51 does not protect indigenous vegetation within the acutely threatened environment better than the status quo due to the potential loss of existing vegetation that would not necessarily be replaced in a like for like replanting⁴⁸.

10.10 Dr Bramley has reservations about the long term sustainability of the depleted tussock grassland on site and therefore did not recommend areas within the landscape concept plan where this tussock is required to be protected or enhanced. Dr Bramley opines that if the site was left alone, kanuka would likely dominate and replace the tussock in the long term. Dr Bramley is therefore of the opinion that shrubland and forest is an appropriate vegetation type for the site. He also considers that such species are also easier to sustain in the long term, with lower management inputs, are less attractive to rabbits and provide better ecological connection with other similar habitats⁴⁹.

10.11 Despite Ms Palmer's overall conclusion that the status quo should remain, she acknowledges that the proposal could be amended to achieve a more appropriate ecological management approach⁵⁰.

10.12 Without derogating from his original position that tussock grassland will require much more ongoing maintenance in the longer term, Dr Bramley has also noted that he is open to the suggestion that the mix of species provided on site could be modified⁵¹. In recognition of the concerns of Ms Palmer, Dr Bramley has produced, with the assistance of local landscape designer Rachael Stanford, a revised landscape plan that accommodates some of the species recommend by Ms Palmer. In addition, I have amended the proposed provisions to ensure

⁴⁸ Refer to paragraph 82 of Ms Palmer's evidence 19th July 2016.

⁴⁹ Refer to paragraph 14 of Dr Bramley's evidence dated 1st August 2016.

⁵⁰ Refer to paragraph 84 of Ms Palmer's evidence dated 19th July 2016.

⁵¹ Refer to paragraph 60 of Dr Bramley's evidence dated 1st August 2016.

existing small tussock grassland cannot be removed outside of building platform areas and that planting must be retained by landowners in perpetuity. I would expect these requirements to be imposed as conditions of subdivision consent and be imposed as consent notices on future titles.

- 10.13 In my view, the revised proposal presented by Dr Bramley is useful in that Dr Bramley is satisfied that it presents a sustainable approach to management of the area into the future, based on his experience with similar projects.

Ecological Benefits

- 10.14 In Ms Palmer's opinion, the ecological benefits of the proposal have been overstated and will not provide better outcomes than what can be achieved under the status quo⁵².

- 10.15 By contrast, Dr Bramley considers that the proposal will:

- (a) Provide an increase in the diversity of both plant species and habitats present;
- (b) Create an opportunity to establish threatened and at risk plants on site to assist in their conservation;
- (c) Improve the ecological connection between habitats (particularly shrublands at a landscape scale);
- (d) Enhance the ecological function of the area with respect to buffering of habitats, seed dispersal, successional progress and seasonal food sources;
- (e) Reduce edge effects and improved ecotone quality; and
- (f) Contribute to improved ecological integrity as a result of the enhancement planting.

- 10.16 I understand that the proposed residential building platforms will necessitate the removal of approximately 9894m² of existing indigenous vegetation. Notwithstanding this, the remaining areas of planting (approximately 8110m²) will be retained and

⁵² Refer to paragraph 81 of Ms Palmer's evidence dated 19th July 2016.

enhanced with an additional 2.5ha of new planting also proposed. Approximately 60% of the tussock grassland and around half (49%) of the existing kanuka will be retained, enhanced and protected. A new rule will ensure that no tussock grassland is removed outside of the proposed building platforms.

- 10.17 The amendments to the proposal will now also result in much of the previously proposed enhancement planting being retained within the OSZ as opposed to being on privately held land. The development standards have been updated to reflect this and now place an obligation on the consent holder to protect and maintain the areas of enhancement planting within the OSZ for up to five years. In my view, this timeframe is appropriate given the uncertainty around whether the tussock grassland will be viable in the long term and the potential cost to the consent holder should Dr Bramley's predictions come to fruition.
- 10.18 Further amendments to the landscape and structure plan will also address some of the concerns of Ms Palmer with respect to the proposed covenants (now rules)⁵³.
- 10.19 Taking into consideration the differing opinions with respect to the long term succession of the site, in my opinion, Dr Bramley, who is experienced in ecological enhancement nationally, has provided substantial comfort that overall the proposal will result in net ecological gain. The most recent amendments strengthen that position.

11 RECREATIONAL

- 11.1 The majority of submitters raised concerns about the proposal's impact on the recreational use and value of Peninsula Bay North.
- 11.2 Mr Greenway has provided expert recreation planning evidence with respect to PC51. Mr Greenway has provided an overview of the existing recreational environment at Peninsula Bay North and has summarised his key findings with respect to the plan change in paragraph 15 of his evidence. I do not intend to repeat that information here, and instead I will focus my attention on the key points of contention between Mr Greenway, Ms Galavazi (who

⁵³ Refer to section 8 of Ms Palmer's evidence dated 19th July 2016.

prepared a memo to inform the s42 report on behalf of Council's Parks and Recreation Department) and the submitters.

11.3 In my view, the key recreational matters arising from submissions include:

- (a) Concerns that the proposed development would give rise to adverse effects on the recreational values of the site;
- (b) The recreational tracks in Sticky Forest are some of the most widely used in Wanaka and should continue to be available for enjoyment of all residents of Wanaka;
- (c) The loss of "recreation land";
- (d) The plan change is inconsistent with the OSZ objectives and policies;
- (e) The developer has agreed to vest the land as public reserve and is now trying to retract from this position.

11.4 With respect to point (b), I note that Sticky Forest does not form part of the plan change site and the plan change will have no effect on Sticky Forest aside from the provision of a carpark at the southeastern end of Peninsula Bay which is likely to be utilised by users of Sticky Forest.

11.5 In recognition of the significant community interest from a recreational perspective, PBJV undertook further consultation with the Aspiring Trails Network ("**ATN**") in June 2016. ATN is comprised of representatives from Bike Wanaka, the Department of Conservation, Lake Wanaka Tourism, QLDC and the Upper Clutha Tracks Trust, and is therefore representative of a broad range of community interest groups.

11.6 Following an onsite meeting with ATN, PBJV made the following amendments to the proposal to address some of the concerns raised in their submission:

- (a) A new car park will be established next to Lot 26;
- (b) A new car park will be provided at the end of Bull Ridge Road;

- (c) A new public toilet will be installed near the Infinity Drive car park;
- (d) The proposed new walking tracks will include:
 - (i) A walking connection from the cul-de-sac of Infinity Drive (in between Lots 21 and 22) to the proposed new walking track. This walking track is proposed to provide a walking loop;
 - (ii) Minor realignment of the proposed new walking tracks; and
 - (iii) A width of 1.5m for the proposed walking track.
- (e) The proposed walking track to the east of Lot 25 was removed to address potential conflicts between walkers and cyclists.

11.7 Provision of the aforementioned works will be required at the time of future subdivision and development at Peninsula Bay North, in accordance with the Peninsula Bay North Structure Plan. It is anticipated that such works will also be undertaken by professional track engineers, however this is detail that can be refined at the time of subdivision.

11.8 With respect to ATN's submission points 8 and 10⁵⁴, I understand the works proposed were outside of PBJV landholdings (point 8 of the ATN submission), or would be inappropriate within an ONL and on terrain which is too steep (point 10 of the submission).

11.9 I note that ATN's submission had originally requested amendments to the proposed memorial track to ensure that potential conflict between walkers and bikers is removed. I note that with the recent amendments to the proposal, including the relocation of the memorial to the west of the site, this submission point is no longer live.

11.10 In my view, the key recreational matters arising from the memorandum Ms Galavazi prepared include:

⁵⁴ Refer to submission 51/152.

- (a) The long term effects of the proposal on the open space and recreational values of the site;
- (b) The visibility of proposed Lots 4-6, 12 and 20-26 from surrounding trails;
- (c) The irreversible reduction in useable open space and change in the recreational experience which is characterized by its naturalness and sense of remoteness;
- (d) The potential for PC51 to set a precedent for reducing areas of open space land in the future;
- (e) The potential for enabling development on the site before the QLDC's Parks Strategy 2002 is finalized;
- (f) The potential for conflict between walkers and cyclists, particularly around the proposed memorial track;
- (g) The standard of track formation proposed and the associated vegetation removal.

11.11 In response to Ms Galavazi's position on these matters, the section 42A report considers that PC51 will:

- (a) Irreversibly limit the existing and future recreational opportunities and amenity;
- (b) Result in infrastructure upgrades and increase maintenance cost from the formation of new tracks and facilities (i.e. the toilet);
- (c) Not be the most appropriate way of achieving the objectives and policies of the OSZ⁵⁵.

11.12 In my view, all of the above 'points of contention' generally fall within the following categories:

- (a) Conflicts between walkers and cyclists;
- (b) Net effects on existing recreational activities;

⁵⁵ Refer to paragraph 10.9 to 10.10 of the section 42A report for a fuller summary of the reporting officer's position.

(c) Net effects on the OSZ and associated recreational opportunities; and

(d) Potential precedent effect.

11.13 I address each of these in turn below. I address the comments of Ms Galavazi and the reporting officer with respect to the objectives and policies of the OSZ in section 12 of my evidence.

Conflict between walkers and cyclists

11.14 I understand that Ms Galavazi has expressed concerns about the proposed walking trails giving rise to potential conflict between recreational users on site. Based on advice from Opus International Consultants, track advisors of the Council, Ms Galavazi considers that the proposed walking track will need to be constructed to a minimum of Grade 2 under the QLDC Cycle Trail and Track Design Standards and Specifications. This requires, as a minimum, a trail width of 2.0m to provide for dual track use (i.e. walkers and cyclists).

11.15 Based on the evidence of Mr Greenway and the meetings that I attended with ATN, I understand that the proposed new walking tracks will reduce the potential conflict between recreational users by drawing walkers away from existing cycle trails. It appears to me that establishing tracks of the variety proposed by Ms Galavazi would encourage conflict by drawing the two recreational groups back together.

11.16 As noted by Mr Greenway, if the intention is to separate walkers and cyclists then a 1.5m track width is an appropriate standard to apply to walking tracks and is consistent with the national standards for walking paths⁵⁶. In addition, in my view, a 1.5m path more appropriately balances the need to provide recreational opportunities with the need to protect as much significant indigenous vegetation as possible.

⁵⁶ Refer to paragraph 35 of Mr Greenway's evidence dated 1st August 2016.

Net effects on existing recreational activity

- 11.17 Ms Galavazi claims that the proposed reduction in open space zoned land will detract from existing opportunities available for informal recreation. Secondly, in Ms Galavazi's view, the presence of housing and formed tracks will alter the experience to a more formal one that detracts from the remoteness and natural character of the site⁵⁷.
- 11.18 The net effect on existing recreational access and use of the site is considered by Mr Greenway to be minimal. No formal tracks will be removed or access lost to them. Mr Greenway also considers that the proximity of the tracks to the proposed housing is mitigated by the screening provided by the proposed landscape planting⁵⁸.
- 11.19 I understand that the only existing tracks impacted by the plan change are in the vicinity of Lots 25 to 26 where the existing track will be split into two routes, one for mountain bikers and one for walkers, an outcome which I understand to be supported by ATN. The mountain bike track will run behind Lots 25 and 26, whilst walkers will walk along the northern side of Lots 25 and 26 and either down into the forest or around between Lots 21 and 22 to the new walking track⁵⁹. Both bikers and walkers will have the ability to park their cars at the end of Infinity Drive and progress from there.
- 11.20 Ms Galavazi has identified the site as offering a different recreational opportunity to other, largely linear or steep banked reserves vested at Peninsula Bay. Specifically, she has noted that the existing open space areas do not provide suitable picnicking sites for walkers and bikers to pause and enjoy the views⁶⁰. In my view, this matter will be partially resolved by the proposed removal of Lots 5 and 6 from the proposal.
- 11.21 As discussed earlier in my evidence, I note that existing recreational use of the site is at the discretion of PBJV. Whilst the vesting of the existing open space zoned land owned by the Joint Venture is required by a resource consent, PBJV do have the option

⁵⁷ Refer to the second paragraph on page 2 of Ms Galavazi's report dated 14th July 2016.

⁵⁸ Refer to paragraph 25 of Mr Greenway's evidence dated 1st August 2016.

⁵⁹ Refer to Appendix 1 of Mr Greenway's evidence dated 1st August 2016.

⁶⁰ Refer to the third paragraph on page 2 of Ms Galavazi's report dated 14th July 2016.

of not giving effect to that part of the consent and simply keeping the remaining last few lots in the same ownership as the open space land. It could then remain in private ownership in perpetuity.

- 11.22 Given this, the existing environment cannot be considered as a “public open space used for mountain biking and walking”, but is a space held in private ownership, part of which is currently used by the public for walking and mountain biking (through the goodwill of the landowner) and which may or may not continue to be available in the future. When considered in this context, the effect of the plan change on the open space land is not to reduce the existing recreational resource, but to reduce an area of open space land that may or may not be vested with Council in the future.

Net effects on the OSZ and associated recreational opportunities

- 11.23 Both Mr Greenway and Ms Galavazi appear to agree that the open space available for additional trail and recreation development for general wandering will be reduced as consequence of the plan change if one accepts that the land will be vested at some point, or that the current discretionary use provides a recreational resource⁶¹.
- 11.24 To address this effect, PBJV is proposing to provide up to \$5000 per allotment for the purpose of development of tracks and trails. Mr Greenway has confirmed that this value is appropriate and is the approximately equivalent of preparing two Grade 1 cycling tracks along the width of the plan change site⁶². In order to secure this contribution, I have suggested further changes Chapter 15 of the District Plan to require the payment as a financial contribution at the time of subdivision. These provisions are set out in **Appendix B**. A section 32AA evaluation of the changes is attached as **Appendix D**.
- 11.25 Providing a financial contribution towards the future development of tracks and trails will also provide the Council with additional funds to implement the yet to be released QLDC Parks Strategy. This environmental compensation serves to offset the loss of the

⁶¹ Refer to paragraph 25 of Mr Greenway’s evidence dated 1st August 2016 and second paragraph on page two of Ms Galavazi’s report dated 14th July 2016.

⁶² Refer to paragraph 26 Mr Greenway’s evidence dated 1st August 2016.

“potential future use” of the site for public use such that, in my opinion, the net loss is minimal.

Precedent Effects

- 11.26 Ms Galavazi and the reporting officer appear concerned that the granting of this plan change will put Council in a difficult position should land owners seek to develop other land which is currently used for walking and/or mountain biking (such as Sticky Forest⁶³). I note that Sticky Forest is held in private ownership and is currently used (albeit informally and at the liberty of the land owner) for mountain bike and walking/running. Sticky Forest is zoned rural general in the District Plan, with the Lake edge portion being designated by Council as a Recreation Reserve⁶⁴.
- 11.27 The reality is that there are several areas of the district where mountain biking and walking are incurring informally on private land. This is unlikely to be able to continue in perpetuity as eventually landowners are likely to want to use their land for other purposes, unless they agree to formal arrangements, or will become concerned with legislative compliance issues. It appears that mountain biking in particular has developed over time in the area without a clear strategy and without strong direction in a policy sense as to what Council wants to (and can realistically) achieve. Ms Galavazi seems to be of the view that all change should therefore be put on hold until Council completes its review of the Parks Strategy. This is simply not a reasonable request to impose on a landowner.
- 11.28 Any proposal must be considered on its merits. The Sticky Forest situation differs from Peninsula Bay North in that the zoning, topography, vegetation and level of current development is very different. Any development proposal for Sticky Forest would need to take into account the values of that site and any effects of proposed development on those values via a resource consent and/or plan change process. I do not consider this proposal

⁶³ Refer to the section entitled “Open Space and Recreation” of Ms Galavazi’s report dated 14th July 2016 and paragraph 11.4(d) of the s42A Report.

⁶⁴ Designation 116 – this designation applies to public land along the Lake edge in front of Peninsula Bay also

creates a precedent effect in its own right due to the unique circumstances of this case.

11.29 The reporting officer sets out in some detail the “value” of mountain biking in the district⁶⁵. I do not disagree that mountain biking is a popular and important recreation activity around Wanaka. However, I would be cautious about relying on these statements as “economic evidence” and then applying this against any perceived loss of mountain biking resource as a result of the Plan Change. I am not satisfied that the information being utilised in this regard is sufficiently robust to make such findings.

11.30 In conclusion, I do not accept that the plan change will result in a significant adverse effect on mountain biking or other recreational activities common in the vicinity. I come to this view because:

- (a) The plan change will not require the removal of any existing tracks;
- (b) Any current informal use of this land is occurring at the liberty of the landowner and cannot be expected to occur into the future unless it is vested with Council or the landowner chooses to continue to provide access (note that much of the land which is subject to the plan change is currently fenced off due to construction activities in any case so is not being used by the public at present);
- (c) The remaining open space land will be improved to provide appropriately constructed, workable and efficient walking and mountain bike tracks which will connect with the Council designated land at the lake edge. Improvements will result in terms of formalising the tracks and separating existing conflicts between walkers and mountain bikers;
- (d) Enhancement planting both on private and public land will largely screen dwellings from tracks and public viewpoints;
- (e) The suggested rules will ensure that the proposed planting and walking tracks will be created prior to ANY titles being

⁶⁵ Refer paragraphs 15.4 to 15.6 of the s42A report.

issued for the new Lots, thus ensuring that this benefit is accrued early;

- (f) The requirement to provide financial contributions will be effective in offsetting any potential loss in recreational value of the area by providing the necessary funds to enhance and maintain identified tracks in the Wanaka area.

11.31 Whilst I appreciate that the reporting officer has not yet had the benefit of the evidence prepared by PBJV's experts, I am surprised that her assessment and conclusions appear to be somewhat one sided, whilst I have been careful to consider all information available.

12 STATUTORY EVALUATION

12.1 In this section I provide an evaluation of the plan change against the relevant sections of the Act and the relevant regional and district plans. This evaluation is undertaken in the context of section 32, with consideration given to the requirements of section 75 as appropriate.

12.2 A full section 32 evaluation was provided as part of the original plan change application (dated 10 November 2015). A section 32AA evaluation was provided as part of the revised proposal submitted with Council on 7th July 2016. The further section 32AA evaluation is appended as **Appendix D** to my evidence which addresses the amendments made following receipt of the s42A report and described in section 6. I will not repeat these evaluations here.

12.3 Drawing upon my assessment of the effects⁶⁶ which takes into account all of the evidence and submissions received to date, the following sections set out my conclusions in terms of section 32 and whether the objective is the most appropriate way of achieving the purpose of the Act.

12.4 I note that the reporting officer has reached quite a different conclusion with respect to PC51 and whether it achieves the purpose of the Act. In my view, this is largely based on the fact that she appears to have adopted, in full, the evidence of Council's witnesses

⁶⁶ Refer to sections 9 to 11 of my evidence.

with regards to the environmental effects arising as a result of the proposed plan change.

Regional Policy Statement

12.5 In accordance with section 75(3)(c), a district plan must give effect to any regional policy statement.

12.6 The RPS promotes the sustainable management of natural and physical resources by providing an overview of the resource management issues facing Otago, and by setting policies and methods to manage Otago's natural and physical resources. A copy of the relevant objectives and policies is attached as **Appendix E**.

12.7 In light of the evidence and submissions received, I have undertaken a further evaluation of the plan change against what I consider to be the most relevant provisions of the RPS.

12.8 Chapter 5 of the RPS relates to the development, use and protection of Otago's regional land assets. Objectives (and associated policies) within this chapter seek to:

- (a) promote the sustainable management of Otago land resources in order to maintain and enhance the primary productive capacity and life supporting capacity of land resource⁶⁷.
- (b) encourage activities utilising the land resource to avoid, remedy or mitigate the potential degradation of the region's natural and physical resources⁶⁸.
- (c) protect the region's outstanding natural features and landscapes from inappropriate subdivision, use and development⁶⁹; and
- (d) provide public access opportunities for activities using natural and physical resources being the key driver of Objective 5.4.4.⁷⁰

⁶⁷ Objective 5.4.1 of the RPS.

⁶⁸ Objective 5.4.2 of the RPS.

⁶⁹ Objective 5.4.3 of the RPS.

⁷⁰ Objective 5.4.4 of the RPS.

12.9 Chapter 9 of the RPS relates to the sustainable management and use of the built environment. The objectives (and associated policies) within this chapter seek to ensure that:

- (a) the built environment is managed in such a manner to meet the reasonably foreseeable needs of the community, provide for amenity values, conserve and enhance environmental and landscape values, and recognise and protect heritage values⁷¹;
- (b) infrastructure meets the reasonably foreseeable needs of the community⁷²; and
- (c) the adverse effects of the built environment are avoided, remedied or mitigated.⁷³

12.10 Chapter 10 of the RPS relates to biota. The objectives (and associated policies) within this chapter emphasize the need to maintain and enhance the life-supporting capacity and diversity of Otago's biota and the natural character of areas of significant indigenous vegetation and habitats of indigenous fauna⁷⁴.

12.11 As described in the preceding sections, PC51 seeks to utilize an existing area of vacant land for low density residential purposes. The specific site layout has been designed to protect the ecological and landscape values of the site, with proposed new walking tracks and financial contributions ensuring recreational opportunities are maintained and enhanced.

12.12 Strict design controls have been imposed across the entire plan change site, with additional controls imposed on the single building platform located within the ONL. These additional controls ensure that the nature, scale and intensity of activity occurring within the ONL is appropriately confined. The controls also seek to ensure that the potential effects identified by the expert witnesses are appropriately avoided, remedied or mitigated (to the extent practicable).

⁷¹ Objective 9.4.1 of the RPS.

⁷² Objective 9.4.2 of the RPS.

⁷³ Objective 9.4.3 of the RPS.

⁷⁴ Objectives 10.4.1 and 10.4.3 of the RPS.

- 12.13 Development enabled by the plan change will connect to the existing infrastructure within Peninsula Bay. Based on the evidence of Mr Botting⁷⁵, I understand there is capacity within this network to accommodate the additional 24 residential units proposed and as such the development represents an efficient and effective use of existing resources.
- 12.14 In my view, the proposed plan change, with associated mitigation controls imposed by the proposed district plan methods, is consistent with outcomes sought by these objectives.

Proposed Regional Policy Statement

- 12.15 As set out in the original plan change application, the Otago Regional Council publicly notified the Proposed Regional Policy Statement for Otago ("**Proposed RPS**") in May 2015 . Decisions have yet to be made on the Proposed RPS, therefore I understand the Proposed RPS provisions can be given little weight.
- 12.16 It is useful in my view, to understand the general (albeit preliminary) resource management objectives of the Otago Regional Council for the next ten years. The key objectives of relevance to this proposal can be summarised as follows:
- (a) The values of Otago's natural and physical resources are recognised, maintained and enhanced⁷⁶.
 - (b) Otago's significant and highly valued natural resources are identified, and protected or enhanced to maintain their distinctiveness⁷⁷.
 - (c) Protection, use and development of natural and physical resources recognises environmental constraints⁷⁸.
 - (d) Good quality infrastructure and services meet community needs⁷⁹.
 - (e) Adverse effects of using and enjoying Otago's natural and built environment are minimised⁸⁰.

⁷⁵ Refer paragraph 13 of Mr Botting's evidence dated 1st August 2016.

⁷⁶ Proposed Objective 2.1 of the Proposed RPS.

⁷⁷ Proposed Objective 2.2 of the Proposed RPS.

⁷⁸ Proposed Objective 3.1 of the Proposed RPS.

⁷⁹ Proposed Objective 3.4 of the Proposed RPS.

12.17 For the reasons set out with respect to the RPS in paragraph 12.11 to 12.14 above, I consider that the proposal is consistent with these objectives.

Operative District Plan

12.18 In assessing whether the proposed objective (i.e. proposed Objective 22) of the plan change is the most appropriate way to achieve the purpose of the Act, it is appropriate to undertake an assessment of the objective against the relevant objectives of the operative plan⁸¹.

Proposed Objective 22 Peninsula Bay North Low Density Residential Zone:

Low density residential development at Peninsula Bay North:

- a) *Enhances and where appropriate, protects areas of significant indigenous biodiversity;*
- b) *Protects the visual amenity values associated with the Outstanding Natural Landscape.*
- c) *Enables people to access land for passive and active recreation.*

12.19 Those objectives most relevant to Objective 22 are discussed below.

Landscape related objectives

12.20 A number of provisions in the District Plan seek to protect the values of ONLs and seek to ensure that subdivision, use and development occurs in a manner which avoids, remedies or mitigates the effects on landscape and visual amenity values⁸².

12.21 Proposed Objective 22 specifically sets out to protect the visual amenity values associated with the ONL at Peninsula Bay. In practice, this objective will be implemented through the Structure Plan and associated rules.

⁸⁰ Proposed Objective 4.5 of the Proposed RPS.

⁸¹ Section 32(3)(b) of the Act.

⁸² Section 4.1.4 Objective 1, section 4.2.5 Objective, section 4.9.3 Objective 1 and section 15.1.3 Objective 4 of the District Plan.

- 12.22 In response to the submissions and the evidence received to date, amendments have been made to the Structure Plan and rules to reduce the level of development provided for within the ONL. Only one building platform is now located within the ONL (and in an area identified by Mr Espie as capable of absorbing such development) and the small parts of Lots 20, 21 and 22 which are within the ONL are required to be planted out and such planting maintained. In my view, the amendments to the methods that give effect to Objective 22 will further align the proposed objective with the existing landscape related objectives of the District Plan.
- 12.23 I note that the reporting officer has recommended changes to Objective 22 which seek to protect the openness and natural character associated within the ONL. I do not consider this addition necessary. The vast majority of the Peninsula Bay North LDR zone is outside the ONL and will result in built form in this location. I agree with the reporting officer that the “openness and natural character” associated with the ONL should be protected, but this area is largely in the adjoining open space zone as opposed to the LDR zone. I consider the existing landscape and open space objectives and associated policies are sufficient to protect these values.

Ecological related objectives

- 12.24 The key focus of the ecological objectives of the plan relate to protecting and enhancing indigenous ecosystem functioning, diversity and values, providing improved habitat linkages and ensuring growth and development is consistent with the quality of the natural environment⁸³. OSZ objectives seek to protect and maintain the ecological values and open appearance of the OSZ⁸⁴.
- 12.25 Objective 22 specifically seeks to enhance and where appropriate, protect areas of significant indigenous biodiversity. This is realized with respect to PC51 through the requirement to undertake large areas of enhancement planting and to provide for their protection and maintenance over time.

⁸³ Section 4.1.4 Objective 1, section 4.9.3 Objective 1 and section 15.1.3 Objective 4 of the District Plan.

⁸⁴ Section 20.1.2 Objective 1 of the District Plan.

- 12.26 As described in section 10, the two expert ecologists have polarised opinions with respect to the appropriate use of this site and the nature of any enhancement planting that should occur. In summary, Dr Bramley recommends providing greater diversity in the indigenous species found on site, whereas Ms Palmer seeks to retain the status quo.
- 12.27 In light of the evidence received, Dr Bramley has recommended some changes to the landscape planting. These include, for example, additional tussock grassland enhancement planting, a restriction on the removal of existing tussock grassland and a requirement to transplant prostrate blue grass and cushion pimelea within the proposed building platforms to the reserve area. In my view, these amendments are appropriate to ensure that the ecological values of the site are maintained, enhanced and where appropriate, protected.
- 12.28 The reporting officer has recommended some further amendments to Objective 22 in light of the evidence received by Ms Palmer. She considers that the objective should specifically protect and enhance the existing kanuka and short tussock grassland.
- 12.29 In my view, while the protection and enhancement of indigenous vegetation on site is appropriate and is in line with PBJV's proposed ecological enhancements on the site, removal of some indigenous vegetation is anticipated. While this will be offset by large areas of enhancement planting which will be protected in the long term, the reporting officer's recommendations will create some inherent difficulties if 'protection' is taken at its literal meaning (i.e. vegetation removal will not comprise 'protection').
- 12.30 I am comfortable that objective 22 as currently worded will ensure that key biodiversity values are protected and enhanced, primarily through the requirement of enhancement planting and protection of most the existing vegetation of values.

Recreation related objectives

- 12.31 The objectives within the OSZ seek to enable public use of the OSZ for passive and informal recreation activities.⁸⁵ Other key themes arising from objectives within the wider District Plan include the need to avoid, remedy or mitigate the adverse effects on public open spaces and recreational areas from residential growth and expansion; the effective use and functioning of open space and recreational areas; the maintenance or enhancement of amenities and the need to ensure effective public access throughout Peninsula Bay.⁸⁶
- 12.32 Proposed Objective 22 seeks to enable people to access land for passive and active recreation. How this is realised with respect to PC51 is described by Mr Croft.⁸⁷ In summary however:
- (a) Any current informal use of this land is occurring at the liberty of the landowner and cannot be expected to occur into the future unless it is vested with Council or the landowner chooses to continue to provide access (note that much of the land is currently fenced off due to construction activities in any case so is not being used by the public);
 - (b) Despite that, the plan change will not require the removal of any existing tracks;
 - (c) The remaining open space land will be improved to provide appropriately constructed workable and efficient walking and mountain bike tracks which will connect with the QLDC owned designated land at the Lake Edge. Improvements will result in terms of separating existing conflicts between walkers and mountain bikers;
 - (d) Enhancement planting both on private and public land will largely screen dwellings from tracks and public viewpoints;
 - (e) The suggested rules will ensure that the proposed planting and walking track will be created prior to ANY titles being

⁸⁵ Section 20.1.2 Objective 2 of the District Plan.

⁸⁶ Section 4.4.3 Objective 1, Section 4.4.3 Objective 3, Section 15.1.3 Objective 5 and Section 15.1.3 Objective 6.

⁸⁷ Refer to paragraph 27 of Mr Croft's evidence dated 1st August 2016.

issued for the new Lots, thus ensuring that this benefit is accrued early;

- (f) The requirement to provide financial contributions will be effective in offsetting any potential loss in recreational value of the area.

12.33 In my view, Objective 22 is therefore consistent with overall recreational outcomes of the District Plan provisions.

Urban Growth related objectives

12.34 The District Plan seeks to ensure that provision for residential growth meets the needs of the District and that urban growth has regard to the built character and amenity values of existing areas and enables people and communities to provide for their social, cultural and economic wellbeing.⁸⁸

12.35 Relevant provisions from the LDRZ seek to provide diverse residential opportunities, encourage compact urban form that promotes the efficient use of services and infrastructure and encourages a pleasant living environment all the while managing adverse effects.⁸⁹

12.36 Objective 22 seeks to enable specified low density residential development at Peninsula Bay North. Residential activity in this location is, in my view, the logical extension of the existing Peninsula Bay suburb and will provide for a new residential offering that is of a nature and scale commensurate with the natural constraints (i.e. landscape and ecological values) of the site. The LDRZ development controls will be imposed across the site, except where additional controls are necessary to maintain the landscape and/or ecological values of the site. The development enabled by the plan change will utilise existing capacity within the infrastructure network.

12.37 In my view, the intent of Objective 22 to enable residential development is consistent with the relevant objectives set out above.

⁸⁸ Section 4.9.3 Objective 2 and Section 4.9.3 Objective 3 of the District Plan

⁸⁹ Section 7.1.2 Objective 1, Section 7.1.2 Objective 2, Section 7.1.2 Objective 3, Section 7.3.3 Objective 1, Section 7.7.3 Objective 2, Section 7.3.3 Objective 3.

Infrastructure and Utilities related objectives

- 12.38 With respect to infrastructure and utilities, the key objectives of the District Plan seek to ensure the efficient use of energy and the safe and efficient provision of roading and utilities. The objectives also seek to avoid, remedy or mitigate the effects of utilities on the surrounding environment, particularly those in areas of high landscape value.⁹⁰
- 12.39 Peninsula Bay is well serviced with all of the utilities required for residential development. These utilities have been installed at the expense of PBJV. Extending these networks to accommodate new development at Peninsula Bay North is efficient and will utilise existing capacity within these networks. The development enabled by Objective 22 is therefore consistent with these objectives.

Proposed District Plan

- 12.40 As discussed in paragraphs 7.17 to 7.19, the Proposed Plan is of limited weighting given its early stages in the review process. It is useful to note however that:
- (a) The PC51 site is located within the proposed urban growth boundary for Wanaka;
 - (b) The Proposed Plan identifies that almost all of the site is located within an ONL. In light of evidence of Ms Read, I understand that the ONL line contained in the Proposed Plan reflects her interpretation of where this line should be located. This matter has yet to be considered by the Hearings Panel. I note however, that PBJV has lodged a submission opposing the notified location of the ONL line and seeking that it be consistent with the location identified by the Environment Court in 2005.⁹¹
 - (c) A new chapter has been inserted in the Proposed Plan that specifically addresses landscapes matters. ⁹² I note that this chapter was subject to much debate during the hearing, with

⁹⁰ Section 4.5.3 Objective 1, Section 14.1.3 Objectives 1 to 3 and Section 17.1.3 Objectives 1 to 3.

⁹¹ Environment Court decision C10/2005.

⁹² Refer to Chapter 6: Landscapes of the Proposed Plan.

submitters and experts alike expressing opinions at both ends of the landscape spectrum.

- (d) The LDRZ has been revised as a result of the Proposed Plan review. As notified, the Peninsula Bay specific provisions remain largely as per the operative District Plan provisions.

12.41 It is somewhat futile in my view, to assess the Proposed Plan provisions in any detail given that they will likely be subject to change.

Part 2 Evaluation

12.42 Section 32(1)(a) of the RMA requires the evaluator to examine the extent that a new objective is the most appropriate way to achieve the purpose of the Act. In turn, section 32(1)(b) requires examining '*whether the provisions in the proposal are the most appropriate way to achieve the objectives*'.

12.43 In my view, the proposed objective (i.e. Proposed Objective 22) will assist the Council in providing for the sustainable management purpose of the Act⁹³. The rezoning of the Peninsula Bay North site will enable the efficient development of this land, which is within the urban growth boundary (both current and proposed) and directly adjacent to existing residential development and infrastructure that can readily service the development.

12.44 The plan change proposes the rezoning of land that is currently Open Space zone. With the effective land use management controls, it is my view that PC51 will be consistent with section 5(2)(b) which requires the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while safeguarding of the life-supporting capacity of air, water, soil and ecosystems.

12.45 Development enabled by PC51 will be strictly controlled and managed to ensure that the environmental effects arising as a result of the plan change are appropriately avoided, remedied or

⁹³ Section 5 of the Act.

mitigated. In this way it is a very different proposition to the variations which have preceded it.

- 12.46 In terms of other relevant matters inherent in Part 2 of the Act, it is my assessment that section 6 matters are properly recognised and provided for by the plan change.
- 12.47 Only a small portion of the plan change site is classified as an ONL. The evidence of Mr Espie shows that the development enabled by PC51 is appropriately constrained within the ONL to ensure the values of the site are protected, particularly when viewed from the lake.
- 12.48 With respect to significant indigenous vegetation, it is acknowledged that this site contains areas of significant indigenous vegetation, including large areas of kanuka shrubland and depleted tussock grassland. While some vegetation removal will be required to provide for the proposed building platforms, large areas of vegetation enhancement and protection will be established on site. These areas will be protected in perpetuity and will enhance the long term viability of the kanuka shrubland and fescue tussock. As described by Dr Bramley, an overall ecological net gain is anticipated from PC51.
- 12.49 In my opinion the plan change has appropriate regard for section 7 matters. PC51 aims to ensure that residential development at Peninsula Bay North is efficient and only utilises nature and physical resources where there is capacity to absorb such development. Further, achieving the proposed objective will result in an efficient use of existing infrastructure at Peninsula Bay and will result in the development of the site in a way that will result in the enhancement of recreational and amenity values.
- 12.50 In terms of assessing the proposed objective against section 8, there are no known Treaty principles that will be affected by this plan change. Kai Tahu Ki Otago and Te Ao Marama have both confirmed they have no concerns with the plan change. The proposed objective is not contrary to the Kai Tahu Ki Otago resource management plan or the Ngai Tahu Ki Murihiku Natural Resources and Environmental Iwi Management Plan.

12.51 It is my opinion that this objective (and the associated provisions and methods) is the most appropriate way of achieving the purpose of the Act and that the new objective complements the relevant objectives in the District Plan.

13 **CONCLUSION**

13.1 PC51, somewhat unusually, provides a large amount of detail and controls over the land it seeks to rezone. It is important to remember that the plan change is the first step in the approval process for establishing dwellings and infrastructure on this site. The district plan rules set up a two-step consenting processes which I am confident will ensure that all necessary detail is dealt with at the appropriate time. The first step is a resource consent for an outline development plan which will need to be prepared for Peninsula Bay North and will be based on the Structure Plan. This comprises a discretionary activity. The second step relates to the subdivision resource consent for the lots themselves. A controlled activity (assuming all relevant standards are met), this consent will ensure that matters such as long term commitments are given effect to via consent notices on the subsequent titles. These resource consents will ensure that detail around planting and track construction (for example) will be carefully considered and will give effect to the relevant objectives and policies of the district plan.

13.2 For the reasons outlined in my evidence I consider the plan change (as amended as set out in **Appendix B**) provides a comprehensive solution for the development of the site, along with suitable long term protection of the important values of the wider area. It is my opinion that the plan change, when assessed against the requirements of s32, is consistent with achieving the purpose of the Act.

Louise Elizabeth Robertson Taylor

1 August 2016

APPENDIX A

Experience and Qualifications of Louise Taylor

Summary of Project Experience of Louise Taylor

- Preparation of various resource consent applications and consent notice variations for the development of a sustainable life style farm at Ayrburn, Lake Hayes.
- Preparation of Plan Change 51 to extend Peninsula Bay low density residential zone in Wanaka, on behalf of Peninsula Bay Joint Venture.
- Provision of resource management advice, including the preparation of resource consent applications and the management of specialist experts for various residential, subdivision and commercial activities in Central Otago and the Queenstown Lakes, including Bendemeer, Damper Bay and Roys Peninsula.
- Planner advising the Board of Enquiry for New Zealand Transport Agency's Basin Bridge project involving notice of requirement and resource consents, Wellington, including hearing appearance in front of the Board and expert witness conferencing.
- Preparation of Plan Change 50, to extend the town centre in Queenstown on behalf of Queenstown Lakes District Council.
- Preparation of Plan Change and s32 report and presentation of planning evidence for extension of Marina Zone and introduction of Mooring Management Areas in Waikawa Bay, Marlborough on behalf of Port Marlborough.
- Planner advising the Board of Enquiry for New Zealand Transport Agency's Christchurch Southern Motorway notice of requirement and resource consents, Canterbury, including hearing appearance in front of the Board and expert witness conferencing.
- Sole Hearing Commissioner for water take application for irrigation purposes for Southland Regional Council.
- Commissioner for Invercargill City Council's stormwater discharge permit, on behalf of Environment Southland.
- Presentation of planning evidence to the Board hearing Plan Change 3 to the Waitaki Catchment Water Allocation Regional Plan, on behalf of Waitaki Irrigators Collective Limited and others.
- Presentation of planning evidence for Plan Change 6A to the Otago Regional Water Plan on behalf of Waitaki Irrigators Collective Limited and others.
- Preparation of various resource consent applications on behalf of Otago Regional Council for structures to control flood risk.

- Preparation of proposed private plan change to create a Mercy Hospital Zone, and presentation of planning evidence, on behalf of Mercy Hospital, Dunedin.
- Preparation of various resource consents for works at Mercy Hospital, on behalf of Mercy Hospital, Dunedin.
- Preparation of resource consent application for a multi-level car parking building at Wellington Airport, and a café within the Wellington Airport Retail Park, on behalf of Wellington Airport Limited.
- Preparation of resource consent applications and hearing attendance for commercial re-development of heritage buildings in Dunedin.
- Presentation of planning evidence for a child care centre in Dunedin.
- Preparation of various resource consents for retirement villages in Canterbury on behalf of Ryman Healthcare Limited.
- Preparation of resource consent application for Observatory Retirement Village, Oamaru on behalf of Waitaki District Health Limited.
- Preparation of resource consent applications for a student accommodation facility at Logan Park, Dunedin on behalf of Dunedin City Council, Ngai Tahu Property Limited and Otago Polytechnic.
- Preparation of numerous submissions to proposed district and regional plans and policy statements, along with plan changes and variations on behalf of clients nationally.
- Provision of resource management advice, including the preparation of resource consent applications and the management of specialist experts for various residential, subdivision and commercial activities in Central Otago and the Queenstown Lakes, including Bendemeer, Damper Bay and Roys Peninsula.
- Preparation of Assessment of Environmental Effects, including management of a team of specialist inputs for a Concession application from the Department of Conservation for a monorail linking Queenstown and Te Anau Downs.
- Project managing the process for obtaining Environment Canterbury and Waimakariri District Council resource consents required to develop Pegasus, a new town in Canterbury, including the management of specialist input

APPENDIX B

Revised District Plan Provisions

Note:

- The amendments proposed to Chapter 15 as part of the original plan change are shown as red underline (as amended on 7th July 2016).
- The further amendments proposed, as described in my evidence (dated 1st August 2016), are shown as a blue double underline.
- Only the pages where amendments are proposed are shown in this appendices.

15. Subdivision, Development and Financial Contributions

15.1 Issues, Objectives and Policies

15.1.1 Introduction

The Act distinguishes subdivision as a category of activity distinct from land use activities. The control of subdivision is a specific matter of relevance to District Plans. The principal feature of subdivision is that it produces a framework of land ownership which provides the basis for land use development, activities and conservation. Subdivision and land use are, therefore, closely related.

Subdivision provides the framework of service provision for land use including roading, water supply, sewage treatment and disposal, energy, telecommunication, stormwater and trade waste. Subdivision is the mechanism for the provision of esplanade reserves, esplanade strips and access strips and is therefore significant in the context of providing public access to lakes and rivers. Subdivision is also a means by which provision is made for additional land and facilities to meet the open space and recreation needs of the District's residents and visitors.

15.1.2 Issues

i Site Suitability

The underlying objective is to ensure that the lots created by subdivision are suitable for the anticipated use, that the land is of a suitable size and shape, is able to be serviced and developed and it is not subject to any unacceptable man-made or natural hazard.

ii Future Land Uses

There is an expectation by land purchasers that many of the effects of anticipated land uses will have been examined before a new land parcel is allowed to be created by way of subdivision. This includes the framework of services, reserves, access, water supply, stormwater disposal and sewage treatment and disposal. It also includes the effects on landscape, cultural or amenity values of the density and character of development that is likely to result from the subdivision pattern.

iii Costs of Infrastructure

Development facilitated by subdivision increases demands on the infrastructure of the District. New development will be subject to assessment in accordance with Council's Long Term Community Plan Development Contributions Policy to ensure that developments contribute to the cost of infrastructure associated with that demand.

iv Land subject to Natural Hazards

The opportunity may arise to subdivide and develop land which may be subject to natural hazards. This may require significant infrastructure works. Where land, or any structure on that land, is likely to be subject to damage by erosion, subsidence, or inundation from any source, the Act provides that the Council shall not grant a subdivision consent unless the effects can be avoided, remedied or mitigated. The suitability of land for future development in terms of susceptibility to natural hazards needs to be considered at the stage of subdivision.

The Council has identified the Makarora Rural Lifestyle Zone as one such area where development may occur at low densities subject to avoiding, remedying or mitigating the effect of natural hazards.

v Environmental Considerations

Where appropriate, the Council can secure the protection of environmentally sensitive sites, sites of significance to all cultures, or the margins of lakes and rivers, by way of esplanade reserves or conservation covenants, bonds or other such effective techniques at the time of subdivision. Subdivision also provides the opportunity to provide public access to and along lakes and rivers, and to obtain areas of land for public open space and recreation.

vi Special Lots

Objective 22 Peninsula Bay North Low Density Residential Zone

Low density residential development at Peninsula Bay North:

- a) enhances and where appropriate, protects areas of significant indigenous biodiversity;
- b) protects the visual amenity values associated with the Outstanding Natural Landscape;
- c) enables people to access land for passive and active recreation.

Policies

22.1 Development within Peninsula Bay North Low Density Residential Zone shall be generally in accordance with the Structure Plan, in particular the identification of ecological enhancement areas, connections to the adjacent open space zone, building platform locations and building heights.

15.1.4 Environmental Results Anticipated

- (i) A safe and efficient roading network.
- (ii) Safe, convenient access to and from subdivided lots.
- (iii) Enhanced and extended patterns of vehicular, cycle and pedestrian linkages.
- (iv) Water supplies which are sufficient in volume and of potable quality to meet reasonable needs and future expectations.
- (v) Adequate, safe and sustainable disposal of stormwater, sewage and trade wastes.
- (vi) Retention and enhancement of natural drainage systems.
- (vii) Adequate provision for energy supplies and telecommunications.

- (viii) Maintenance of the quality of the environment, particularly water and natural ground features.
- (ix) Cost effective provision of services for redevelopment and growth without additional financial burdens on District ratepayers.
- (x) Continued provision of esplanade reserves or strips, in appropriate locations, where enhancement of habitats and/or access can be achieved.
- (xi) A pattern of subdivision complementary and appropriate to the character of the land uses in the area concerned.
- (xii) A pattern of subdivision consistent with planned density, roading patterns and open space requirements appropriate in existing and proposed residential environments.
- (xiii) Increased innovation in subdivision design and protection of significant trees or features.
- (xiv) Avoidance of potential risk from flooding, erosion, rockfall or subsidence.

15.2 Subdivision, Development and Financial Contributions Rules

15.2.1 Statement

Control of the subdivision of land is one of the functions of a territorial authority. The subdivision of land cannot take place unless authorised by a rule in the Plan or a resource consent. The subdivision of land for purposes of land tenure can have effects on land use expectations and is the framework for the provision of services to future activities.

15.2.2 General Provisions

15.2.2.1 Definition of Subdivision of Land

Subdivision of land has the same meaning as in section 218 of the Act.

15.2.2.2 Relevant Sections of the Act

All applications are subject to Part VI and X of the Act, with particular reference to sections 104, 105, 106, 108, 219, 220 and 230-237G.

15.2.2.3 Legal Road Frontage

Section 321 of the Local Government Act 1974 shall apply to all subdivisions.

15.2.2.4 Regional Council Requirements

Attention is drawn to the need to obtain relevant consents from the **Otago Regional Council** relating to matters such as, water supply, stormwater and sewage disposal, earthworks, vegetation clearance and structures in the beds of lakes and rivers. It may also be necessary to obtain approval from other relevant agencies.

15.2.2.5 Transit New Zealand Requirements

Attention is drawn to the need to obtain a notice of consent from the Minister of Transport for all subdivisions on state highways which are declared Limited Access Roads. See Appendix 1A of the District Plan for sections of state highways which are LAR. Transit New Zealand should be consulted and a request made for a Minister's notice under section 93 of the Transit New Zealand Act 1989.

15.2.2.6 Non-Notification of Applications

- (i) Any application for resource consent under the Subdivision Rules for Controlled Subdivision Activities and Discretionary Subdivision Activities where the exercise of the Council's discretion is limited, need not be notified and the written approval of affected persons need not be obtained. If the Council considers special circumstances exist it may require the application to be notified.
- (ii) Prior to any application for resource consent being processed under Rule 15.2.10.2(i) on a non-notified basis pursuant to section 94(2) of the Resource Management Act 1991 written approval of the Otago Regional Council must be provided to the Queenstown Lakes District Council.
- (iii) Prior to any application for subdivision within 32m of the centreline of the Frankton – Cromwell A 110kV high voltage transmission line traversing the Shotover Country Special Zone being processed on a non-notified basis the written approval as an affected party is required from Transpower New Zealand Limited.

15.2.2.7 Joint Hearings

Any land use consent application arising from non-compliance with rules in this Plan as a result of a proposed subdivision shall be considered jointly with the subdivision consent application. In some circumstances consideration of a resource consent application may require a joint hearing with one or more additional consent authorities.

- (c) The extent to which the design and development will minimise risk or injury and/or property damage from the transmission line;
- (d) The extent to which potential adverse effects from the transmission line including visual impact are mitigated, for example through the location of building platforms and landscape design;
- (e) The location of any building platforms;
- (f) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001)

15.2.3.4 Non-Complying Subdivision Activities

- (i) Any subdivision which does not comply with any one or more of the Zone Subdivision Standards shall be a **Non-Complying Subdivision Activity**.
- (ii) The further subdivision of any allotment, including balances, that had previously been used to calculate the average allotment size under Rule 15.2.6.3(ii).
- (iii) The subdivision of a residential flat from a residential unit.
- (iv) Any subdivision within an Open Space Zone, further to the subdivision pursuant to 15.2.3.2 (ii).
- (v) **Peninsula Bay**
 - i Any subdivision within the Low Density Residential Zone of Peninsula Bay prior to the establishment of the Open Space Zone and public access easements throughout the Open Space Zone pursuant to a subdivision approved under Rule 15.2.3.2.(ii).
 - ii Any subdivision within the Peninsula Bay North Low Density Residential Zone that is not in accordance with an approved Outline Development Master Plan or the Peninsula Bay North Structure Plan.

- (vi) **Kirimoko Block**
Any subdivision that is not in general accordance with the location of the principal roading and reserve network contained within the Kirimoko Structure Plan shown on Page 7-59 shall be a Non-complying Activity.
- (vii) Any subdivision of land zoned Low Density Residential Zone on the Kirimoko Block prior to a walkway being constructed to QLDC Standards from Aubrey Road to Peninsula Bay and an easement in gross for such a walkway being registered against all servient titles.
- (viii) Kirimoko Block – Wanaka: Any subdivision of land zoned Rural General proposed to create a lot entirely within the Rural General Zone, to be held in a separate certificate of title.
- (ix) Kirimoko Block – Wanaka: Any subdivision of land described as Lots 3 to 7 and Lot 9 DP300734, and Lot 1 DP 304817 (and any title derived therefrom) that creates more than one lot which has included in its legal boundary land zoned Rural General.
- (x) In the Ballantyne Road Mixed Use Zone subdivision shall be a **Non-complying** Activity when it is not in accordance with an Outline Development Plan approved pursuant to Rule 12.24.3.2 i

If none of these rules (vi – ix) are offended by the subdivision proposal then it is restricted discretionary in accordance with Rule 15.2.3.3 (vii)
- (xi) **The Three Parks Zone** - Any subdivision which is not in accordance with an approved Outline Development Plan or Comprehensive Development Plan.

Note: The intention of this rule is to ensure that an Outline Development Plan or Comprehensive Development Plan is submitted and approved prior to a subdivision consent being applied for.

- (xii) **The Three Parks Zone** – Any subdivision which is not in accordance with the Three Parks Structure Plan, unless a variation has been expressly approved as part of a subsequent, more detailed ODP or CDP, except that:

- (i) Development within the Hydro Generation Zone. Council's control shall be limited to matters specified in 15.2.5.

15.2.4.3 Assessment Matters for Resource Consents

In considering whether or not to impose conditions in respect to developments in the Hydro Generation Zone, the Council shall have regard to, but not be limited by, the assessment matters for subdivision consent relating to water supply, stormwater disposal, sewage treatment and disposal, trade waste disposal, energy supply and telecommunications, property access, open space and recreation (as specified in the relevant subdivision standard) as though the application for the development was for a subdivision activity.

In addition, the Council may take into account any provision made as part of an application for a development to provide or include any of the items set out in Clause 15.2.4.2 (i) and (ii) above.

15.2.5 Financial Contributions

15.2.5.1 Purpose

The Local Government Act 2002 provides the Council with an avenue to recover growth related capital expenditure from subdivision and development via the imposition of development contributions. The Council has now formulated a development contribution policy as part of its Long Term Community Plan and actively imposes development contributions via this process.

The rules in this section of the plan are therefore limited to the imposition of a financial contribution as a condition of a resource consent for a development as follows:

- (a) In relation to a development within the Hydro Generation Zones.
- (b) In relation to subdivision within the Peninsula Bay North Zone.

The Council acknowledges that Millbrook Country Club has already paid financial contributions for water and sewerage for demand up to a peak of 5000

people. The 5000 people is made up of hotel guests, day staff, visitors and residents. Should demand exceed this then further development contributions will be levied under the Local Government Act 2002.

15.2.5.2 Financial Contributions for Open Space and Recreation - Developments

i Hydro Generation Activities

Purpose

A financial contribution may be included as a condition of a resource consent for any other development for the purposes of providing land and/or facilities for open space, recreation and public amenity within the Hydro Generation Zone.

Form

- (a) Payment of money
- (b) Land
- (c) Any combination of the above.

Maximum Contribution for Hydro Generation Activities

0.5% of the value of the development once that value exceeds \$5,000,000.00

Value of Development

The value of development shall be the cost of the development at the date on which the resource consent is granted, and shall include the cost of all improvements forming part of the development but not include the value of the site of the proposed development.

ii Credit

If, preceding the lodging of the application for a resource consent for any development, any payment in respect of the subdivision of the land

comprising the site of the proposed development has been made to the Council for the purposes of providing land and/or facilities for open space and recreation, the amount of that payment shall be deducted from the maximum amount payable.

iii Peninsula Bay North

A financial contribution for the purpose of developing or maintaining tracks and trails within the Wanaka area may be included as a condition of any resource consent for subdivision within the Peninsula Bay North Zone.

The contribution shall be \$5,000 per Lot being consented and shall be in monetary form only.

15.2.5.3 General Provisions - Financial Contributions for Open Space and Recreation (Hydro Generation Zone only)

- (i) These provisions shall apply to all financial contributions made for the purposes of open space and recreation on subdivision or development within the Hydro Generation Zone.
- (ii) All financial contributions shall be GST inclusive.
- (iii) Where the financial contribution is or includes a payment of money, the Council may specify in the condition:
 - (a) The amount to be paid by the consent holder or the method by which the amount of the payment shall be determined;
 - (b) How payment is to be made, including whether payment is to be made by instalments;
 - (c) When payment shall be made;
 - (d) Whether the amount of the payment is to bear interest and if so, the rate of interest;

- (e) If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted;
- (f) Whether there are any penalties to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.
- (iv) Whether financial contribution is or includes land, the value of the land shall be determined by the Council. In granting a consent the Council shall in its decision give reasons for its assessment of the value of the land.
- (v) Whether financial contribution is or includes land, the Council may specify:
 - (a) The location and area of the land;
 - (b) When and how the land is to be transferred to or vested in the Council.
- (vi) The Council may require a bond to be given for the performance of any condition requiring that a financial contribution be made. The value of the bond will be a maximum of 200% of the cost of the financial contribution, depending on the length of time the bond is to be in place and according to the nature of the proposal for which the bond is required to secure.

15.2.6 Lot Sizes, Averages and Dimensions

15.2.6.1 Controlled Subdivision Activities - Lot Sizes and Dimensions

Except where specified as Discretionary or Non-Complying Subdivision Activities in Rules 15.2.3.3 and 15.2.3.4, any subdivision of land in any zone, which complies with all of the Site and Zone Subdivision Standards, is a **Controlled Subdivision Activity**, with the Council reserving control in respect of the following:

- i Lot sizes and dimensions for subdivisions of land in the Town Centre, Corner Shopping Centre, Remarkables Park, Resort and Visitor Zones.

SUBDIVISION, DEVELOPMENT & FINANCIAL CONTRIBUTIONS - RULES 15

Note: Refer Section D for a definition of 'rear site'.

- ix **In the Industrial B Zone, any application for subdivision within the fixed open space areas** identified on the Connell Terrace Precinct Structure Plan prior to 70% of the western boundary planting in combination with the mounding having reached a minimum combined height of 6 metres and a continuous screen in the horizontal plane
- x **Within the Connell Terrace Precinct of the Industrial B Zone, any application for subdivision of the Special Use Area A from the adjoining open space area.**
- xi Subdivision or development within Peninsula Bay North - Wanaka**
 - (a) Any subdivision or development at Peninsula Bay North shall be in general accordance with the Structure Plan attached as Figure [insert figure number] below and shall be subject to the following:
 - (i) Buildings, other than garden sheds, retaining walls or other garden structures or fences less than 3m in height, shall not be established outside of the building platforms shown the Peninsula Bay North Structure Plan;
 - (ii) Buildings shall not exceed the building height restrictions shown on the Peninsula Bay North Structure Plan. Where a building platform reduced level is specified, the height of buildings contained within the allotment shall be measured from the specified reduced level, otherwise the predevelopment level shall apply;
 - (iii) No exterior cladding on any building shall have a reflectivity value of greater than 36% and for Lots 4 and 20 to 26 the external finishes on any building shall be within the range of natural greens, browns and greys;
 - (iv) a) Revegetation areas shown on the Peninsula Bay North Structure Plan shall be planted prior to s224c certificates being issued for the relevant subdivided Lots.

- (b) Planting required within the Open Space Zone shall occur prior to s224c certificates being issued for any Lots within the Peninsula Bay North Zone.
- (c) The consent holder shall maintain required planting in the Open Space Zone for a period of five years following its completion.
- (d) With respect to Lots 4 and 20 to 26 any planting of exotic vegetation species shall not be allowed to reach a height of more than 2m.
- (v) Should any plants within the vegetation protection or revegetation areas shown on the Peninsula Bay North Structure Plan die, become diseased or fail to thrive they shall be replaced by species listed on the Peninsula Bay North Structure Plan during the next planting season. The landowner shall maintain requiring planting in perpetuity. No short tussock grassland shall be removed on any Lot outside the approved building platform.
- (vi) Prior to any dwelling being constructed on the relevant allotment, earthworks shall be established as per the Peninsula Bay North Indicative Earthworks Plan attached as Figure [insert Figure number].
- (vii) Residential activity shall be restricted to a maximum of one residential unit per allotment shown on the Peninsula Bay North Structure Plan and shall not exceed 24 residential units in total.
- (viii) Prior to s224c certificates being issued for any Lots within the Peninsula Bay North Zone walking tracks shall be constructed to a width of 1.5m in the general alignment shown on the Peninsula Bay North Structure Plan.
- (b) The conditions set out in (a)(i) to (vii) shall be subject to a consent notice that is registered on the respective titles and is deemed to be a covenant pursuant to section 221(4) of the Act.

Peninsula Bay North – Wanaka

Structure Plan - 1 August 2016

Species for Revegetation

E Exposed to sun, frost and wind

Carmichaelia petriei
Coprosma intermedia *
Coprosma rugosa
Corokia cotoneaster
Fuscospora cliffortioides
Grisebina littoralis
Hebe salicifolia
Leonothebe cupressoides
Melicotus alpinus

Olearia asplenifolia
Olearia laetevirens
Phormium cookianum
Phyllocladus alpinus *
Ptilosporum tenuifolium *
Plagiandra rigida
Chionochoa rigida
Chionochoa macra
Kunzea species *

S Sheltered amongst kanuka, shady

Aristotelia serrata *
Coprosma lucida *
Fuchsia excorticata *
Fuscospora fusca
Hohenbergia glabrata
Podocarpus laetus *
Pseudopanax colensoi *
Sophora microphylla
Coprosma propinqua *

Coprosma irioxia *
Coprosma crassifolia *
Coprosma virescens *
Carmichaelia petriei
Olearia lineata
Teucrium parvifolium
Kunzea species *

G Tussock grassland

Hebe subalpina
Muhlenbergia axillaris
Teucrium parvifolium
Festuca novae-zealandiae
Poa colensoi
Poa cita
Pimelea sericeovillosa
Anthoxanthum solandri

Melicotus alpinus
Carmichaelia petriei
Coprosma propinqua *
Kunzea species *

Maintenance

- Revegetation areas must be heavily mulched with wood chip to suppress weeds and contain moisture.
- Planting must occur in spring to allow two growing seasons of establishment before onset of winter.
- Plant holes shall be well-worked with added slow-release fertiliser and compost.
- Deep irrigation shall be provided for at least the first five years to allow for strong plant establishment.
- Necessary rabbit protection must be applied to all planted and protected areas; in the form of rabbit proof fencing, individual plastic sleeves around plants and poison programs.

Sourcing

- * Gender dimorphic species stock shall be sourced from seed (not cuttings) so as to produce fertile seed from male and female plants.
- * Locally eco-sourced plants shall be used where available.
- Plant density of 1 plant per 1.5m² (1m² preferred to allow for plant mortality).

Clearance

- All *Pirax*, *Pseudotsuga* and *Cystisus* on site shall be removed.
- Boundary lines may be cleared of vegetation for the purpose of establishing a fence.
- Protected vegetation shall not be removed unless dead or diseased.

Building Platform Height Restrictions

Lot No.	Building Platform Area	Building Height	Building Platform Level (MSL)
1	1100m ²	5.5m	
2	820m ²	5.0m	
3	630m ²	5.0m	
4	700m ²	5.0m	328.9m
7	690m ²	5.0m	
8	930m ²	5.0m	
9	980m ²	5.0m	
10	660m ²	5.0m	
11	720m ²	5.0m	
12	700m ²	5.0m	
13	600m ²	5.0m	
14	600m ²	5.0m	
15	780m ²	5.5m	
16	720m ²	5.5m	
17	740m ²	5.5m	
18	630m ²	5.0m	
19	640m ²	5.5m	
20	700m ²	5.0m	337.0m
21	600m ²	5.0m	339.3m
22	700m ²	5.0m	335.5m
23	600m ²	5.5m	
24	700m ²	5.5m	
25	700m ²	5.5m	
26	790m ²	5.5m	

Key


- Existing Mountain Biking Track
- Existing Walking Track
- Proposed Walking Track
- Proposed Biking Track
- Building Platform
- Revegetation Area
- Fencing – Macrocarpa post, waratah and wire
- Toilet Block
- Existing Vegetation to be protected
- Indicative Car Parks

0 50 100m

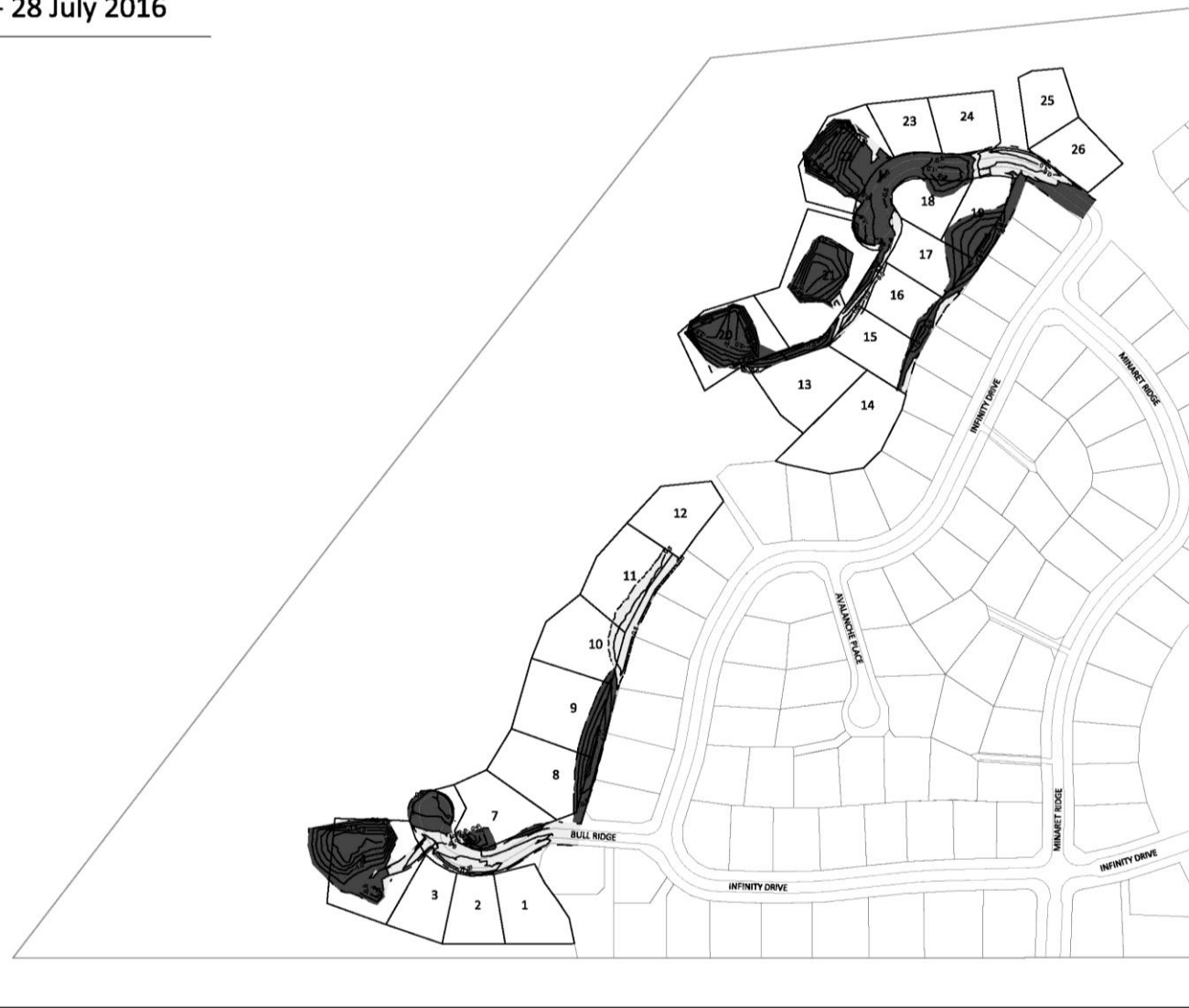
Peninsula Bay North – Wanaka

Indicative Earthworks Plan - 28 July 2016

Key

-  Earthworks Cut Area
-  Earthworks Fill Area

0 50 100m

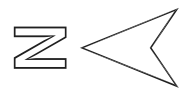


APPENDIX C

Proposed Structure Plan

Peninsula Bay North – Wanaka

Structure Plan - 1 August 2016



Species for Revegetation

E Exposed to sun, frost and wind

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Griselinia littoralis
Hebe salicifolia
Leonohebe cupressoides
Melicytus alpinus

Olearia avicenniifolia
Olearia hectorii
Phormium cookianum
Phyllocladus alpinus
Pittosporum tenuifolium *
Plagianthus regius
Chionochloa regida
Chionochloa macra
Kunzea species °

S Sheltered amongst kanuka, shady

Aristotelia serrata *
Coprosma lucida *
Fuchsia excorticata *
Fuscopora fusca
Hoheria glabrata
Podocarpus laetus *
Pseudopanax colensoi *
Sophora microphylla
Coprosma propinqua *

Coprosma intexta *
Coprosma crassifolia *
Coprosma virescens *
Carmichaelia petriei
Olearia lineata
Teucrium parvifolium
Kunzea species °

G Tussock grassland

Hebe subalpina
Muehlenbeckia axillaris
Teucrium parvifolium
Festuca novae-zelandiae
Poa colensoi
Poa cita
Pimelea sericeovillosa
Anthosachne solandri

Melicytus alpinus
Carmichaelia petriei
Coprosma petriei *
Coprosma propinqua *
Kunzea species °

Maintenance

- Revegetation areas must be heavily mulched with wood chip to suppress weeds and contain moisture.
- Planting must occur in spring to allow two growing seasons of establishment before onset of winter.
- Plant holes shall be well-worked with added slow-release fertiliser and compost.
- Deep irrigation shall be provided for at least the first five years to allow for strong plant establishment.
- Necessary rabbit protection must be applied to all planted and protected areas; in the form of rabbit proof fencing , individual plastic sleeves around plants and poison programs.

Sourcing

- * Gender dimorphic species stock shall be sourced from seed (not cuttings) so as to produce fertile seed from male and female plants.
- ° Locally eco-sourced plants shall be used where available.
- Plant density of 1 plant per 1.5m² (1m² preferred to allow for plant mortality).

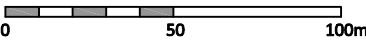
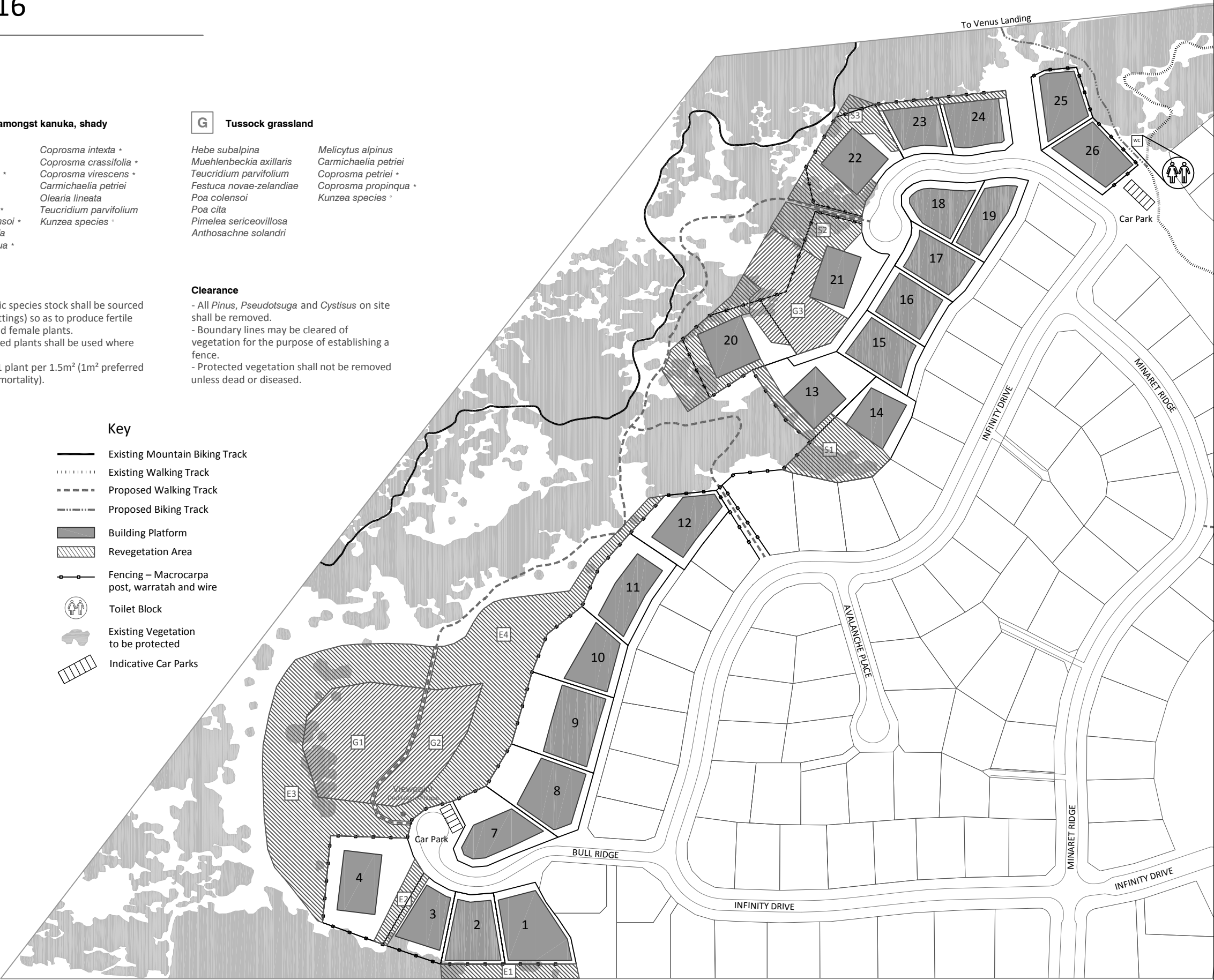
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- Boundary lines may be cleared of vegetation for the purpose of establishing a fence.
- Protected vegetation shall not be removed unless dead or diseased.

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4	700m ²	5.0m	
7	690m ²	5.0m	
8	930m ²	5.0m	
9	980m ²	5.0m	
10	660m ²	5.0m	
11	720m ²	5.0m	
12	700m ²	5.0m	337.0m
13	600m ²	5.0m	
14	600m ²	5.0m	
15	780m ²	5.5m	339.3m
16	720m ²	5.5m	
17	740m ²	5.5m	
18	630m ²	5.0m	
19	640m ²	5.5m	
20	700m ²	5.0m	
21	600m ²	5.0m	
22	700m ²	5.0m	
23	600m ²	5.5m	
24	700m ²	5.5m	
25	700m ²	5.5m	335.5m
26	790m ²	5.5m	

- Key**
- Existing Mountain Biking Track
 - Existing Walking Track
 - Proposed Walking Track
 - Proposed Biking Track
 - Building Platform
 - Revegetation Area
 - Fencing – Macrocarpa post, warratah and wire
 - Toilet Block
 - Existing Vegetation to be protected
 - Indicative Car Parks



APPENDIX D

Section 32AA Evaluation

Peninsula Bay North – Plan Change 51

Additional s32AA Assessment Louise Taylor 1.8.16

1. EVALUATION OF POLICIES, RULES AND OTHER METHODS

Section 32(1)(b)(i) requires the identification of other reasonably practicable options for achieving the objectives as part of the plan change evaluation.

The original plan change application included an assessment of the consideration of alternatives, including alternative plan change extents and alternative planning methodologies. The proposed alternative methodologies included:

- An amendment the Open Space Zone Rules to Provide for Residential Activity (Option 1)
- Maintaining Status Quo (Option 2)
- Re-zoning part of the Open Space Zone to LDR (Option 3)
- Re-zoning part of the Open Space Zone to an alternative zoning (Option 4)

The original assessment identified that Option 3 was the most appropriate for achieving the purpose of the Act.

The proposed amendments to the subdivision zone chapter and structure plan further refine Option 3 by moving the LDR zone boundary further away from the Lake, requiring additional planting areas and providing more certainty about when the new walking track and planting within the open space zone will occur.

Option 3 therefore remains the most appropriate.

2. COST AND BENEFITS OF THE ENVIRONMENT EFFECTS

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

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for —*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced (section 32(2)(a));*
- (b) *if practicable, quantify these benefits and costs (section 32(2)(b)); and*

- (c) *assess the risks of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (section 32(2)(c)).*

The necessary assessment of the proposed amendments sections 32(1)(b)(ii) and (2)(a), is provided in **Table 1** below. The new provisions have been assessed in terms of their appropriateness in achieving the proposed objective of the plan change and against the existing relevant District Plan objectives (sections 32(3)).

<p><u>Purpose of the Proposal</u></p> <p>To enable the development of part of the open space area at Peninsula Bay North for specified low density residential development, whilst providing for ecological gains and improved passive recreation on the balance of the open space area between the Peninsula Bay development and Lake Wanaka.</p> <p><u>Proposed Objective 22 Peninsula Bay North Low Density Residential Zone:</u></p> <p><u>Low density residential development at Peninsula Bay North:</u></p> <p>a) <u>Enhances and where appropriate, protects areas of significant indigenous biodiversity;</u></p> <p>b) <u>Protects the visual amenity values associated with the Outstanding Natural Landscape.</u></p> <p>c) <u>Enables people to access land for passive and activity recreation.</u></p>			
<p><u>EXISTING URBAN GROWTH AND RESIDENTIAL RELATED OBJECTIVES</u></p> <p>7.1.2 Objective 2 – Residential Form</p> <p>A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure</p>	<p><u>EXISTING OPEN SPACE ZONE – LANDSCAPE PROTECTION OBJECTIVES</u></p> <p>20.1.2 Objectives and Policies</p> <p>Objective 1: To protect and maintain natural ecological values and the open appearance of the Open Space Zone.</p> <p>Objective 2: To enable public use of the Open Space Zone for passive or informal recreational activities.</p>	<p><u>EXISTING NATURAL ENVIRONMENT, LANDSCAPE AND VISUAL AMENITY RELATED OBJECTIVES</u></p> <p>4.1.4 Objective 1 – Nature Conservation Values</p> <p>The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District. Improved opportunity for linkages between the habitat communities. The protection of outstanding natural features and natural landscapes.</p> <p>4.2.5 Objective</p> <p>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.</p> <p>4.4.3 Objective 1 – Provision of Reserves</p> <p>Avoid, remedy or mitigate the adverse effects on public open spaces and recreational areas from residential growth and expansion, and form the development of visitor facilities.</p> <p>4.4.3 Objective 3 – Effective Use</p> <p>Effective use and functioning of open space and recreation areas in meeting the needs of the District's residents and visitors.</p>	<p><u>EXISTING UTILITY AND INFRASTRUCTURE RELATED OBJECTIVES</u></p> <p>Objective 2 – Safety and Accessibility</p> <p>Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.</p>

		<p>4.9.3 Objective 1 – Natural Environmental and Landscape Values Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.</p> <p>15.1.3 Objective 4 – Outstanding Natural Features, Landscape and Nature Conservation Values The recognition and protection of outstanding natural features, landscapes and nature conservation values</p> <p>15.1.3 Objective 5 – Amenity Protection The maintenance or enhancement of the amenities of the built environment through the subdivision and development process.</p> <p>15.1.3 Objective 6 - To ensure effective public access is provided throughout the Peninsula Bay land.</p>	
Rule / Method	Assessment under section 32(2) of the Act		Assessment under section 32(1)(b)(ii) of the Act
	Environmental, Economic, Social and Cultural Benefits	Environmental, Economic, Social and Cultural Costs	Having regard to the appropriateness of the provisions by assessing their efficiency and effectiveness in achieving the objectives
<p>Amendment of Structure Plan, Indicative Earthworks Plan and Zone Maps to:</p> <p>a) reflect realignment of proposed LDRZ zone/OSZ boundary;</p> <p>b) remove proposed Lots 5 and 6 and require planting of those areas;</p> <p>c) reduce the sizes of Lots 4, 7, 8, 9, 10, 11, 12, 20, 21 and 22;</p> <p>d) shift the building platform on Lot 21 so it is outside of the ONL;</p> <p>e) relocate the dedication plaque and associated viewpoint and thus separate walking and mountain biking tracks;</p> <p>f) realign the proposed walking track to remain within close proximity to the existing alignment;</p>	<p>I consider the reduction in zone extent will result in a social benefit in terms of increased open space area for recreational use. This will provide greater flexibility as to how this land is used in the future.</p> <p>It is my opinion the additional enhancement planting and open space area provides environmental benefits in terms of ecology, recreation and landscape.</p> <p>The additional zone standard relating to exterior cladding colours will provide the environmental benefit of further mitigating visual effects of future buildings within the more exposed Lots.</p>	<p>The reduction in zone extent will reduce the number of lots proposed thus I consider there will be a potentially reduced economic benefit from the plan change in terms of construction activities and wages and the flow on effects of these.</p>	<p>Efficiency: <u>EXISTING OPEN SPACE OBJECTIVES</u> I consider the increase in open space zone extent will efficiently achieve both open space objectives – protecting open space areas and enabling public use for passive or informal recreation activities.</p> <p>Requiring the works to occur before title is issued for any of the Lots within the new zone will, in my opinion, be an efficient method of ensuring the open space objectives are met in a timely manner.</p> <p><u>EXISTING URBAN GROWTH AND RESIDENTIAL RELATED OBJECTIVES</u> I consider the reduction of LDR zone area and smaller lot sizes will result in the urban area being more compact and a more efficient way of achieving objective 7.1.2.</p>

<p>g) increase areas of enhancement planting in the open space zone and Lots 21, 23 and 24;</p> <p>h) show the southern end carpark adjacent to Lot 26;</p> <p>i) the requirement to transplant prostrate blue grass and cushion pimelea.</p> <p>Amend the following rules. <u>Double underline</u> reflects changes made in the evidence of L Taylor. <u>Single underline</u> reflects changes made in the amendment to the plan change dated 7 July 2016.</p> <p>15.2.6.3 Zone Subdivision Standards – Lot Sizes and Dimensions</p> <p>xi</p> <p>(iii) <u>No exterior cladding on any building shall have a reflectivity value of greater than 36% and for Lots 4 and 20 to 26 the external finishes on any building shall be within the range of natural greens, browns and greys;</u></p> <p>(iv) a) <u>Revegetation areas shown on the Peninsula Bay North Structure Plan shall be planted prior to s224c certificates being issued for the relevant subdivided Lots.</u></p> <p>b) <u>Planting required within the Open Space Zone shall occur prior to s224c certificates being issued for any Lots within the Peninsula Bay North Zone.</u></p> <p>c) <u>The consent holder shall maintain required planting in the Open Space Zone for a period of five years following its completion.</u></p> <p>d) <u>With respect to Lots 4 and 20 to 26 any planting of exotic vegetation species shall not be allowed to reach a height of more than 2m.</u></p> <p>(v) <u>Should any plants within the vegetation protection or revegetation areas shown</u></p>	<p>The additional zone standards in relation to planting and track construction will ensure that the works proposed for within the open space zone occur prior to title being issued for any of the Lots within the new zone, thus, in my opinion providing early community benefit of the improvements.</p> <p>The additional provision which prevents the removal of short tussock grassland outside building platforms will assist in retaining the value of this grassland in the area. The requirement to maintain plantings in perpetuity will ensure that the ecological and amenity benefits will be retained into the future.</p>		<p><u>EXISTING NATURAL ENVIRONMENT, LANDSCAPE AND VISUAL AMENITY RELATED OBJECTIVES</u></p> <p>I consider the proposed additional planting combined with the increase in open space area, prevention of short tussock removal and maintenance requirements provides an efficient means of maintaining and enhancing the diversity of indigenous flora across the site, whilst managing effects on landscape and visual amenity values.</p> <p>Requiring the works to occur before title is issued for any of the Lots within the new zone will, in my view, be an efficient method of ensuring the landscape objectives are met in a timely manner.</p> <p>Effectiveness:</p> <p><u>EXISTING OPEN SPACE OBJECTIVES</u></p> <p>I consider the increase in open space zone extent will be effective in achieving both open space objectives – protecting open space areas and enabling public use for passive or informal recreation activities as the greater area provides more flexibility to future use options.</p> <p>Requiring the works to occur before title is issued for any of the Lots within the new zone will, in my opinion, be effective in ensuring the open space objectives are met in a timely manner, particularly in relation to objective 2 in terms of enabling passive and informal recreation use of the open space land.</p> <p><u>EXISTING URBAN GROWTH AND RESIDENTIAL RELATED OBJECTIVES</u></p> <p>I consider the reduction of LDR zone area and smaller lot sizes will result in the urban area being more compact therefore being effective at achieving objective 7.1.2.</p> <p><u>EXISTING NATURAL ENVIRONMENT, LANDSCAPE AND VISUAL AMENITY RELATED OBJECTIVES</u></p> <p>Greater enhancement planting and reduced development area will effectively improve diversity and linkages of indigenous vegetation planting that may not otherwise occur with natural succession, and I consider will provide a greater degree of protection</p>
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<p><u>on the Peninsula Bay North Structure Plan die, become diseased or fail to thrive they shall be replaced by species listed on the Peninsula Bay North Structure Plan during the next planting season. The landowner shall maintain required planting in perpetuity. No short tussock grassland shall be removed on any Lot outside the approved building platform.</u></p> <p><u>(viii) Prior to s224c certificates being issued for any Lots within the Peninsula Bay North Zone walking tracks shall be constructed to a width of 1.5m in the general alignment shown on the Peninsula Bay North Structure Plan.</u></p>			<p>of the outstanding natural landscape values of the site.</p> <p>I consider requiring the works to occur before title is issued for any of the Lots within the new zone will be effective in ensuring the natural environment objectives are met in a timely manner, particularly in relation to objective 4.1.4 which seeks the protection and enhancement of nature conservation values.</p> <p>The specification of colour ranges for the more sensitive Lots will be effective in assisting future buildings on these lots will be consistent with the relevant landscape objectives.</p> <p>Appropriateness: <u>ALL OF THE RELEVANT LISTED OBJECTIVES</u></p> <p>I consider the proposed amended provisions are an appropriate method to achieve the relevant objectives.</p>
<p>Rule 15.2.5.2</p> <p>iii <u>Peninsula Bay North</u></p> <p><u>A financial contribution for the purpose of developing or maintaining tracks and trails within the Wanaka area may be included as a condition of any resource consent for subdivision within the Peninsula Bay North Zone.</u></p> <p><u>The contribution shall be \$5,000 per Lot being consented and shall be in monetary form only.</u></p>	<p>I consider the financial contribution will provide economic benefits and once used, social and environmental benefit in the form of increased tracks and trails for use by the Wanaka community and visitors to the district.</p> <p>The contribution will also serve as environmental compensation for loss of recreation opportunities on the site.</p>	<p>The contribution will be an economic cost to the consent holder.</p>	<p>Efficiency:</p> <p>I consider the proposed rule requiring financial contributions per Lot as part of a subdivision consent is an efficient method for achieving the objective of the plan change insofar as it relates to passive recreation enhancement and existing open space objectives 1 and 2.</p> <p>Effectiveness:</p> <p>I consider the proposed rule will be effective in providing genuine benefits to the trails in the Wanaka area, thus enhancing the open space recreational value.</p> <p>Appropriateness:</p> <p>I consider the efficiency and effectiveness of the suggested rule will assist in achieving existing objectives, whilst also achieving the purpose of the proposal.</p> <p>I consider the proposed provisions are therefore appropriate.</p>
<p>Risk of acting or not acting: There is no lack of information or certainty in terms of understanding implications of the proposed amendments in this case. Accordingly, I consider there is no particular risk of acting or not acting.</p>			

APPENDIX E

Relevant Otago Regional Policy Statement Objectives and Policies

Relevant objectives and policies in the Otago Regional Policy Statement

Chapter 5 Land

5.4 Objectives

- 5.4.1. *To promote the sustainable management of Otago's land resources in order:
 - (a) *To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and*
 - (b) *To meet the present and reasonably foreseeable needs of Otago's people and communities.**
- 5.4.2. *To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.*
- 5.4.3. *To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.*
- 5.4.4. *To ensure that public access opportunities exist in respect of activities utilising Otago's natural and physical land features.*

5.5 Policies

- 5.5.1 *To recognise and provide for the relationship Kai Tahu have with Otago's land resource through:
 - (a) *Establishing processes that allow the existence of heritage sites, waahi tapu and waahi taoka to be taken into account when considering the subdivision, use and development of Otago's land resources; and*
 - (b) *Protecting, where practicable, archaeological sites from disturbance; and*
 - (c) *Notifying the appropriate runanga of the disturbance of any archaeological site and avoiding, remedying, or mitigating any effect of further disturbance until consultation with the kaitiaki runanga has occurred.**
- 5.5.2. *To maintain and enhance Otago's land resource through avoiding, remedying or mitigating the adverse effects of activities which have the potential to, amongst other adverse effects:
 - (a) *Reduce the soil's life supporting capacity*
 - (b) *Reduce healthy vegetative cover*
 - (c) *Cause soil loss*
 - (d) *Contaminate soils*
 - (e) *Reduce productivity*
 - (f) *Compact soils*
 - (g) *Reduce soil moisture holding capacity.**

- 5.5.3. *To promote the diversification and use of Otago's land resource to achieve sustainable landuse and management systems for future generations.*
- 5.5.4. *To minimise the adverse effects of landuse activities on the quality and quantity of Otago's water resource through promoting and encouraging the:*
- (a) Creation, retention and where practicable enhancement of riparian margins; and*
 - (b) Maintaining and where practical enhancing, vegetation cover, upland bogs and wetlands to safeguard land and water values; and*
 - (c) Avoiding, remedying or mitigating the degradation of groundwater and surface water resources caused by the introduction of contaminants in the form of chemicals, nutrients and sediments resulting from landuse activities.*
- 5.5.6 *To recognise and provide for the protection of Otago's outstanding natural features and landscapes which:*
- (a) Are unique to or characteristic of the region; or*
 - (b) Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or*
 - (c) Represent areas of cultural or historic significance in Otago; or*
 - (d) Contain visually or scientifically significant geological features; or*
 - (e) Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.*
- 5.5.7 *To promote the provision of public access opportunities to natural and physical land features throughout the Otago region except where restriction is necessary:*
- (i) To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or*
 - (ii) To protect Maori cultural values; or*
 - (iii) To protect public health or safety; or*
 - (iv) To ensure a level of security consistent with the purpose of a resource consent or in circumstances where safety and security concerns require exclusive occupation; or*
 - (v) In other exceptional circumstances sufficient to justify the restriction notwithstanding the importance of maintaining that access.*

Chapter 9 Built Environment

9.4 Objectives

- 9.4.1. *To promote the sustainable management of Otago's built environment in order to:*
- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and*

- (b) *Provide for amenity values; and*
- (c) *Conserve and enhance environmental and landscape quality; and*
- (d) *Recognise and protect heritage values.*

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

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

9.5 Policies

9.5.1 *To recognise and provide for the relationship Kai Tahu have with the built environment of Otago through:*

- (a) *Considering activities involving papatipu whenua that contribute to the community and cultural development of Kai Tahu; and*
- (b) *Recognising and providing for the protection of sites and resources of cultural importance from the adverse effects of the built environment.*

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

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

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

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

- (vi) Amenity values; or*
- (vii) Intrinsic values of ecosystems; or*
- (viii) Salmon or trout habitat.*

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

- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and*
- (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and*
- (c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.*

9.5.6 *To recognise and protect Otago's regionally significant heritage sites through:*

- (a) Identifying Otago's regionally significant heritage sites in consultation with Otago's communities; and*
- (b) Developing means to ensure those sites are protected from inappropriate subdivision, use and development.*

10 Biota

10.4 Objectives

10.4.1 To maintain and enhance the life-supporting capacity and diversity of Otago's biota.

10.4.3 To maintain and enhance the natural character of areas with significant indigenous vegetation and significant habitats of indigenous fauna.

10.5 Policies

10.5.2 To maintain and where practicable enhance the diversity of Otago's significant indigenous vegetation and the significant habitat of indigenous fauna, trout and salmon which are:

- (a) Covered under a statute or covenant for protection; or
- (b) Habitat or vegetation that support the maintenance or recovery of indigenous species that are uncommon or threatened with extinction (rare, vulnerable or endangered) regionally or nationally; or
- (c) Vegetation that contains associations of indigenous species which are rare or representative regionally or nationally; or

- (d) Vegetation that contains a substantially intact, uninterrupted ecological sequence of indigenous species which are rare or representative regionally or nationally; or
- (e) Important for soil and water values or have functions in natural hazard mitigation;

and to promote and encourage, where practicable, the retention, enhancement and re-establishment of indigenous ecosystems within Otago.

10.5.3 To reduce and where practicable eliminate the adverse effects of plant and animal pests on Otago's communities and natural and physical resources through:

- (a) Developing strategies to effectively manage Otago's plant and animal pests; and
- (b) Educating about the responsibilities of all parties in the management of Otago's plant and animal pests; and
- (c) Adopting the most practicable method of pest control while safeguarding the environment.