

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Wakatipu Basin
hearing

**STATEMENT OF EVIDENCE OF MARCUS HAYDEN LANGMAN
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

PLANNING: WAKATIPU BASIN – REZONING SUBMISSIONS

30 May 2018

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APPENDIX 2: PRPS Policy 3.2.4

APPENDIX 3: summary of submissions and recommendations regarding Stage 2 Wakatipu Basin rezoning; and

APPENDIX 4: summary of submissions and recommendations regarding Stage 1 submissions transferred to Wakatipu Basin Chapter 24.

1. INTRODUCTION

- 1.1 My name is Marcus Hayden Langman. I am an independent planning consultant engaged by Queenstown Lakes District Council (**QLDC**) to prepare the planning report under s 42A of the Resource Management Act 1991 (**RMA** or **the Act**) for proposals for re-zonings as part of Stage 2 of the Proposed District Plan (**PDP**), located in the Wakatipu Basin (**Basin**).
- 1.2 My relevant expertise and experience is set out as **Appendix 1** to this report.
- 1.3 I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
- 1.4 This evidence provides recommendations to the Hearings Panel on submissions to the PDP grouped as Wakatipu Basin mapping. In particular, it addresses changes to the zones notified as part of the Wakatipu Basin variation, variously notified as Wakatipu Basin Rural Amenity Zone (**Amenity Zone**) or Wakatipu Basin Lifestyle Precinct (**Precinct**) sub-zone. I also make recommendations on submissions seeking changes to the Outstanding Natural Landscape or Outstanding Natural Features annotations on the plan maps, for the same area of land. As these annotations were notified in Stage 1, these are Stage 1 submissions.
- 1.5 I refer to and rely on the evidence of:
- (a) Mr Craig Barr, planning in relation to the WB Chapter text;
 - (b) Ms Bridget Gilbert, landscape (generally in relation to rezoning matters);
 - (c) Ms Helen Mellsoy, landscape (generally in relation to ONF/L adjustments);

- (d) Mr David Smith, transportation planning in relation to rezoning matters;
- (e) Mr Glenn Davis, ecology in relation to rezoning matters; and
- (f) Ms Andrea Jarvis, infrastructure in relation to rezoning submissions;
- (g) Ms Vaughan Crowther, infrastructure in relation to rezoning submissions.

1.6 I also refer to the following documents that I have considered in preparing my evidence:

- (a) the section 32 evaluation report for the WB chapter;
- (b) the decisions version of Chapter 3, 4, 5 and 6 of the PDP;
- (c) the Panel's Stage 1 Report 17.1 in relation to rezonings located in the Queenstown area;
- (d) The Panel's Stage 1 Report 16 in relation to rezonings located in the Upper Clutha area
- (e) the operative Otago Regional Policy Statement (**ORPS**)
- (f) the proposed Otago Regional Policy Statement (**PRPS**); and
- (g) the National Policy Statement on Urban Development Capacity (**NPSUDC**).

1.7 Throughout my evidence I refer to the following versions of the PDP text, as follows:

- (a) Provision X.2.1: to refer to the notified version of a Stage 2 provision (i.e. Objective 31.2.1); and
- (b) S42A Provision X.2.1: to refer to the recommended version of a Stage 2 provision as included in Appendix 1 in Mr Craig Barr's s42A report. (i.e. S42A Objective 31.2.1)

1.8 When referring to the Stage 1 PDP provisions, I am referring to the Council's Decisions Version notified on 5 May 2018, (i.e. Decisions Objective 3.2.1).

1.9 In terms of analysis of submissions, these have been ordered so that they align with the Landscape Character Units (**LCUs**) identified in the Wakatipu Basin Land Use Study (**Land Use Study**), which is Appendix

1 to the section 32 evaluation.¹ I consider the ONL/F submissions at the same time as any relevant rezoning submission.

1.10 Attached to my evidence are the following:

- (a) **Appendix 1:** Relevant expertise and experience;
- (b) **Appendix 2:** PRPS Policy 3.2.4
- (c) **Appendix 3:** summary of submissions and recommendations regarding Stage 2 Wakatipu Basin rezoning; and
- (d) **Appendix 4:** summary of submissions and recommendations regarding Stage 1 submissions transferred to Wakatipu Basin Chapter 24.

2. EXECUTIVE SUMMARY

2.1 The proposed zoning in the Wakatipu Basin addressed in this report is a result of a Variation to the PDP following the hearing of submissions on the text of the rural chapters, in Stage 1. The Variation covers those areas in the Basin that are not identified as Rural Zone, which generally covers areas that are Outstanding Natural Features or Landscapes (**ONF/Ls**).

2.2 The two key zones provided for in the Wakatipu Basin as part of the Variation are the Amenity Zone; and the Precinct which is a subzone of the Amenity Zone. The areas zoned as Precinct provide for rural residential lifestyle development. Both areas have special amenity value (i.e. they are amenity landscapes). In developing provisions for the Wakatipu Basin, QLDC are required to have particular regard to the maintenance and enhancement of those amenity values. This reflects the wording of s 7(c) RMA. I refer to My Barr's evidence for a more detailed summary of the Zone.

2.3 The submissions made on the zoning in the Wakatipu Basin generally fall into the following key categories:

- (a) submissions seeking to 'upzone' land that was notified as Amenity Zone;

¹ Refer to Appendix 1 attached to the evidence of Mr Barr

- (b) submissions seeking to 'downzone' land that was notified as Precinct; and
- (c) submissions seeking a special zone that recognises the characteristics of the activities that currently take place, or the submitter wishes to take place, on the site.

2.4 Some of the 'down zone' submissions request that the ODP framework be reverted to, others specifically seek reversion to the PDP Stage 1 framework. Some of the 'upzone' submissions are to notified Precinct, others are to new 'Precincts that they seek to added to Chapter 24.

2.5 Having considered the submissions, the preferred option has generally been to retain the zones as notified, given the background work that was undertaken preparing the Land Use Study, which informed the Variation. Where a specific activity-based development is sought, the preferred approach is to maintain the integrity of the PDP and direct that to take place through a resource consent process through one of the notified zones.

2.6 It is my view that this approach will ensure that the integrity of the Wakatipu Basin as a whole is maintained for its rural amenity value, in accordance with the objectives and policies of the Amenity Zone chapter. It is not an approach that is in opposition to special zonings *per se*, rather it allows the management of the Basin to be undertaken in an integrated manner as a whole landscape catchment with common outcomes being provided for. It is my opinion that this is less likely to lead to an erosion of the values of the Basin through the use of a range of special zones.

2.7 In relation to those submissions that seek an extension of the Urban Growth Boundary (**UGB**), the proposals have been considered carefully against the Objectives and Policies of Chapters 3 and 4.² Extensions are only supported where they retain the integrity of the UGB in a considered manner. In relation to development surrounding existing settlements, the Precinct has generally been avoided where it

² I accept that these objectives and policies are not beyond appeal and not yet "settled". I understand legal counsel may address this in legal submissions.

might compromise future growth in a planned and co-ordinated manner.

3. LEGISLATIVE CONTEXT

- 3.1** S 74 RMA provides that a territorial authority can change its district plan in accordance with its functions under s 31 RMA, the provisions of Part 2 and any regulations, and in having regard to the evaluation under s 32 RMA. It also states that when changing a district plan, a territorial authority shall have regard to any proposed regional policy statement, or proposed regional plan, and any other management plans or strategies prepared under other Acts. It must also take into account any iwi management plan lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the District.
- 3.2** S 31 RMA specifies the functions of territorial authorities. These include the establishment, implementation and review of objectives, policies and methods (including zoning) to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the District. S 31 RMA also requires territorial authorities to control any effects of the use, development, or protection of land, including (amongst other things) for the purpose of issues associated with: noise; subdivision; natural hazards; hazardous substances; indigenous biological diversity; contaminated land; and, activities on the surface of rivers and lakes.
- 3.3** In making recommendations on zoning for the Wakatipu Basin, I have had regard to the matters set out in s 32 RMA. A s 32 evaluation report was prepared and notified with the Wakatipu Basin variation in Stage 2. S 32 RMA is an iterative process that needs to be considered throughout the preparation of planning documents, as it supports the reasoning for the provisions of a plan. S 32 RMA evaluates the extent to which objectives are the most appropriate way to achieve the purpose of the RMA, and whether the provisions (including zones) are the most appropriate way to achieve the objectives, including identifying other reasonably practicable options for achieving the objectives, assessing their efficiency and effectiveness in achieving the

objectives, and summarising the reasons for deciding on the provisions. Costs and benefits need to be considered, including opportunities for economic growth and employment that are to be provided or reduced. A decision maker also needs to turn their mind to the risk of acting or not acting if there is insufficient information about the subject matter of the provisions.

- 3.4** In effect, when comparing rezoning, a decision maker needs to compare the methods available or proposed, and determine which is more appropriate, or better, for achieving the objectives of the plan. In this report, I have not undertaken a separate s32AA analysis. Rather I have referred, where relevant, to the particular matter matters raised in s32AA in the body of my report.
- 3.5** Where relevant, I have referred to the objectives and policies attached to the evidence of Mr Barr. However it is noted that other objectives and policies are also relevant, including those in Chapter 3 and 4, and those with district wide implications such as Chapter 28 - Natural Hazards.
- 3.6** Part 2 of the RMA sets out the Act's purpose and principles. The RMA's purpose is to promote the sustainable management of natural and physical resources. 'Sustainable management' means managing 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:
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- 3.7** S 6 RMA states matters of national importance that shall be recognised and provided by anyone exercising powers and functions under the RMA. Of particular relevance to this hearing is s 6(b), which provides

that anyone exercising functions and powers under the Act shall recognise and provide for the protection of outstanding natural features and landscapes, from inappropriate subdivision, use and development. Proposed Policy 3.2.4 of the PRPS (provided as Appendix 2) of the assists with determining what is inappropriate, by providing that those values of that make a feature, landscape or seascape outstanding, are maintained. I note that the Panel is required to have regard to the PRPS under s 74(2)(i) RMA.

- 3.8** S 7 RMA stipulates other matters that all persons exercising functions and powers under the RMA are to have particular regard to in achieving the purpose of this Act. The key parts of s 7 RMA for this proposal are:
- (a) S 7(b) RMA - The efficient use and development of natural and physical resources;
 - (b) S 7(c) RMA - The maintenance and enhancement of amenity values; and
 - (c) S 7(f) RMA - Maintenance and enhancement of the quality of the environment.
- 3.9** S 8 RMA requires all persons exercising functions and powers under the RMA, to take into account the principles of the Treaty of Waitangi.
- 3.10** S 75 RMA addresses the content of district plans and specifies that a district plan must state the objectives for the district, the policies to implement the objectives and the rules (if any) to implement the policies. Amongst other things, s 75 RMA states that a district plan may state the principal reasons for adopting the policies and methods and the environmental results expected from the policies and methods. S 75 RMA requires that a district plan must give effect to a regional policy statement, and have regard to a proposed regional policy statement and must not be inconsistent with a regional plan.
- 3.11** When making a rule (which includes individual rules and packages of rules such as zones which have a regulatory effect) in a district plan, s 76 RMA requires territorial authorities to have regard to the actual or potential effects on the environment of activities including any adverse effect. A rule may apply throughout a district or a part of a district, make different provision for different parts of the district, or different classes

of effects arising from an activity. A rule may apply all the time, or for stated periods or seasons. It also may be specific or general in its application and require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.

3.12 When looking at individual submission, the provisions of

4. STAGE 1 SUBMISSIONS

Plan maps – Wakatipu Basin

4.1 Approximately 355 submissions were made on the Stage 1 plan maps that are impacted by the Variation for the Amenity Zone and Precinct that were notified as part of Stage 2. Together, this land was notified in Stage 1 as either Rural, Rural Residential, or Rural Lifestyle. The Amenity Zone (and the Precinct) 'replace' the zones that were notified in Stage 1, for this land within the Wakatipu Basin. These submissions transfer over to the variation and the relief sought in them, remains 'live'.

4.2 These submissions have not been specifically analysed, although in a significant number of instances, the same issues are raised (submissions lodged in stage 1 or stage 2, as they relate to the same area of land), as it is my opinion that the s 32 evaluation, and supporting Land Use Study (both attached to Mr Barr's evidence), provide sufficient justification that the Variation is more appropriate than what was notified and sought in stage 1. As the entire Zone has been submitted on in Stage 1, my evidence does address all land that was subject to a Stage 1 submission. If submitters pursue this relief in evidence, then this will be addressed in the Council's rebuttal.

Plan maps – ONLs/ONFs

4.3 ONLs and ONFs were notified on the plan maps in Stage 1, and submissions on them were allocated to the Wakatipu Basin hearing. They have therefore not been heard as part of the Stage 1 hearings, they remain 'live' and are to be heard in this hearing. These ONLs/ONFs were not 'replaced' by the Wakatipu Basin variation.

Therefore in some instances, it is necessary to consider the location of the ONF/Ls on the Stage 1 plan maps, and the Rural Amenity and Precinct on the Stage 2 plan maps.

- 4.4 In addition, submitters and the Panel should be made aware that where submissions have sought the movement of an ONF/L in Stage 1 with a rezoning request at the same time, the adjacent zoning would usually have moved on through the Stage 2 variation to be Amenity Zone.

5. GENERAL MATTERS RELATING TO ALL SUBMISSIONS

The Council's evidence

- 5.1 While a number of submissions received have included supporting reports regarding landscape, wastewater and stormwater, traffic engineering and ecology, for a large number of the submissions no such reports have been received.
- 5.2 Generally, whether the zoning in the Wakatipu Basin is appropriate or not, is largely driven by landscape consideration as to what the most appropriate zone should be. It may be either a higher quality rural zone that has less capability to absorb development, or provides a future development function; or an area that has greater capability to absorb development, often recognising existing development or consented but unbuilt development. It is noted that there are instances in the Amenity Zone where built development may appear reasonably intense and at rural residential densities, however the approach has been to look at the LCUs as a whole for the purpose of management.
- 5.3 Traffic, infrastructure and ecology are lesser drivers in terms of the zoning, however they remain relevant. To this extent, the focus of the Council's expert evidence has mostly been on landscape matters. Traffic and transport, and ecology evidence has been focussed on the Basin at a macro scale, rather than an individual submission scale, unless the scale of the development has called for individual comment. Although the infrastructure evidence does comment on site specific rezonings across the Basin, generally because the policy approach enables self-sufficient (on-site) infrastructure that does not generate

servicing costs that fall on the wider community, no issues have been raised from the three waters perspective.

- 5.4** The traffic evidence indicates network issues and implications for the Shotover River Bridge. Additional development in the Basin will place pressure on the Council and NZTA to advance the upgrade of this bridge before its planned replacement in 2035. In my view this however, should not be considered to be determinative of whether a particular Amenity Zone or Precinct should or should not be provided for, as upgrades of significant infrastructure such as the Shotover River Bridge, and their funding, are live issues that need to take place outside of this PDP process.
- 5.5** A number of wide-ranging requests have been made across the plan which are recommended to be rejected. That is because they are not supported by the s32 evaluation and Land Use Study.³ Recommendations on these submissions are made in Appendix 3.
- 5.6** I note that where the row in the tables in the remainder of my evidence refer to the Stage 1 PDP zone and annotations have been replaced (by the variation), this replacement does not apply to the Stage 1 ONLs/ONF annotations. As mentioned, I make recommendations on Stage 1 ONL/ONF annotations in my evidence.

Consideration of zone requests

- 5.7** In reviewing the Stage 1 recommendation reports, I have found the Panel's conclusions on the 'zoning principles' in the Queenstown rezoning recommendation report 17.1 to be useful, and adopt this approach. Those matters are:⁴
- (a) whether the change implements the purpose of the PDP Strategic Direction, Urban Development and Landscape Chapters;
 - (b) the overall impact of the rezoning gives effect to the ORPS and the PRPS;

³ For example, #2445, #2331.

⁴ Report of the Hearing Panel 17.01, page 38, para 132.

- (c) whether the objectives and policies of the proposed zone can be implemented on land;
- (d) economic costs and benefits are considered;
- (e) changes to the zone boundaries are consistent with the maps in the PDP that indicate additional overlays or constraints (e.g. Airport Obstacle Limitation Surfaces, SNAs, Building Restriction Areas, ONL/ONF);
- (f) changes should take into account the location and environmental features of the site (eg. the existing and consented environment, existing buildings, significant features and infrastructure);
- (g) zone changes are not consistent with the long term planning for provision of infrastructure and its capacity;
- (h) zone changes take into account the effects on the environment or providing infrastructure onsite;
- (i) there is adequate separation between incompatible land uses;
- (j) rezoning in lieu of resource consent approvals, where a portion of a site has capacity to absorb development does not necessarily mean another zone is more appropriate (i.e. rezoning of land when a resource consent is the right way to go); and
- (k) zoning is not determined by existing use rights, but these will be taken into account.

5.8 I refer also to my earlier references to the relevant parts of the RMA, which clearly are also relevant.

Split zoning

5.9 In the Stage 1 decisions,⁵ the Panel expressed its discomfort with split zoning, largely due to the definition of site, which in Stage 1 had a deeming provision that stated:

- (b) *If any site is crossed by a zone boundary under this Plan, the site is deemed to be divided into two or more sites by that zone boundary.*

5 Report of the Hearing Panel 17.01 at 5.2, para 133.

5.10 The Panel's concern was that this would lead to subdivision into sites on an arbitrary basis, without consideration of servicing, access and suitability in accordance with the PDP.

5.11 This has subsequently been addressed by a Stage 2 Variation to the definition. The definition is proposed to read as follows:

Site means:

Any area of land which meets one of the descriptions set out below:

(a) An area of land which is:

- (i) Comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or*
- (ii) Contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without any further consent of the council;*

Being in any case the smaller area of clauses (i) or (ii) above; or

(b) An area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:

- (i) Subject to a condition imposed under section 37 of the Building Act 2004; or*
- (ii) Held together in such a way that they cannot be dealt with separately without the prior consent of the council; or*

(c) An area of land which is:

- (i) Partly made up of land which complies with clauses (a) or (b) above; and*
- (ii) Partly made up of an interest in any airspace above or subsoil below a road where (a) and (b) are adjoining and are held together in such a way that they cannot be dealt with separately without the prior approval of the council;*

Except in relation to each description that in the case of land subdivided under the Unit Titles Act 1972 and 2010, the cross lease system or stratum subdivision, 'site' must be deemed to be the whole

of the land subject to the unit development, cross lease or stratum subdivision.

- 5.12** The consequence of this variation is that there is no longer the 'deeming' provision. Notwithstanding this, due to the number of submissions that seek alignment of the zones with cadastral boundaries, I consider that it is appropriate to address why I am not concerned with the idea of split zoning in the context of the Wakatipu Basin.
- 5.13** Due to the structure of the zoning and chapter, the Precinct is a sub zone of the Amenity Zone, albeit that it provides and recognises the capability of the land to absorb a higher density of development. The Amenity Zone /Precinct share a number of common objectives and policies, which make their shared location on a site conducive to a common outcome for the Basin as a whole.
- 5.14** Where geomorphological boundaries are available, they have been used to define the zones (and LCUs). In most cases, these will not follow cadastral boundaries. In order to protect the integrity of the landscape units, these geomorphological boundaries form an important function to prevent the creep of higher density development into those areas that are more sensitive to change from a landscape perspective.
- 5.15** Lastly, subdivisions can be designed around the split zoning. The *minimum* density in the Precinct is an average of 1 ha. Where a split zoning is located on a site, a building located in the Precinct area may also include a larger balance area that is made up of the Amenity Zone portion of the land. This situation is not uncommon, where split zones occur in other district plans.
- 5.16** As such, I am not concerned that split zoning occurs. Rather, I consider that it better protects the values and integrity of the Amenity Zone/Precinct, and more efficiently represents where a higher density of development is able to occur, than would defining the boundary lines between the zones via cadastral boundaries. In addition to this, the split zoning is more likely to achieve the objectives of the PDP, than

would the cadastral boundary method, by maintaining the values of the LCUs, and avoiding development creep into the Amenity Zone.

6. OTAGO REGIONAL POLICY STATEMENT

6.1 As referred to above, under s 74(2) RMA, the district plan is required to give effect to the operative Otago Regional Policy Statement (**ORPS**), and regard is to be had to the Proposed Otago Regional Policy Statement (**PRPS**). The PRPS has been through substantial mediation, with two relatively confined elements of it proceeding to hearing in the Environment Court. The balance of the document has undergone substantial change through the process of mediation, due to the wide-ranging number of appeals, however for the purpose of this evaluation, it is the decisions version of the PRPS to which decision makers are to have regard. I have spoken to Otago Regional Council, and confirmed that as of the date of filing, the PRPS is not operative, and that following mediation it has a number of signed consent orders with the Court, and a number of consent orders awaiting signing.

6.2 As with the Upper Clutha hearing, the relevant provisions that are relevant to zoning in the Wakatipu Basin are set out below in relation to the ORPS and PRPS.

Operative ORPS

Objective 5.4.3 To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development (Policy 5.5.6)

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

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

Objective 9.4.2 To promote the sustainable management of Otago's infrastructure to meet the present and reasonably

foreseeable needs of Otago's communities (Policies 9.5.2 and 9.5.3)

Objective 9.4.3 To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources. (Policies 9.5.1 and 9.5.3 to 9.5.6)

Objective 11.4.1 Recognise and understand the significant Natural Hazards that threaten Otago's communities and features (Policies 11.5.1, 11.5.6 and 11.5.7)

Proposed ORPS

Objective 3.1 The values of Otago's natural resources are recognised, maintained and enhanced.

Related Policies:

Policy 3.1.9 associated with maintaining or enhancing indigenous biological diversity.

Policy 3.1.10 associated with recognising the values of natural features and landscapes.

Objective 3.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced.

Related Policies:

Policies 3.2.1 – 3.2.2 and Schedule 5 associated with identifying and managing significant vegetation.

Policies 3.2.3 – 3.2.6 and Schedule 4 associated with identifying and managing outstanding or highly valued natural features and landscapes.

Objective 4.3 Infrastructure is managed and developed in a sustainable way.

Related Policies:

Policies 4.3.1 – 4.3.4 associated with managing infrastructure.

Objective 4.5 Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments.

Related policies:

Policy 4.5.1 Managing for urban growth and development

Manage urban growth and development in a strategic and co-ordinated way, by all of the following:

- (a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for the demand for such land, over at least the next 20 years;*
- (b) Coordinating urban growth and development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way;*
- (c) Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:*
 - (i) Minimise adverse effects on rural activities and significant soils;*
 - (ii) Minimise competing demands for natural resources;*
 - (iii) Maintain or enhance significant biological diversity, landscape or natural character values;*
 - (iv) Maintain important cultural or historic heritage values;*
 - (v) Avoid land with significant risk from natural hazards;*
- (d) Considering the need for urban growth boundaries to control urban expansion;*
- (e) Ensuring efficient use of land;*
- (f) Encouraging the use of low or no emission heating systems;*
- (g) Giving effect to the principles of good urban design in Schedule 5;*
- (h) Restricting the location of activities that may result in reverse sensitivity effects on existing activities.*

Policy 4.5.2 Planned and coordinated urban growth and development

Where urban growth boundaries or future urban development areas, are identified in a district plan, control the release of land within those boundaries or areas, by:

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

6.3 In relation to the ORPS, Objectives 5.4.3 and Policy 5.5.6 seek to protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development. Objective 5.4.5 and Policies 5.5.3 to 5.5.5 promote sustainable land use and minimising the effects of development on water and land.

6.4 The promotion of sustainable management of the built environment and infrastructure, as well as avoiding or mitigating against adverse effects on natural and physical resources is also incorporated into Objectives 9.4.1, 9.4.2 and 9.4.3; as well as Policies 9.5.1 to 9.5.5. Objectives 11.4.1 and 11.4.2 seek to manage risks from natural hazards by identifying and then avoiding or mitigating the risks.

7. QUEENSTOWN GROWTH MANAGEMENT STRATEGY 2007

7.1 Under s 74(2)(b)(i) RMA, when preparing or changing a district plan, a territorial authority is required to have regard to management plans and strategies under other Acts. The Queenstown Growth Management Strategy (**GMS**) was prepared under the Local Government Act 2002 to help guide the Council and community with growth and development. It is intended to inform planning processes over a 20 year timeframe. It sets out the growth pressures and issues, the core growth management strategies, and actions and monitoring.

7.2 It is my opinion that the content of the GMS has largely been subsumed in the PDP. In particular, it is reinforced by Chapter 3 – Strategic Direction and Chapter 4 Urban Development, that set out the strategic

direction for subdivision, use and development throughout the district. I also acknowledge that the Council is entering into a new growth strategy, being the Future Development Strategy that the Council is required to have finished by the end of 2018.

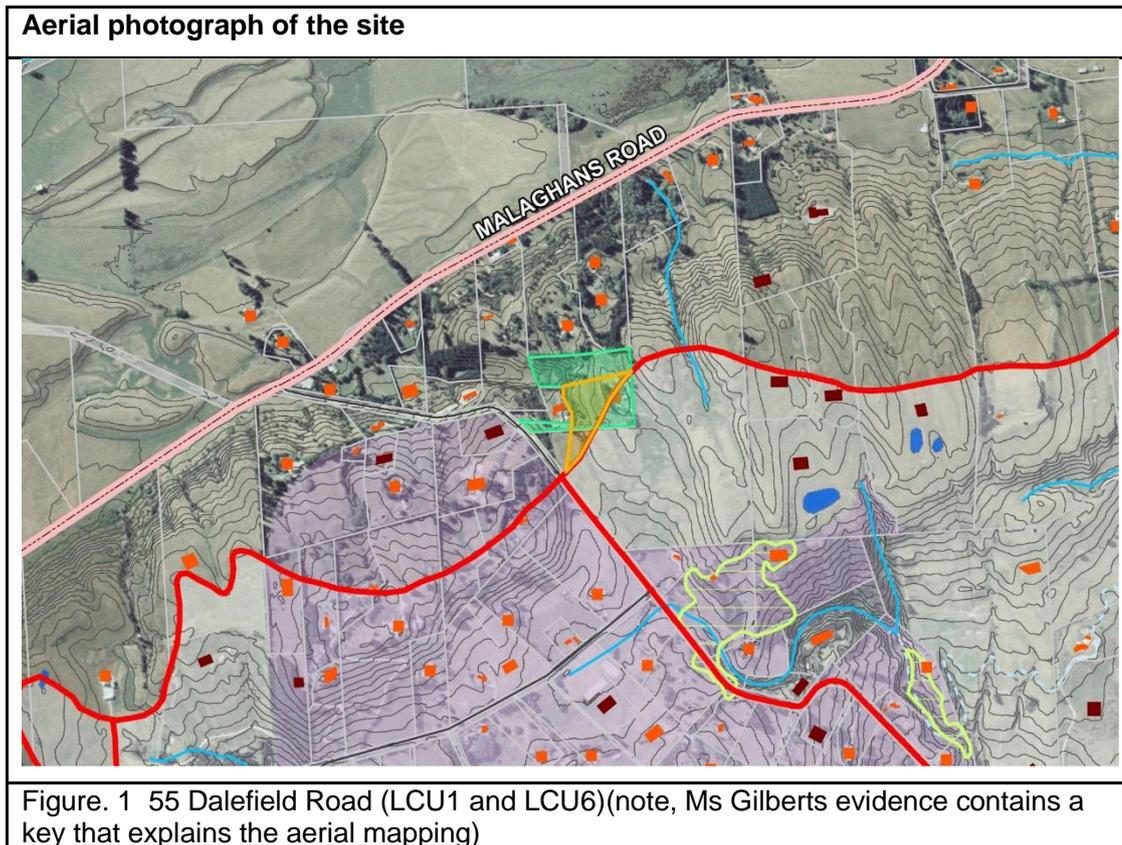
LCU 1 MALAGHANS VALLEY

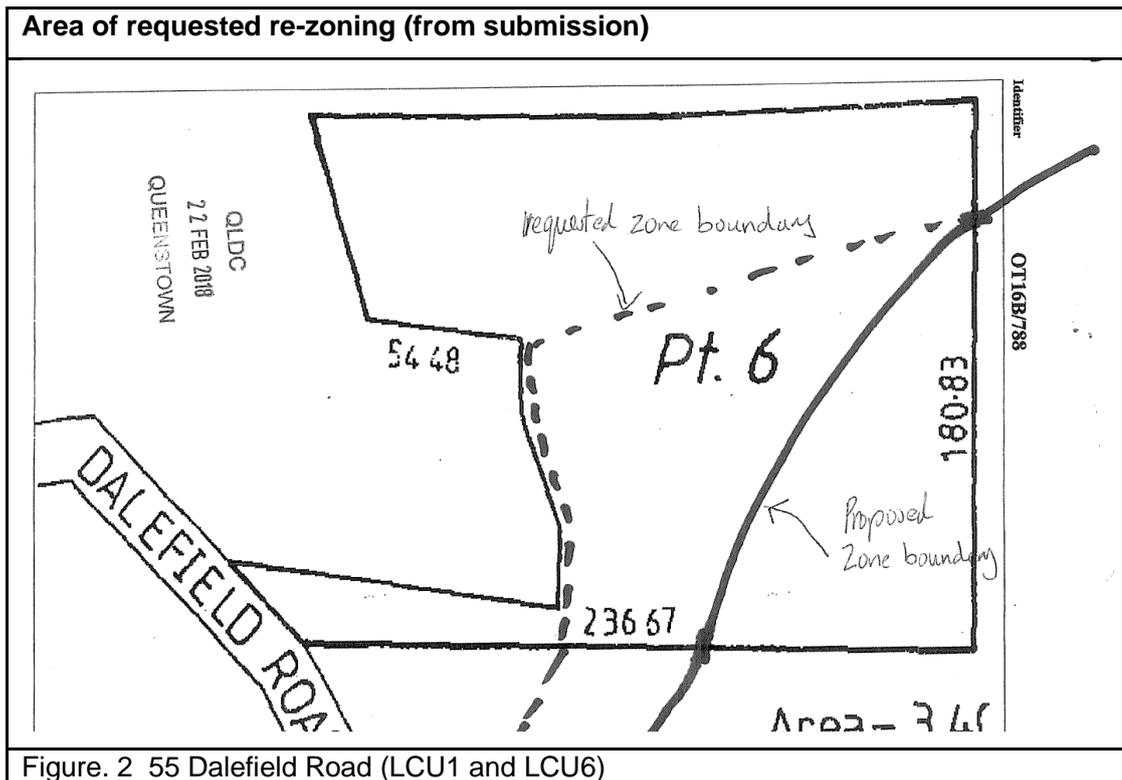
8. MCKEAGUE (#2207)

Overall Recommendation	
Recommendation	Reject
Summary	The notified boundary follows the geomorphological boundary of the top of the escarpment on Malaghans Road. Moving the boundary below the escarpment is not supported from a landscape perspective.

Property and submission information	
Further Submitters	None
Land area/request referred to as	55 Dalefield Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Zone
Stage 1: Zone and mapping annotations requested	None
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Amend boundary of Precinct on Map 29 and Landscape Character Unit 1 and 6 in Schedule 24.8
Supporting technical Information or reports	Attachments A – zoning Attachment B – requested boundary amendment Attachment C – site plan showing new home site
Legal Description	PT LOT 6 DP 12362 BLK IV SHOTOVER SD
Area	3.4ha
QLDC Property ID	2342, 16800
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Landscape	Opposed
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed





- 8.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 8.2 In relation to landscape, Ms Gilbert's evidence can be summarised as follows:
- (a) the LCU line does not follow a specific geomorphological feature. This is inconsistent with the delineation methods specified in the Land Use Study;
 - (b) the area has a very low capability to absorb additional development; and
 - (c) assuming that effects are minor, and/or the proposal achieves the objectives and policies, non-complying consent could be applied for.
- 8.3 On that basis, Ms Gilbert opposes the relief sought in the submission to move the Precinct boundary.

Planning analysis

- 8.4** The submitter has requested amending the boundary of the Precinct at 55 Dalefield Road to enable the construction of a dwelling proposed for the site.⁶ That request is set out in Figure above, which is attached to the submission.
- 8.5** As set out in Ms Gilbert's evidence, the LCUs have been developed with a clear methodology that enables the units to be characterised by physical land formations, with the use of cadastral boundaries only in limited circumstances, as described in the evidence of Ms Gilbert. Ms Gilbert sets out in her evidence the reasons why the LCU boundary should not be amended, and this impacts on the subsequent zoning of the land as Amenity Zone rather than Precinct.
- 8.6** In relation to this particular site, visibility is relatively confined by existing vegetation. Vegetation can be a mitigating factor in relation to a particular proposal, however in relation to defining landscape boundaries for the purpose of zoning, its use is not preferred due to the fact that vegetation can be removed.
- 8.7** Consent under the Amenity Zone can still be granted for a particular proposal even where it is a non-complying activity, where it passes the gateway tests provided by s 104D, and following assessment of that activity against the other relevant matters for non-complying consents. As part of that assessment, consideration can be given as to how mitigating factors will be maintained in the long term, such as use of protective covenants on vegetation and landscaping.
- 8.8** The resource consent process option for consideration of development within the portion of the site zoned Amenity Zone is preferred rather than amendment of the zoning boundary.
- 8.9** In relation to the objectives and policies of the PDP, the key provisions in relation to this submission sit in Chapter 24.⁷ Objective 24.2.1 seeks that the landscape and visual amenity values (within the Basin) are

6 Submission point #2207.2
7 As amended in the s42A report of Mr Craig Barr.

protected, maintained and enhanced. The key policy that implements the objective is Policy 24.2.1.3, which seeks to ensure that subdivision and development maintains and enhances the landscape character and visual amenity values identified for the LCUs as described in Schedule 24.8 of the PDP. Objective 24.2.5 is also relevant, as it recognises the enabling of rural residential use in the precinct, which seeking to maintain or enhance landscape character and visual amenity values. Similarly, Policy 24.2.5.1 provides for rural residential activity only where it protects, maintains or enhances the landscape character and visual amenity values of the LCUs as defined in Schedule 24.8. No objectives or policies have been identified that support the submitter's request.

- 8.10** Considering the proposed rezoning against these objectives and policies and the provisions of s 32 RMA, it is considered that the zoning as notified is more appropriate. It is recommended that the submission is rejected and that the zone boundaries are retained as notified, and that there is no change to the LCU boundary in Schedule 24.8.

9. MCGUINNESS (#2292)

Overall Recommendation	
Recommendation	Reject
Summary	The relief is not supported by Ms Gilbert who recognises that incorporating the subject land into the Precinct would undermine the LCU delineation methodology, and that the notified Precinct boundary location will better protect the landscape character and visual amenity of the LCU than that proposed by the submitter. The notified Landscape Feature identified in the planning maps recognises the geomorphological features in the vicinity, which form part of the landscape character and visual amenity of the Basin.

Property and submission information	
Further Submitters	None
Land area/request referred to as	66 Dalefield Road
Stage 1: PDP Zone and Mapping annotations (replaced)	Rural Lifestyle
Stage 1: Zone and mapping annotations requested	None
Stage 2: PDP Zone and Mapping annotations	Amenity Zone, Precinct, Landscape Feature
Stage 2: Zone and mapping annotations requested	Precinct, delete Landscape Feature or modify rules
Supporting technical Information or reports	None
Legal Description	Lots 1 and 2 DP 27088
Area	4.9077ha
QLDC Property ID	2341, 16800
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Landscape	Opposed
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed

Aerial photograph of the site

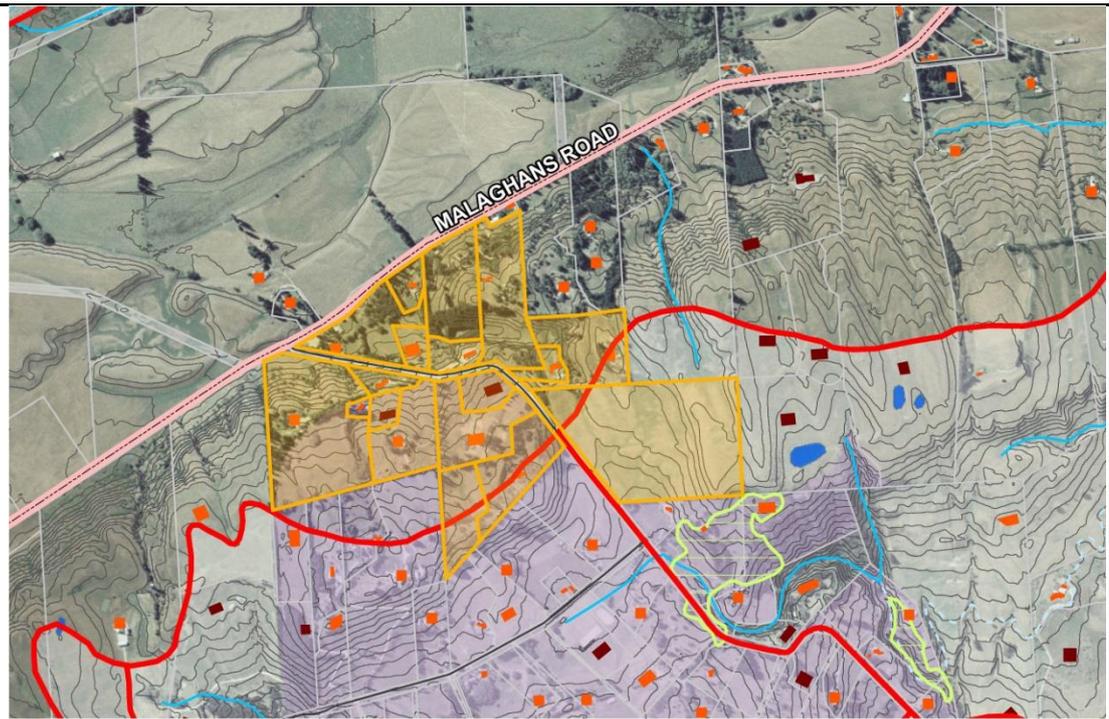


Figure. 3 Area of submission shaded in orange

- 9.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 9.2** The submitter seeks to move the Precinct Boundary and delete the Landscape Feature identified on its land. In relation to landscape, Ms Gilbert's evidence can be summarised as follows:
- (a) while the immediate area identified in the submission contains a reasonably high level of development, it sits in a LCU that has a relatively low level of rural development;
 - (b) further expansion of Precinct land would undermine the LCU delineation methodology;
 - (c) the escarpment of and hillslope form on the south side of Malaghans Road is the obvious geomorphological feature to form the boundary of the LCU; and
 - (d) the landscape feature is considered necessary to ensure development is properly located and the values of LCU1 maintained.

- 9.3** On that basis, Ms Gilbert opposes the relief sought in the submission to move the Precinct boundary, and delete the landscape feature.

Planning analysis

- 9.4** The area at Dalefield, including the submitters land at 66 Dalefield Road was zoned Rural Lifestyle Zone in Stage 1. The submitter seeks that the area notified as Amenity Zone in Stage 2 is rezoned to Precinct, given the consented and built lifestyle development in the area, and that the “Landscape Feature” is deleted.⁸
- 9.5** The planning analysis and recommendations in relation to moving the zone boundary of the Precinct provided at 8.7-8.8 of this report in response to submitter McKeague (2207) above, apply equally to this site.
- 9.6** In relation to deletion of the Landscape Feature as requested by the submitter, this is not supported by Ms Gilbert. Even though the area is a s 7 RMA amenity landscape, there are certain elements in the landscape that are important for maintaining amenity in the Basin, of which this is one. Context in relation to individual situations can be taken into account through consent applications. In relation to this particular area, views to the escarpment from Malaghans Road and higher along Skippers Road remain important to visual amenity in the valley.
- 9.7** The same objectives and policies are relevant to this submission that are assessed in relation to McKeague (#2207) above. In addition, it is relevant to note that for this submission, the Landscape Feature is an important contributor to the visual amenity and landscape character of the Basin, which is why it has been identified with specific rules. Removing the Landscape Feature or controls in relation to it would not better achieve the objectives and policies referred to in 8.9.
- 9.8** Considering the proposed rezoning against the objectives and policies of the PDP, and the provisions of s 32 RMA, it is considered that the zoning as notified is more appropriate. It is recommended that the

8 Submission point #2292.1

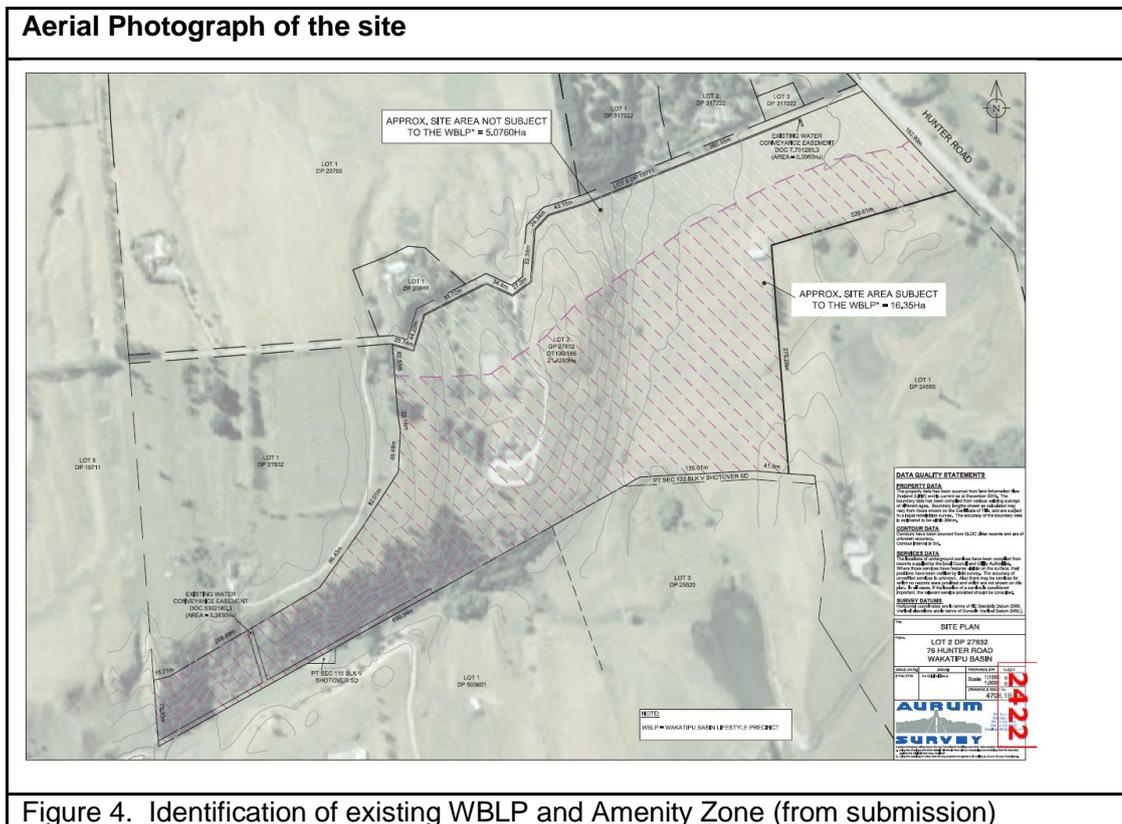
submission is rejected and that the zone boundaries are retained as notified

10. HAMILTON AND HAYDEN (#2422)

Overall Recommendation	
Recommendation	Reject
Summary	The notified boundary between LCU 1 and 6 follows the escarpment that delineates the south side of Malaghans Valley, and aligns with the Precinct boundary. Amending this boundary is not supported by Ms Gilbert who recognises that incorporating the subject land into the Precinct would undermine the LCU delineation methodology, and that the notified Precinct boundary location will better protect the landscape character and visual amenity of the LCU than that proposed by the submitter.

Property and submission information	
Further submitters	None
Land area/request referred to as	76 Hunter Road
Stage 1: PDP Zone and Mapping annotations (replaced)	Rural Zone
Stage 1: Zone and mapping annotations requested	None
Stage 2: PDP Zone and Mapping annotations	Amenity Zone / Precinct
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Lot 2 DP 27832
Area	21.4260ha
QLDC Property ID	2534
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed



- 10.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 10.2** In relation to landscape, Ms Gilbert’s evidence can be summarised as follows:
- (a) the scale of the ‘interruption’ to the ridgeline patterning on the south side of the valley is insufficient to warrant the reconfiguration of the LCU boundary;
 - (b) the area generally reads as part of that ‘more rural corridor’ due to the very strong landform patterning evident on the south side of the balance of the unit; and

(c) the lower lying area does not read as part of the undulating Wharehuanui Hills unit and does not read as an LCU in its own right.

10.3 Ms Gilbert also gave consideration to whether the LCU / Precinct line should be reconfigured along the crest of the small landform spur that extends northwards from the submitter's land. It is her opinion that this landform comprises a relatively small-scale and localised anomaly in the distinctive steep hillslope / escarpment patterning that delineates the southern side of Malaghans Valley, and it would be artificial to exclude it from that unit.

10.4 On that basis, Ms Gilbert opposes the relief sought in the submission to move the Precinct boundary.

Planning analysis

10.5 The submitter is seeking that the boundary of the Precinct on its site at 76 Hunter Road be amended to follow the cadastral boundary.⁹ No reports have been provided in support of the submission at this stage.

10.6 The planning analysis and recommendations in relation to moving the zone boundary of the Precinct provided at paragraph 8.7-8.8 this report apply equally to this site.

10.7 Given Ms Gilbert's opposition to the zoning, I similarly consider that the proposal to move the boundary of the Precinct in this location will undermine the methodology used to demarcate the LCU boundaries. The same objectives and policies are relevant to this submission that are assessed in relation to McKeague (#2207) above at 8.9.

10.8 Considering the proposed rezoning against these objectives and policies, and the provisions of s 32 RMA, it is considered that the zoning as notified is more appropriate. It is recommended that the submission is rejected and that the zone boundaries are retained as notified.

LCU 2 FITZPATRICK BASIN

11. THE CROWN INVESTMENT TRUST ('CIT') (#2307); ROBERT FFISKE AND WEBB FARRY TRUSTEES 2012 LTD (#2338); AEM PROPERTY (2017) LIMITED (#2496); A MORCOM, J DAVIES & VERITAS (2013) LIMITED (#2334); AND D BROOMFIELD & WOODLOT PROPERTIES LIMITED (#2276); HAMILTON AND HAYDEN (#2422)

Overall Recommendation	
Recommendation	Accept in part
Summary	<p>The notified zoning as Precinct, and as requested by the submitters, is supported in the evidence of Ms Gilbert.</p> <p>In relation to the submission of Hamilton and Hayden, the zoning of that part of the property that was notified as Precinct is accepted, but that part of the submission that seeks to extend Precinct zoning to include all of their property is rejected and addressed elsewhere in this report.¹⁰</p>

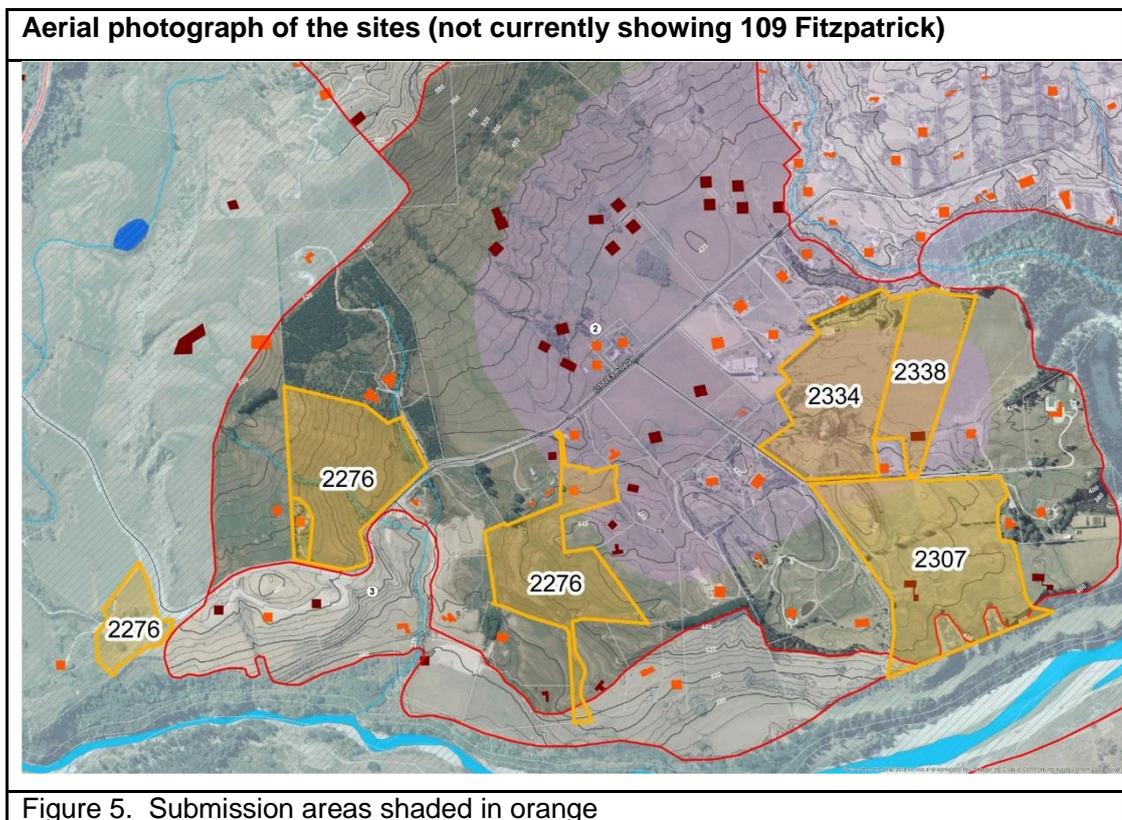
Property and submission information	
Further Submitters	Refer to Appendix 3
Land area/request referred to as	64 Fiitzpatrick Road (#2307) Lot 2 DP 307454 (un-numbered) Fitzpatrick Road (#2338) 109 Fitzpatrick Road (#2496) 59 Fitzpatrick Road (#2334) Littles Road (various) (#2276) 76 Hunter Road (part zoned WBLP) (#2422)
Stage 1: PDP Zone and Mapping annotations (replaced)	ONL Rural RRZ
Stage 1: Zone and mapping annotations requested	Refer to Appendix 4

¹⁰ The extension of the zoning is addressed at section 10 of this report, refer Fig 4.

Stage 2 PDP Zone and Mapping annotations	Precinct (and Amenity Zone in relation to Hamilton and Hayden)
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	<ul style="list-style-type: none"> • Lot 1 DP 476877 (#2307) • Lot 2 DP 307454 (#2338) • Lot 1 DP 22872 (#2496) • Lot 1 DP 307454 (#2334) • Lot 24 DP 493649 - 28.584000 Ha CT- 720320 Lot 26 DP 493649 - 71.436000 Ha CT- 720320 Lot 9 DP 483357 - 3.355700 Ha CT- 720320 Lot 2 DP 475338 - 11.458000 Ha CT- 720320 (#2276) • Lot 2 DP 27832 (#2422)
Area	<ul style="list-style-type: none"> • 19.9574ha (#2307) • 7.4101ha (#2338) • 4.013ha (#2496) • 13.511ha (#2334) • Lot 24 DP 493649 - 28.584000 Ha, Lot 26 DP 493649 - 71.436000 Ha, Lot 9 DP 483357 - 3.355700 Ha, Lot 2 DP 475338 - 11.458000 Ha, (#2276) • 21.4260ha (#2422)
QLDC Property ID	44050 (#2276), 4122 (#2496), 10517 (#2334), 17215 (#2338), 2534 (#2422), 34570 (#2307)
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed

Landscape	Accept in part (opposed in relation to extension of Precinct to Hamilton and Hayden)
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11.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

11.2 Given the support for the notified zoning, Ms Gilbert recommends that the submitter's relief is accepted (noting that the extension sought by Hamilton and Hayden is addressed at section 10 of this report).

Planning analysis

11.3 Given the support of the proposed zoning by the submitters for the notified zoning, no further analysis is required (as far as it relates to land in the notified variation).

12. HARDLEY (#2440)

Overall Recommendation	
Recommendation	Reject
Summary	The change to Amenity Zone (essentially a 'down zone' from the notified position) is not supported by Ms Gilbert as the area identified can be developed in a manner which will appropriately manage adverse landscape character and visual amenity effects through the Precinct zoning, and has the ability to absorb additional development.

Property and submission information	
Further Submitters	None
Land area/request referred to as	n/a – refer to map
Stage 1: PDP Zone and Mapping annotations (replaced)	Rural RLF ONL
Stage 1: Zone and mapping annotations requested	
Stage 2 PDP Zone and Mapping annotations	Precinct / Amenity Zone
Stage 2: Zone and mapping annotations requested	Amenity Zone
Supporting technical Information or reports	None
Legal Description	Various
Area	Approximately 81ha
QLDC Property ID	Various
QLDC Hazard Register	Liquefaction risk (part) Flood due to Rainfall

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed

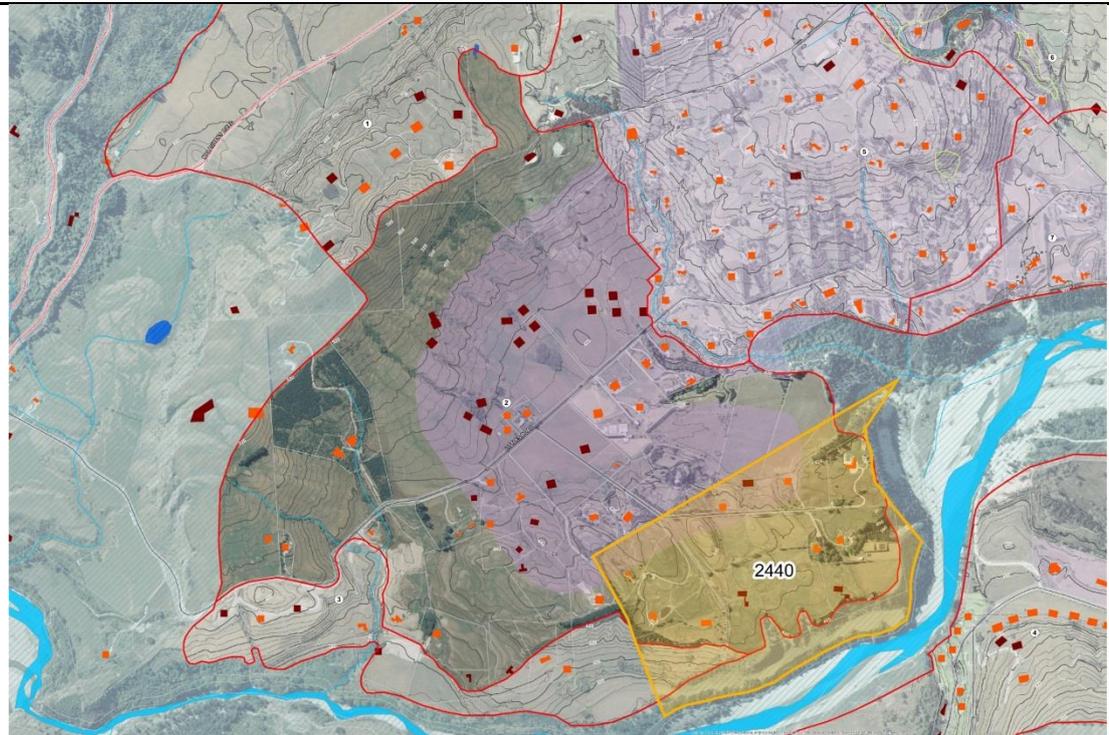
Aerial photograph of affected sites

Figure 6 Area addressed by submission shaded on orange

- 12.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 12.2** The submitter opposes identification of the land as Precinct, and seeks that the land is rezoned Amenity Zone.
- 12.3** In relation to landscape, Ms Gilbert considers that there are a number of features that lead to the Fitzpatrick Basin being able to absorb additional development, as summarised below:
- (a) the area is located in a landscape that exhibits a reasonable degree of landscape complexity, visual containment and enclosure as a consequence of the hummock landform pattern and established vegetation patterns;
 - (b) the subject land forms a visually unobtrusive, discrete enclave, apart from the balance of the Wakatipu Basin; and

(c) this gives confidence that some change in character is unlikely to influence the character of the wider Basin landscape.

12.4 Ms Gilbert acknowledges that some localised effects will occur, but that adverse effects can be managed through the proposed restricted discretionary subdivision consent process. On that basis, she opposes the relief sought by the submitter and considers that the area should remain Precinct as notified.

Planning analysis

12.5 The submitter is concerned about the potential impact of Precinct zoning in the Fitzpatrick Basin area as set out in the Figure above, noting the potential for significant adverse effects on landscape character and amenity for neighbouring property owners, and seeks that the land be rezoned to Amenity Zone.¹¹ The identification of the Fitzpatrick Basin generally as Precinct aligns with the Land Use Study, in particular the ability for certain areas within the Basin to absorb additional development. No landscape reports have been included with the submission. It is noted that a number of other submitters have submitted in support of the Precinct zoning for the Fitzpatrick Basin.

12.6 The notified zone is considered to better implement the LCUs described in Schedule 24.8. To this extent, the zoning is the most appropriate for implementing the objectives and policies, in particular Policy 24.2.1.3 which ensures that subdivision and development maintains or enhances the values identified for the LCU.

12.7 Given the capability of the land to be able to absorb change, and considering the proposed rezoning against the objectives and policies of the PDP and the provisions of s 32 RMA, I consider that the zoning as notified is more appropriate than the submitter's requested Amenity Zone. It is recommended that the submission is rejected and that the Precinct is retained as notified.

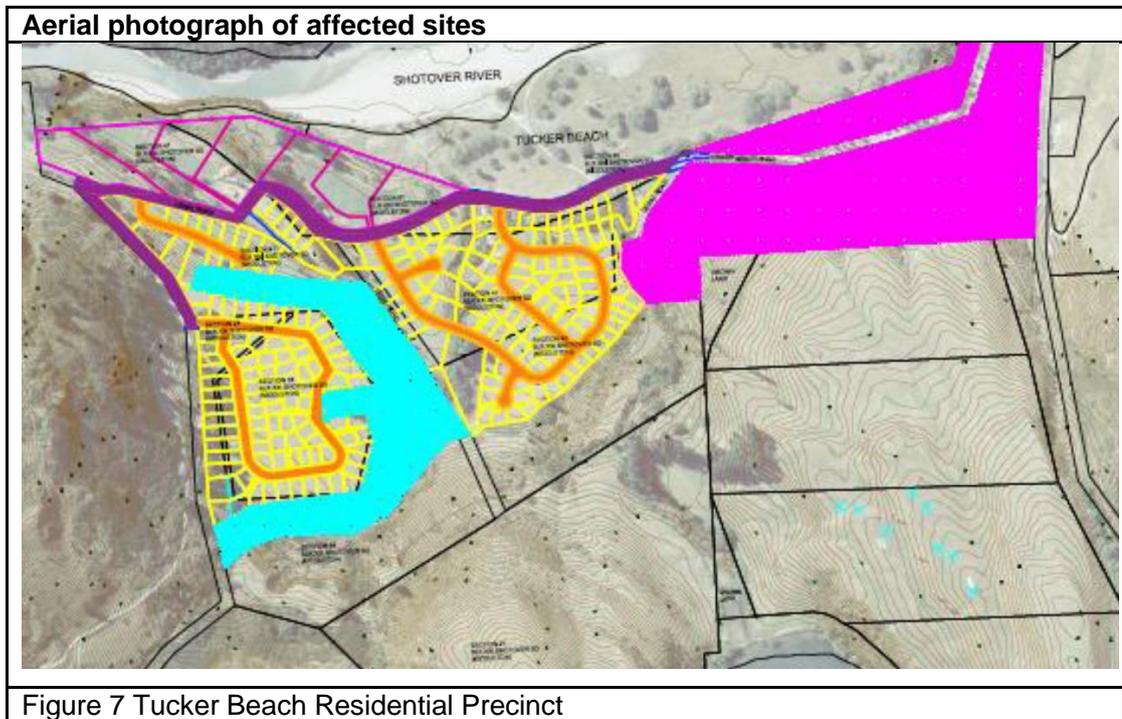
LCU 4 TUCKER BEACH

13. MIDDLETON FAMILY TRUST (#2332)

Overall Recommendation	
Recommendation	Reject
Summary	The submission is not supported from a landscape, infrastructure or strategic growth planning perspective. The notified Precinct and Amenity Zones will better protect the landscape character and visual amenity of the LCU than that proposed by the submitter.

Property and submission information	
Further Submitters	Refer to Appendix 3
Land area/request referred to as	Tucker Beach Residential Precinct
Stage 1: PDP Zone and Mapping annotations (replaced)	Rural Zone ONL RRZ
Stage 1: Zone and Mapping annotations requested	Refer to Appendix 3
Stage 2: PDP Zone and Mapping annotations	Amenity Zone / Precinct
Stage 2: Zone and mapping annotations requested	Tucker Beach Residential Precinct Precinct Urban Growth Boundary extension
Supporting technical Information or reports	None
Legal Description	Various
Area	Approximately 56.2ha
QLDC Property ID	Various
QLDC Hazard Register	Active floodwater-dominated alluvial fan Flood due to Rainfall Fault Line Liquefaction risk

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Opposed
Traffic	Not opposed
Landscape	Opposed



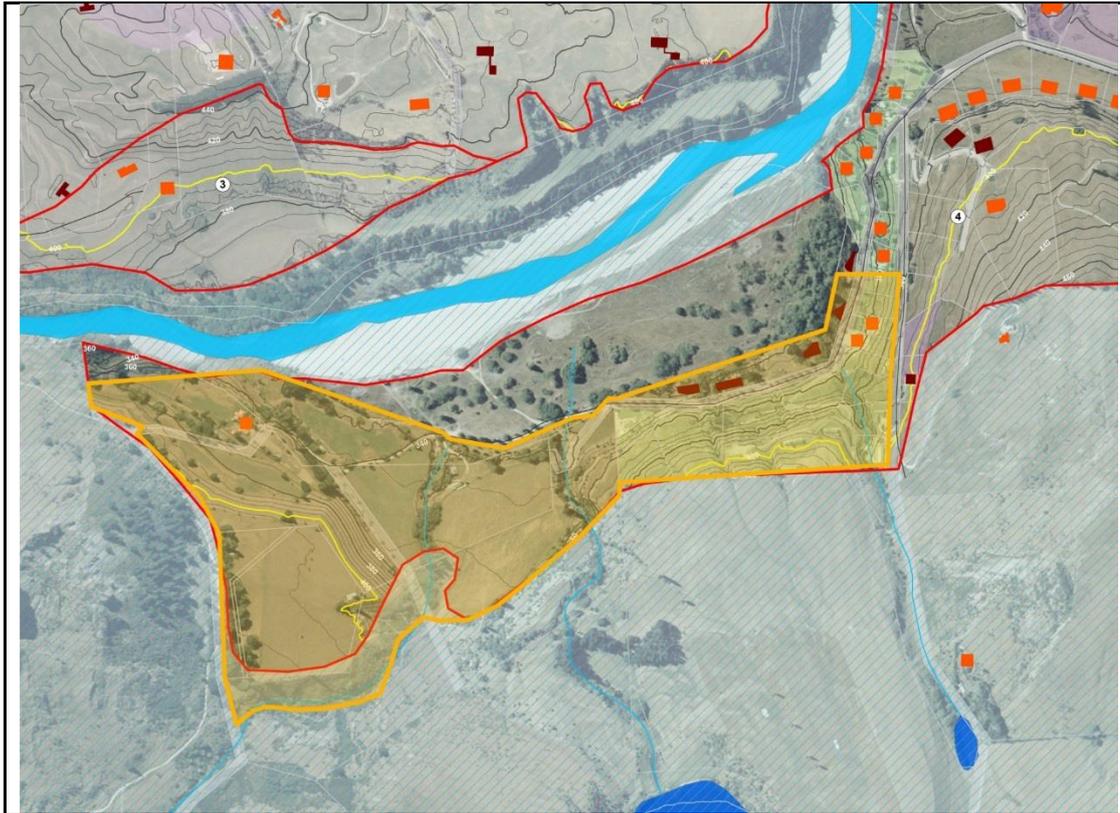


Figure 8 Area of submission shown in orange

- 13.1** Ecology and traffic assessments by Council witnesses have not specifically addressed this proposal, and it is noted that there was no supporting information provided with the submission.
- 13.2** Infrastructure is addressed in the evidence of Ms Jarvis. Her evidence can be summarised as follows:
- (a) the area is not connected to wastewater or water supply scheme, and currently lies outside the scheme boundaries;
 - (b) no evidence has been supplied in support of the scheme extensions. The size is such that it would require community on site systems or extension of the QLDC network;
 - (c) the existing pressure network at the western end of Tucker Beach Road is insufficient for what is proposed; and
 - (d) the existing water supply system would struggle to support new development without upgrades.
- 13.3** Turning to landscape matters, Ms Gilbert has provided evidence that describes the LCU in detail. Her key concerns can be summarised as follows:

- (a) the relative undeveloped green character of the river flat, escarpment and terrace areas and strong connections to the s 6(b) RMA landscape make it highly sensitive to change;
- (b) the proposal appears to include urban development hard up to the ONL Boundary;
- (c) the proposed residential precinct would result in patterning that would see an 'island' of rural residential development between Quail Rise and Tucker Beach, resulting in a fragmented urban pattern; and
- (d) with respect to the extent of Precinct in the eastern portion of the site, the 400m contour has been chosen to avoid the perception of "creep" up the slope of Ferry Hill.

13.4 Both Ms Jarvis and Ms Gilbert's oppose the submission.

Planning analysis

13.5 The strategic objectives and policies in relation to this proposal are contained within the Hearing Panel's decisions on Stage 1, Chapters 3 and 4.¹² The submission makes no reference to these objectives and policies in either their notified or recommended reply form (acknowledging that the decision version hadn't been released at the time the submission was lodged), in a manner which would demonstrate that the proposal being promulgated would be the most appropriate in terms of s 32 RMA. Chapters 3 and 4 implement the ORPS and PRPS, and Part 2 of the RMA.

13.6 Chapter 3 – Strategic Direction includes a number of strategic objectives and policies that guide development in the district.

13.7 Strategic Objective 3.2.2 provides that urban growth is managed in a strategic and integrated manner, including that it is occurs in a manner that promotes a compact, well designed and integrated urban form.¹³

12 Report 3 - Report and Recommendations of Independent Commissioners Regarding Chapter 3, Chapter 4 and Chapter 6, dated 16 March 2018
 13 Strategic objective 3.2.2 and 3.2.2.1

- 13.8** Strategic Objective 3.2.5¹⁴ seeks retention of the district's landscapes and that rural character and amenity in Rural Character Landscapes is maintained or enhanced by directing that new subdivision, use and development is guided to areas that have the potential to absorb change without materially detracting from the values of the landscape.
- 13.9** Policies 3.3.13-3.3.15 are also relevant to the consideration of the submission. These seek to apply UGBs in the Wakatipu Basin, and to avoid urban development outside of them. The submitter disputes the position of the UGB, seeking that it is located around the submitter's proposed Tucker Basin Residential Precinct. Policies 3.3.29 to 3.3.32 provide guidance on the impact of activities on landscapes, seeking to avoid effects that are more than minor on ONF/Ls. Check in relation to Rural Character Landscapes.
- 13.10** Objective 4.2.1 recognises that UGBs are used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges. Policy 4.2.1.3 provides particularly strong direction, seeking to ensure that urban development is contained within the defined UGBs, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries. Policy 4.2.1.5 notes that when locating the Urban Growth Boundary, or extending urban areas through plan changes, that development should avoid impinging on ONF/Ls so that degradation of the values derived from open rural landscape is minimised.
- 13.11** It is my opinion that the proposed location does not sit comfortably with the objective and policy framework of the PDP. As Ms Gilbert notes in her assessment, the proposal has the potential to impact on the adjacent ONL, and that generally, the proposed location does not provide for a compact, well designed and integrated urban form. That is primarily because of the separation of the proposed development from Quail Rise, interspersed with Precinct land. For this reason, I also do not support the movement of the UGB to include the submitter's land.

14 Strategic objective 3.2.5 and 3.2.5.2

13.12 The objectives and policies that are relevant to this submission are the same as those assessed above at 8.9.

13.13 Considering the proposed rezoning against those objectives and policies and the provisions of s 32 RMA, I consider that the zoning as notified is more appropriate than the submitter's requested Tucker Beach Residential Precinct. It is recommended that the submission is rejected and that the zone is retained as notified (i.e. Part Amenity Zone and part Precinct).

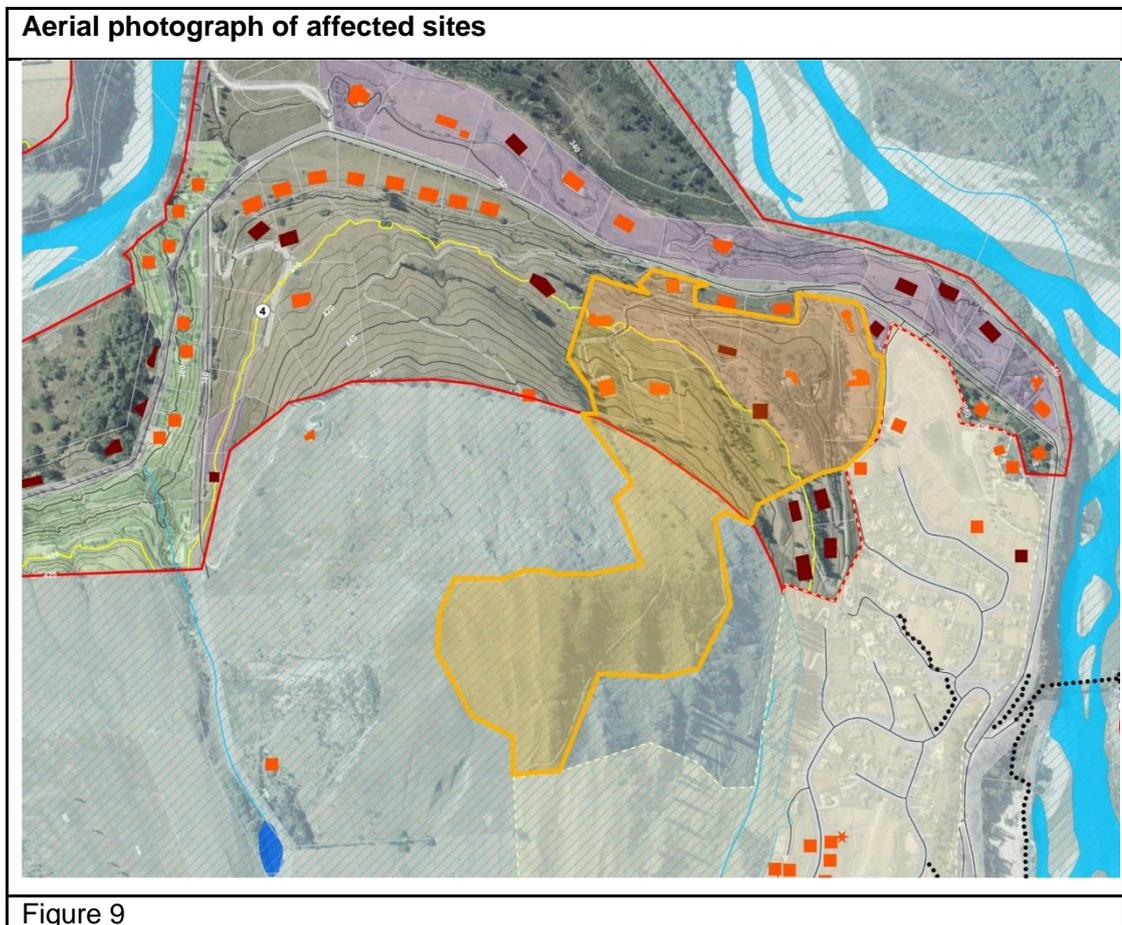
14. D BROOMFIELD AND WOODLOT PROPERTIES LIMITED (#2276 AND #500)

Overall Recommendation	
Recommendation	Reject
Summary	Extension of the Precinct above the 400m contour is not supported from a landscape perspective, and maintaining the notified boundary will better protect the landscape character and visual amenity of the LCU and adjacent ONL.

Property and submission information	
Further Submitters	None
Land area/request referred to as	
Stage 1: PDP Zone and Mapping annotations (replaced)	Rural RRZ ONL
Stage 1: Zone and mapping annotations requested	Refer to Appendix 3
Stage 2: PDP Zone and Mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested in Stage 2	Precinct
Supporting technical Information or reports	None
Legal Description	Lot 1 DP 473899

	Lot 1 DP 323310 Lot 2 DP 473899
Area	Approximately 38.9ha
QLDC Property ID	15033, 31170, 31180
QLDC Hazard Register	Areas Susceptible to Shallow Debris Flows

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed



14.1 No site-specific infrastructure, traffic or ecology issues have been raised in relation to this submission.

14.2 The submitter seeks to move the Precinct Boundary and delete the Landscape Feature identified on its land. In relation to landscape, Ms Gilbert's evidence can be summarised as follows:

- (a) While the immediate area identified in the submission contains a reasonably high level of development, it sits in a landscape character unit that has a relatively low level of rural development.
- (b) Further expansion of precinct land would undermine the LCU delineation methodology.
- (c) The escarpment of and hillslope form on the south side of Malaghans Road is the obvious geomorphological feature to form the boundary of the LCU.
- (d) The landscape feature is considered necessary to ensure development is properly located and the values of LCU1 maintained.

14.3 On that basis, Ms Gilbert opposes the relief sought in the submission to move the Precinct boundary, and delete the landscape feature.

Planning analysis

14.4 The submitter seeks an extension of the Precinct as originally sought albeit with XX zone type, in its submission on Stage 1 (refer map in submission #500).¹⁵ As notified, the boundary extends up above the 400m contour as identified in the Land Use Study, and was identified as an appropriate demarcation of the Precinct, capturing the majority of built development on Ferry Hill. Ms Gilbert does not support the extension of the Precinct.

14.5 The planning analysis and recommendations in relation to moving the zone boundary of the Precinct provided above at 8.7-8.8 apply equally to this site.

14.6 Ms Gilbert has provided evidence that describes the LCU in detail. Her key concerns can be summarised as follows:

15 Submission point 2276.33

- (a) the extent of the Precinct in this location need to be cognisant of the ONL of Ferry Hill and high visibility of the elevated slopes;
- (b) the boundary delineation using the 400m contour encompasses the majority of existing and consented development on Ferry Hill; and
- (c) the proposed boundaries of the Precinct land effectively build a 'buffer' between rural residential land uses and the ONL

14.7 On the basis of Ms Gilbert's assessment, it is my opinion that the extension of the boundary of the Precinct has the potential to lead to degradation of the values of the Ferry Hill ONL. While some rural residential activity may already be located out of the proposed Precinct, further development (including roading, establishment of vegetation, retaining and housing curtilage) above that proposed will impact on the integrity and appreciation of Ferry Hill as an open rural feature of the landscape.

14.8 Decisions Objective 3.2.5.1 and Policies 3.3.29 and 3.3.30 seek to protect adverse effects of activities on ONF/Ls that are more than minor. In addition to this, movement of the boundary would be contrary to s 42A Objectives 24.2.1 and 24.2.5; and associated s42A policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.

14.9 Considering the proposed rezoning against the objectives and policies, and the provisions of s 32 RMA, it is considered that the Amenity zone as notified is more appropriate. It is recommended that the submission is rejected and that the zone boundaries are retained as notified.

15. WATERSON (#2308)

Overall Recommendation	
Recommendation	Reject
Summary	The extension of the Precinct in this location is not supported as it would result in further building platforms above the 400m contour, and potentially impact on the ONF/L at Ferry Hill. The values of the ONF/L are better protected by retaining the zones as notified.

Property and submission information	
Further Submitters	Refer to Appendix 3
Land area/request referred to as	Lot 20 DP 491888 and eastern portions of Lot 9 and 10 DP 491888
Stage 1: PDP Zone and Mapping annotations (replaced)	Rural Ferry Hill RRZ
Stage 1: Zone and mapping annotations requested	None
Stage 2: PDP Zone and Mapping annotations	Precinct / Amenity Zone
Stage 2: Zone and mapping annotations requested in Stage 2	Precinct
Supporting technical Information or reports	None
Legal Description	Lot 20 DP 491888 and eastern portions of Lot 9 and 10 DP 491888
Area	Approximately 5.3ha
QLDC Property ID	44310, 44320, 44350
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed

Aerial photograph of affected sites

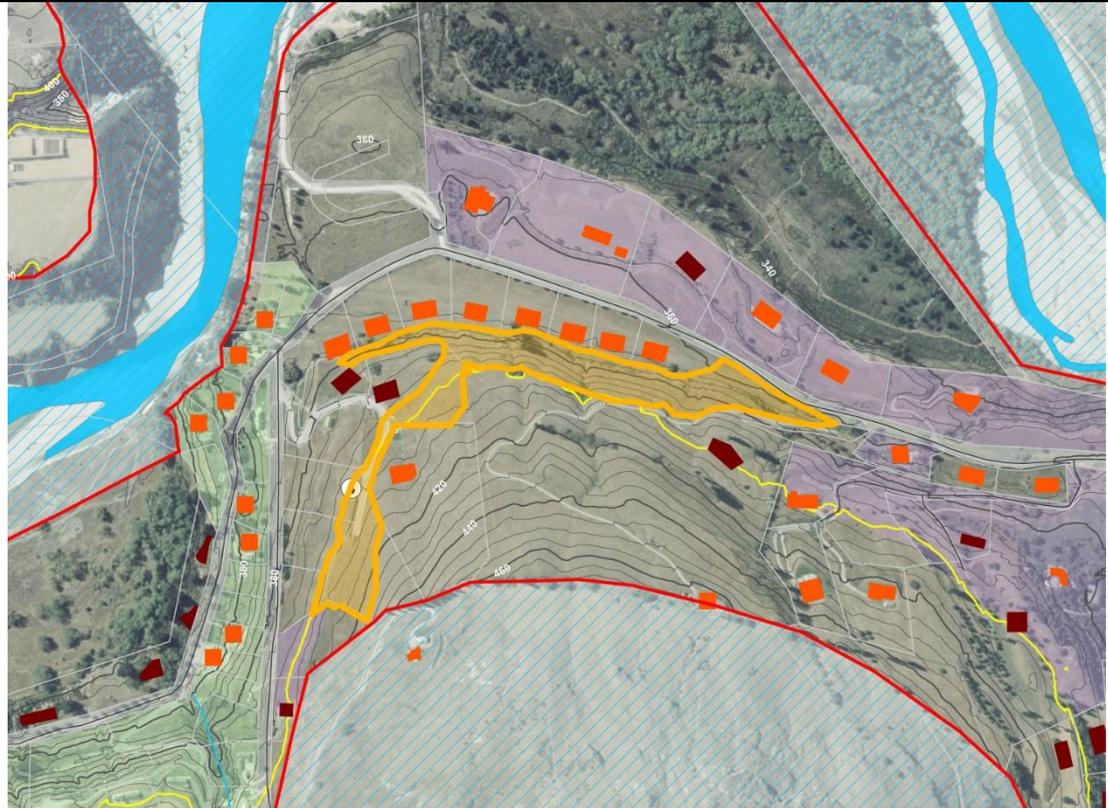


Figure 10. Submission area shaded in orange

- 15.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 15.2** Ms Gilbert's evidence can be summarised as follows:
- (a) whilst the Environment Court found it acceptable in this specific location to allow for two platforms above the 400m contour, this should not dictate the alignment of the Precinct boundary on the submitter's land (or the balance of this part of LCU 4); and
 - (b) there are a number of 'peripheral' dwellings that sit above the 400m contour on the lower slopes of Ferry Hill; however, the dominant patterning sees buildings configured below that contour.

- 15.3** On the basis of the above comments, Ms Gilbert opposes an extension of the Precinct to encompass land above the 400m contour as proposed by the submission.

Planning analysis

- 15.4** The submitter seeks to extend the proposed Precinct boundary above the 400m contour on land it owns on Ferry Hill, in the Tucker Beach Road area.¹⁶ The land is located next to the (Stage 1) Ferry Hill Rural Residential sub-zone. The proposed amendment would provide two additional building platforms. The submission is not supported by landscape evidence.
- 15.5** The planning analysis and recommendations in relation to moving the zone boundary of the Precinct provided at 8.7-8.8 of this report apply equally to this site, as do those specific to the elevated slopes of Ferry Hill at 14.8.
- 15.6** On the basis of Ms Gilbert's assessment, it is my opinion that the extension of the boundary of the Precinct has the potential to lead to degradation of the values of the Ferry Hill ONL. While some rural residential activity may already be located out of the notified Precinct, further development (including roading, establishment of vegetation, retaining and housing curtilage) above that proposed will impact on the integrity and appreciation of Ferry Hill as an open rural feature of the landscape.
- 15.7** Considering the proposed rezoning against the objectives and policies, and the provisions of s 32 RMA, it is considered that the Amenity Zone as notified is more appropriate. In particular, the notified zone is better supported by Objective 3.2.5.1 and Policies 3.3.29 and 3.3.30. In addition to this, movement of the boundary would be contrary to notified Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.

16 Submission point #2308.1

15.8 It is recommended that the submission is rejected and that the zone boundaries are retained as notified.

16. MUSPRATT (#2418)

Overall Recommendation	
Recommendation	Reject
Summary	The extension of the Precinct in this location is not supported as it would result in further building platforms above the 400m contour, potentially impacting on the ONF/L at Ferry Hill. The values of the ONF/L are better protected by retaining the zones as notified.

Property and submission information	
Further Submitters	None
Land area/request referred to as	Lots 1 & 2 DP 486552
Stage 1: PDP Zone and Mapping annotations (replaced)	Rural Ferry Hill RRZ
Stage 1: Zone and mapping annotations requested	Rural Residential
Stage 2: PDP Zone and Mapping annotations	Amenity Zone / Precinct
Stage 2: Zone and mapping annotations requested in Stage 2	Precinct
Supporting technical Information or reports	None
Legal Description	Lots 1 & 2 DP 486552
Area	Approximately 1.5ha
QLDC Property ID	39850, 39860
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed

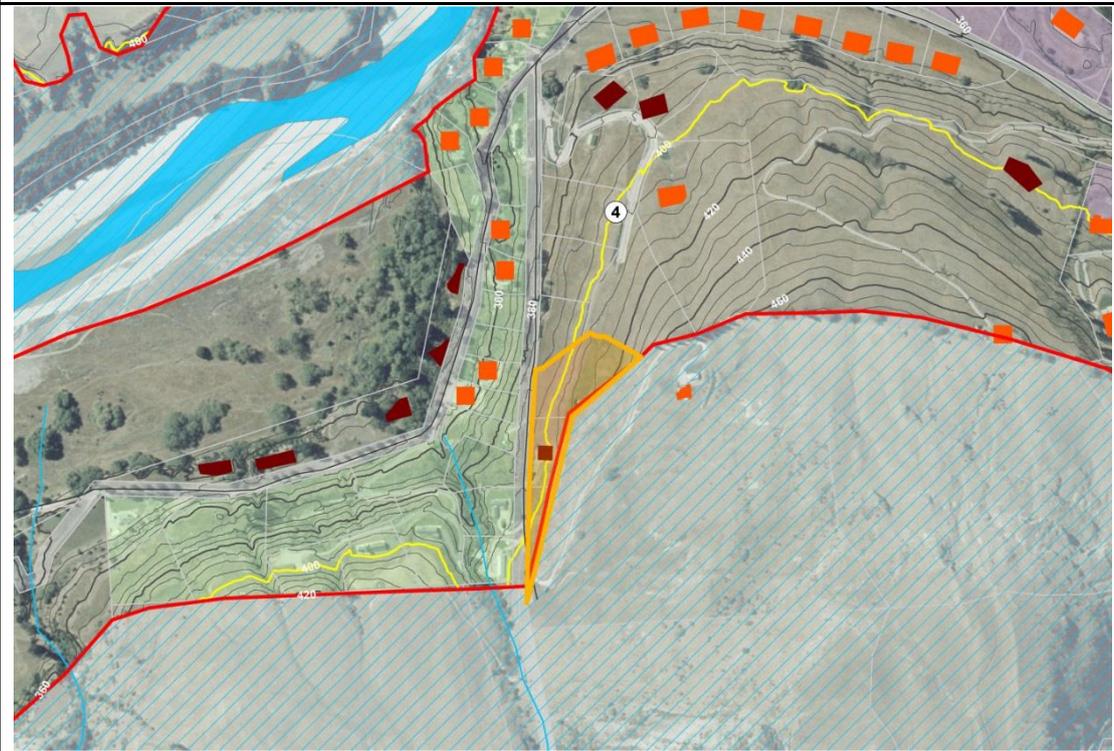
Aerial photograph of affected sites

Figure 11 Muspratt submission area shown in orange

- 16.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 16.2** The submitter seeks to move the Precinct boundary to align with the cadastral boundaries of their site. Ms Gilbert's evidence applies the same reasoning as summarised in 15.2 and 15.3 above.
- 16.3** On that basis, Ms Gilbert opposes the relief sought in the submission to move the Precinct boundary, and delete the landscape feature.

Planning analysis

- 16.4** The submitter seeks to extend the proposed Precinct boundary above the 400m contour on land it owns on Ferry Hill, in the Tucker Beach Road area.¹⁷ The land is located next to the (Stage 1) Ferry Hill Rural

Residential sub-zone. The submission is not supported by landscape evidence.

- 16.5** The planning analysis and recommendations in relation to moving the zone boundary of the Precinct provided at 8.7-8.8 of this report apply equally to this site, as do those specific to the elevated slopes of Ferry Hill at 14.8.
- 16.6** On the basis of Ms Gilbert’s assessment, it is my opinion that the extension of the boundary of the Precinct has the potential to lead to degradation of the values of the Ferry Hill ONL. While some rural residential activity may already be located out of the notified Precinct, further development (including roading, establishment of vegetation, retaining and housing curtilage) above that proposed will impact on the integrity and appreciation of Ferry Hill as an open rural feature of the landscape.
- 16.7** Considering the proposed rezoning against the objectives and policies, and the provisions of s 32 RMA, it is considered that the Amenity zone as notified is more appropriate. In particular, the notified zone is better supported by Objective 3.2.5.1 and Policies 3.3.29 and 3.3.30. In addition to this, movement of the boundary would be contrary to notified Objectives 24.2.1 and 24.2.5; and associated Policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.
- 16.8** It is recommended that the submission is rejected and that the zone boundaries are retained as notified.

LCU 6 WHAREHAUNUI HILLS

17. SIDDELL (#2196), DONALDSON (#2229), BRUSTAD (#2577)

Overall Recommendation	
Recommendation	Accept in part (to the extent the Precinct is retained as notified)

Summary	The notified zoning as Precinct is supported in the evidence of Ms Gilbert, Council's landscape expert.
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Property and submission information	
Further Submitters	None
Land area/request referred to as	111 Dalefield Road (#2196) Lot 3 DP 20693 (#2229) 53 Mooney Road (#2577)
Stage 1: PDP Zone and Mapping annotations (replaced)	Rural RLZ
Stage 1: Zone and mapping annotations requested	n/a (#2196) Rural Lifestyle/Millbrook Resort Zone (#2229) Rural Lifestyle (#2577)
PDP Zone and Mapping annotations	Precinct
Zone and mapping annotations requested in Stage 2	Precinct
Supporting technical Information or reports	None
Legal Description	Lot 3 DP 20693 (#2229) LOT 1 DP 21393 BLK V SHOTOVER SD (#2577) Part Lot 1 DP 12314, Lot 2 DP 12314, Section 65 Block IV Shotover SD, Lot 1 DP 24801 (#2196)
Area	Approximately 30ha
QLDC Property ID	2445 (#2229) 2519 (#2577) 2343, 2344, 63040, 12955 (#2196)
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Not opposed

Aerial photograph of affected sites

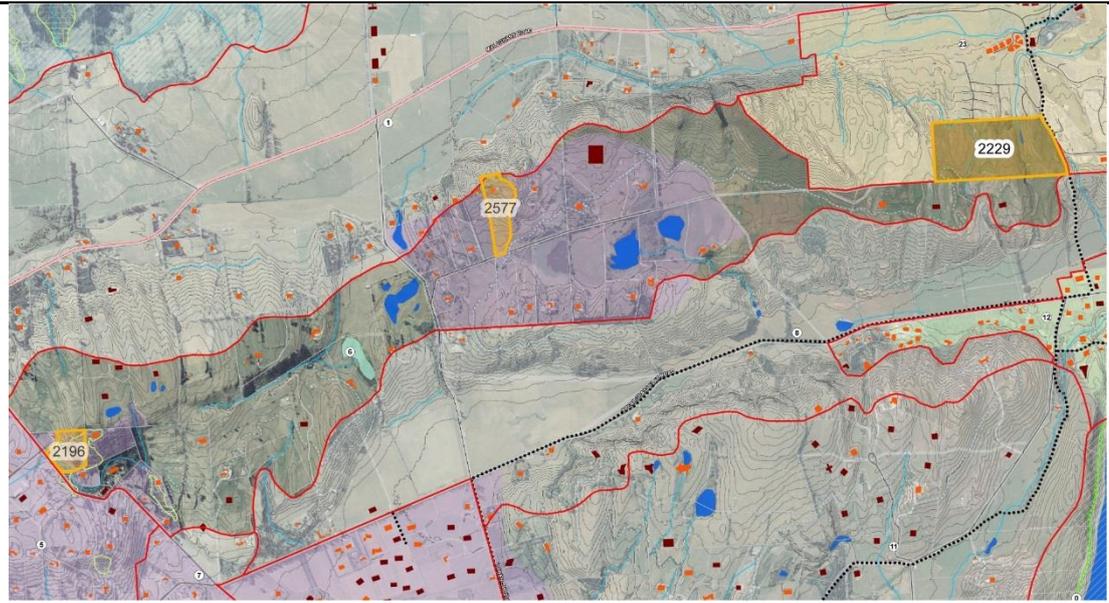


Figure 12 Location of submitters' land in LCU 6 that are supportive of WBLP (in orange)

Planning analysis

- 17.1 No site-specific infrastructure, traffic, ecology or landscape issues have been raised by Council witnesses in relation to this submission.
- 17.2 The submitters generally support the zoning of their properties as Precinct as notified in Stage 2, on Planning Map 31,¹⁸ although submissions are made on the minimum lot size which is addressed in the evidence of Mr Craig Barr. Given the support of the proposed zoning by the submitters for the notified zoning, no further analysis is required, and I accept in part their submissions.

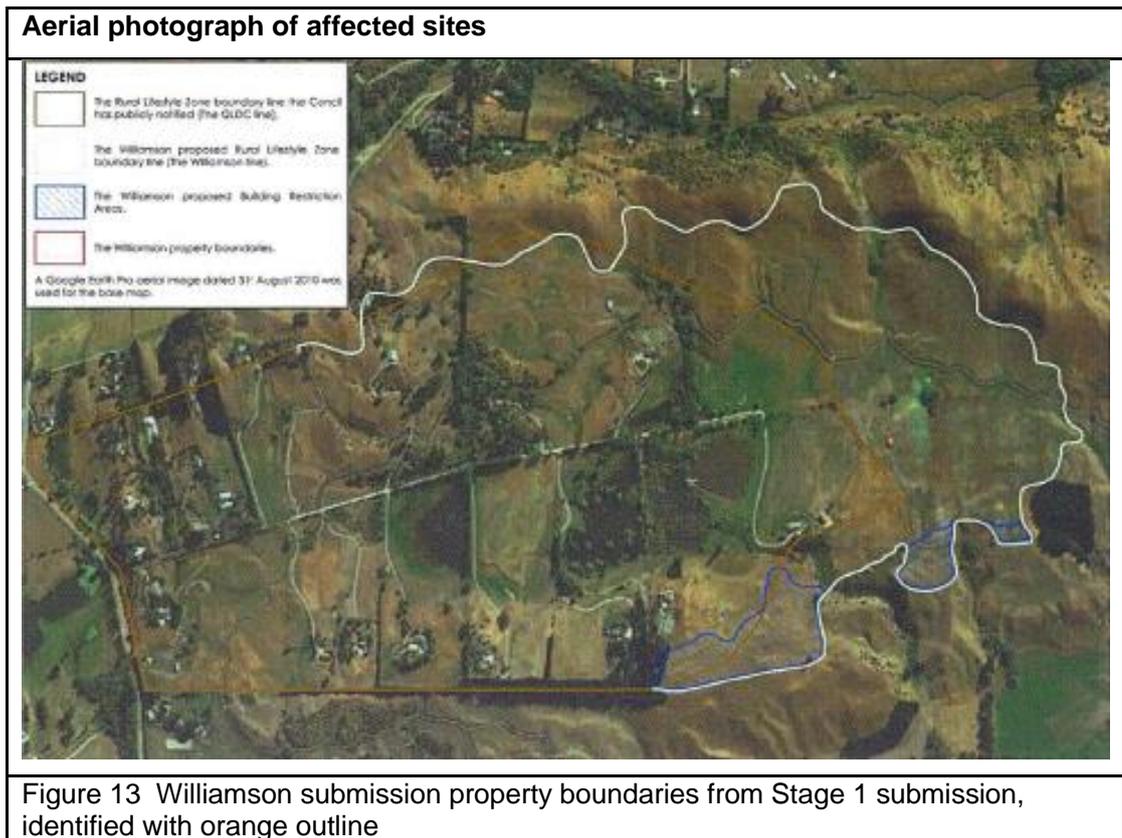
18. WILLIAMSON (#2272, #499)

Overall Recommendation	
Recommendation	Accept in part (to the extent that the Precinct is retained as notified)
Summary	The submission has been considered by Council's landscape expert and the Precinct zoning is supported as notified, but with no changes to the boundaries of the Precinct.

18 Submission points #2196.1, #2229.1, #2577.54

Property and submission information	
Further Submitters	FS2762.33, FS 2762.34 – Leslie and Judith Nelson - Oppose
Stage 1: PDP Zone and Mapping annotations (replaced)	Rural
Stage 1: Zone and mapping annotations requested	Rural Residential
Stage 2: PDP Zone and Mapping annotations	Amenity Zone / Precinct Landscape feature
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	Landscape report by Vivian + Espie as part of submission #499
Legal Description	Various
Area	Approximately 167ha
QLDC Property ID	Various
QLDC Hazard Register	Liquefaction – possibly susceptible Alluvial fan - less recently active Alluvial fan - active debris-dominated

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed



- 18.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 18.2** The submitter seeks to move the Precinct boundary in accordance with its submission lodged in Stage 1. Ms Gilbert has assessed the submission and her evidence can be summarised as follows:
- (a) The extent of Precinct identified for LCU 6 is very similar to the submitter's request in Stage 1, but not identical. The LCU boundary is consistent with that applied throughout the remainder of the unit and follows the crest of the ridgeline landform.
 - (b) The zoning requested appears to deviate from the ridgeline crest landform. To adopt a different method in this location raises issues of consistency, and could potentially lead to adverse landscape character and visual amenity effects in relation to LCU 8 Speargrass Flat.

18.3 On that basis, Ms Gilbert opposes the relief sought in the submission to move the Precinct boundary (subsequently rezoning additional land as Precinct), and delete the landscape feature.

Planning analysis

18.4 The submitter is seeking that the boundary of the Precinct on its site at 76 Hunter Road be amended to follow the cadastral boundary.¹⁹ No reports have been provided in support of the submission at this stage. This zoning is opposed by the Nelsons (FS#2762.33 & .34).

18.5 The general planning analysis and recommendations in relation to moving the zone boundary of the Precinct provided above in this report apply equally to this submission.

18.6 Given Ms Gilbert’s opposition to the boundary move//rezoning, I similarly consider that the proposal to move the boundary of the Precinct in this location will undermine the methodology used to demarcate the LCU boundaries. The same objectives and policies are relevant to this submission that are assessed at paragraph 8.9.

18.7 Considering the proposed rezoning against the objectives and policies, and the provisions of s 32 RMA, it is considered that the zoning as notified is more appropriate. It is recommended that the submission is rejected and that the zone boundaries are retained as notified.

19. BOTHERWAY (#2610)

Overall Recommendation	
Recommendation	Reject
Summary	This rezoning is not supported by the Council’s expert landscape witness, who notes that very strong geomorphological boundary is available to form the boundary of the zone. In addition, the notified Precinct boundary location will better protect the landscape character and visual amenity of the LCU than that proposed by the submitter.

Property and submission information	
Further Submitters	None
Land area/request referred to as	27 Mooney Road
Stage 1: PDP Zone and mapping annotation (replaced)	RLZ
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Precinct /Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Lot 2 DP 25298
Area	3.5ha
QLDC Property ID	2527
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed.
Infrastructure	Not opposed.
Traffic	Opposed.
Landscape	Opposed.



Figure 14 Location of Botherway site shown in orange over elevation base plan.

- 19.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 19.2** Ms Gilbert's landscape assessment can be summarised as follows:
- (a) a very strong geomorphological boundary is available in the form of the hillslope and escarpment features which should be preferred over cadastral patterns;
 - (b) the interruption to the ridgeline patterning is insufficient to warrant reconfiguration of the LCU boundary; and
 - (c) amending the cadastral boundary of the Precinct in this location to align with cadastral boundaries raises issues of methodological consistency.
- 19.3** For the above reasons, Ms Gilbert opposes the relief sought in the submission to move the Precinct boundary.

Planning analysis

- 19.4** The submitter is seeking an extension of the Precinct across its property at 27 Mooney Road.²⁰ The site is currently part Precinct, part Amenity Zone. The notified boundary follows the geomorphological boundary of the top of the escarpment on Malaghans Road, and joins the crest of this feature in the vicinity of Mooney Road.
- 19.5** The planning analysis and recommendations in relation to moving the Precinct boundary provided at 8.7-8.8 of this report apply equally to this site.
- 19.6** The submission is not supported by any expert reports. I accept Ms Gilbert's opinion that in this location, there is a clear geomorphological boundary which defines the LCU. The alignment of the boundary is continuous with the top of the ridge in this location.
- 19.7** The objectives and policies that are relevant to this submission are the same as those assessed at 8.9.
- 19.8** Considering the proposed rezoning against the objectives and policies of the PDP, and the provisions of s 32 RMA, it is considered that the zoning as notified is more appropriate, aligning with the LCU boundary. It is recommended that the submission is rejected and that the zone boundaries are retained as notified.

20. MALONEY (#2129), NANCEKIVELL (#2171), EDMONDS (#2604)

Overall Recommendation	
Recommendation	Reject
Summary	The PDP, in particular the rules provided in Chapters 24 – Wakatipu Basin and Chapter 27 – Subdivision, provide the protection from adverse effects that the submitters are concerned about.

Property and submission information	
Further Submitters	#2129 <ul style="list-style-type: none"> • FS2762.36 – Nelson – Oppose #2171 <ul style="list-style-type: none"> • FS2762.37 – Nelson – Oppose
Land area/request referred to as	Mooney Road Area
Stage 1: PDP Zone and mapping annotation (replaced)	Rural RLZ
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Precinct Landscape Feature
Stage 2: Zone and mapping annotations requested	Amenity Zone, remove Landscape Feature (Edmonds)
Supporting technical Information or reports	None
Legal Description	Various
Area	Over 300ha
QLDC Property ID	Various
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Opposed

Aerial photograph of affected sites

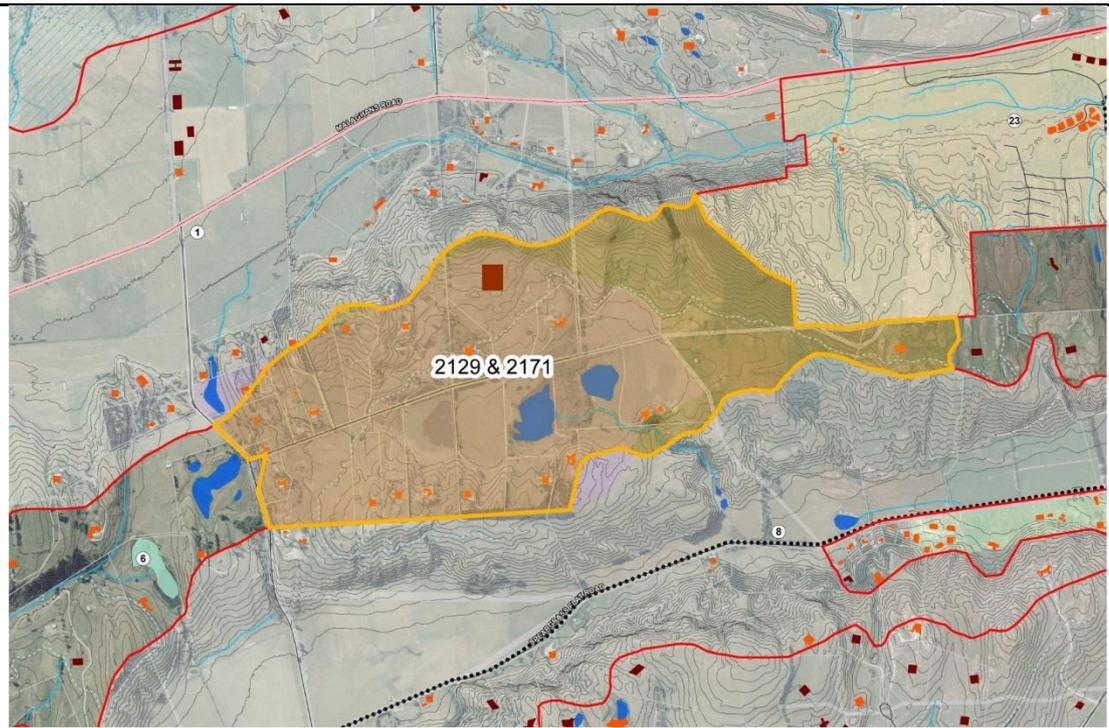


Figure 15 Area of concern outlined in orange (Maloney and Nancekivell)

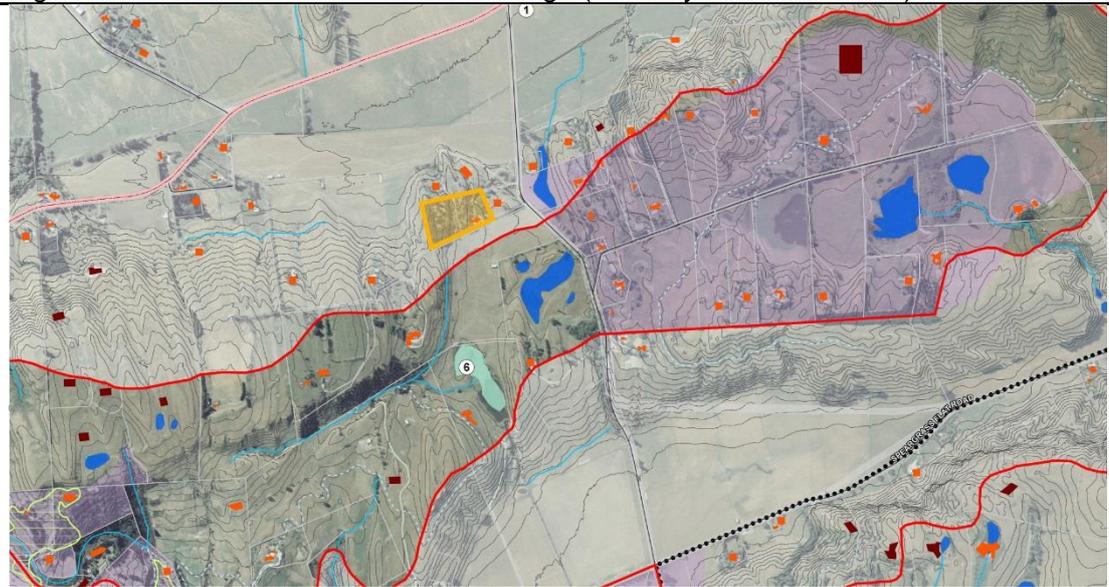


Figure 16 Edmonds' site shaded in orange, with area of clear relief showing area of concern.

20.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

20.2 Ms Gilbert's landscape evidence describes relevant findings of the WB Study for the landscape unit (LCU 6) and responds to points raised in the submissions. Ms Gilbert's evidence can be summarised as follows:

- (a) LCU 6 generally reads as a rural residential landscape and while there may be some productive properties present, they do not dominate the character of the area;
- (b) Ms Gilbert disagrees that additional rural residential development is analogous to Lake Hayes Estates or Shotover Country, identifying that landscape driven assessment based on site specific circumstances will drive future subdivision applications; and
- (c) Cumulative adverse landscape effects on the Wakatipu Basin as a whole will be better addressed by the Amenity Zone and Precinct provisions than the ODP provisions and discretionary subdivision approach.
- (d) In relation to submitter Edmonds concerns regarding the Landscape Feature, she notes that there will, on occasion, be localised interruption but that the feature remains as a whole in the landscape.

20.3 For the reasons set out in her evidence, Ms Gilbert opposes the rezoning of the land from Precinct to Amenity Zone, and does not consider that the Landscape Feature should be removed.

Planning analysis

20.4 The submitters oppose the identification of Precinct over land in the Mooney Road area.²¹ In particular, the submitters are concerned about traffic, water availability, wastewater disposal, as well as impacts on landscape character. Mr Maloney has submitted information pertaining to the Wakatipu Basin aquifers in support of his submission. The submitters have raised a number of specific issues in relation to the proposed zoning of the Mooney Road Area as Precinct. The submitters consider that there are a number of matters that warrant Amenity Zone in this area.

20.5 Through the notified text in the Variation, subdivision within the Precinct (and Amenity Zone) is a restricted discretionary activity. Chapter 27 sets out the matters over which discretion is restricted (refer

21 Submission points #2129.1, #2171.1, #2604.1

to Rule 27.7.6.1). These include the following specific matters that are raised as a concern in in the submissions, among others:

- (a) Property access and roading;
- (b) Firefighting water supply and access;
- (c) Water supply; and
- (d) Wastewater and stormwater management.

20.6 The assessment matters further elaborate on how the matters of discretion are to be assessed (refer to Rule 27.7.6.2). As part of the subdivision consent process, the Council needs to be satisfied that the proposed subdivision will promote the sustainable management of resources, as articulated through the assessment criteria (rather than sustainable management being an endpoint in itself). If the Council is not satisfied that a proposal will achieve the assessment criteria, it has discretion to turn the application down, or impose conditions within the scope of the listed matters of discretion.

20.7 In terms of provisions for the treatment of domestic wastewater, this is a matter that is addressed by the Otago Regional Council in terms of discharge. As set out in the evidence of Ms Jarvis, a developer would still need to satisfy QLDC, through a subdivision consent, that effects of wastewater discharge are addressed through a particular proposal; that can be done by way of connections to existing infrastructure (which is not available in this location), new community wastewater systems, or individual on-site systems.

20.8 No evidence or reports on these matters have been filed with the submission. This should not, however, be read in a way that would infer that all matters should be deferred to subdivision stage. There may be cases in the Basin where upzoning of an area is considered to be not appropriate for other reasons. If it can be demonstrated that the objectives and policies of the plan are better achieved by the Amenity Zone, density, then it needs to be considered. Based on the evidence at this stage, it remains my view that Precinct zoning better achieves the objectives and policies for this land unit.

- 20.9** Mr Maloney has raised issues with the potential impacts of dogs on their existing farming activities. Partly, this might be an issue that is better addressed through the Dog Control Bylaw, however I urge the submitter to consider how this might be addressed through rules in the plan, by providing specific land use rules or policies that might apply and evidence to justify those provisions.
- 20.10** The submitters note that there is already a significant number of consented and unbuilt development in the Basin, as well as, in their view, ample provision for existing lifestyle-sized blocks. It is my opinion that the supply of Precinct land in the Basin is part of the picture, and a relevant consideration. However my view, supported by the evidence of Ms Gilbert, is that the key issue in terms of defining appropriate boundaries between the Amenity Zone and Precinct is the ability of the landscape to absorb additional development.
- 20.11** For the reasons set out in her evidence and summarised at 20.2-20.3 above, Ms Gilbert opposes the rezoning of the land from Precinct to Amenity Zone.
- 20.12** Having considered the submission, it is my view that in this area of Mooney Road, notwithstanding that there might be some limitations on the potential use of land (which, based on the evidence to date, can be addressed at subdivision stage), the more appropriate zoning given the ability to absorb development in a landscape context, is Precinct. It is consistent with the objectives and policies of Chapter 24 as they relate to the subzone. In addition to this, retention of the Landscape Feature will maintain the landscape character and visual amenity of the area.
- 20.13** Considering the proposed rezoning against the objectives and policies of the PDP, and the provisions of s 32 RMA, it is considered that the zoning as notified is more appropriate, as is retention of the Landscape Feature. It is recommended that the submission is rejected and that the Precinct zoning for LCU6 is retained as notified.

21. X-RAY TRUST AND AVENUE TRUST (#2619)

Overall Recommendation	
Recommendation	Reject
Summary	The submitter opposes the identification of Precinct on the part of their property that coincides with LCU 6 Wharehaunui Hills at 413-433 and 471 Speargrass Flat Road. ²² This submission is dealt with in detail in the assessment under LCU 8 – Speargrass Flat.

22. MILLBROOK COUNTRY CLUB (#2295 AND #2605)

Overall Recommendation	
Recommendation	Reject
Summary	The submitter seeks to restrict the extent of Precinct in parts of LCU7 Wharehaunui Hills that are adjacent to Millbrook Resort. ²³ This submission is dealt with in greater detail under LCU 23 – Millbrook.

LCU 8 SPEARGRASS FLAT

23. LAKE HAYES EQUESTRIAN (#2380), HART (#2101), BEADLE (#2430), ANDERSSON (#2167)

Overall Recommendation	
Recommendation	Reject
Summary	The existing land is relatively intensively developed with a large number of consented but unbuilt building platforms. Insufficient evidence is provided that matters of concern cannot be addressed through the subdivision process.

22 Submission point #2629.12
23 Submission point #2295.1

Property and submission information	
Further Submitters	None
Land area/request referred to as	Various
Stage 1: PDP Zone and mapping annotation (replaced)	Rural RRZ RLZ
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Precinct / Amenity Zone
Stage 2: Zone and mapping annotations requested	Amenity Zone
Supporting technical Information or reports	None
Legal Description	Various
Area	n/a
QLDC Property ID	Various
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Opposed

Aerial photograph of affected sites

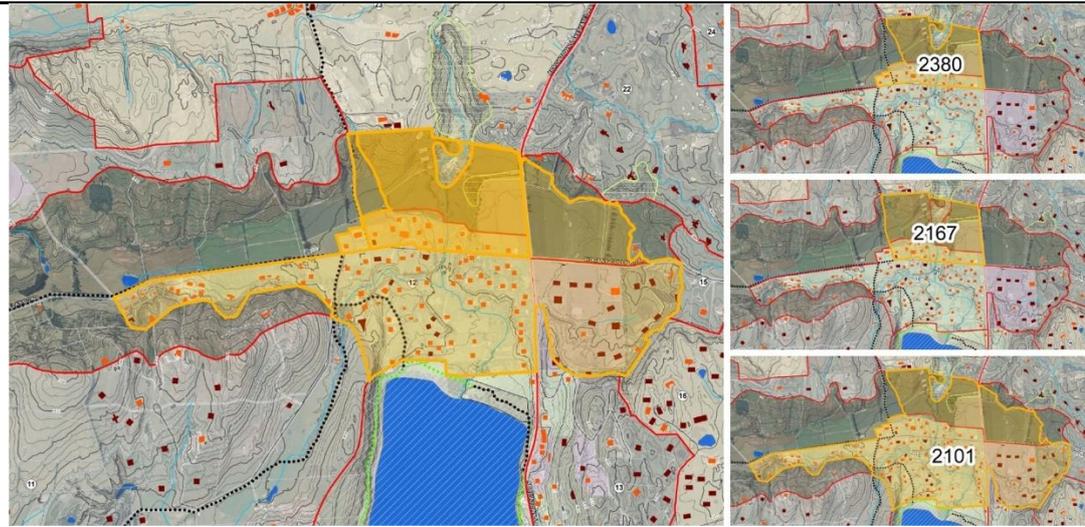


Figure 17. Area impacted by submissions shown in orange

23.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

23.2 Ms Gilbert has considered the landscape matters raised in the submissions. Her evidence can be summarised as follows:

- (a) the existing open and spacious nature of the area needs to be considered in the context of the approved and unbuilt development throughout the generally flat land on the south eastern corner of the Hogans Gully/Arrowtown Lake Hayes Road Intersection;
- (b) the 75m road setback will maintain a degree of openness from Speargrass Flat Road;
- (c) LCU8 is one of the few LCUs where a mixture of Amenity Zone and Precinct is considered appropriate. This is largely because of the established higher density of development at the northern end of Lake Hayes; and
- (d) the restricted discretionary approach to subdivision includes a number of landscape matters which will ensure that future subdivision and development in the Precinct will respond to the landscape characteristics of a specific location.

23.3 For the reasons set out in her evidence, Ms Gilbert opposes the rezoning of the land from Precinct to Amenity Zone.

Planning analysis

23.4 The submitters oppose the Precinct zoning of that part of the Speargrass Flat LCU as shown above.²⁴ The key concerns raised by the submitters on this area being proposed as Precinct can be summarised as:

- (a) the high landscape values of the area;
- (b) the historic values of the area;
- (c) the importance of the area as an open space and its high amenity derived from the lesser level of modification in comparison to the surrounding area of lifestyle precinct;
- (d) the irrational extent of the precinct in this location, given that it does not correspond to the full extent of the LCU;
- (e) the Precinct in this location will give rise to significant cumulative adverse landscape and amenity effects in relation to 547 Speargrass Flat Road (the Beadle property); and
- (f) Lake Hayes water quality and Mill Creek flooding issues (which are beyond the scope of this evidence).

23.5 Lakes Hayes Equestrian identified that the area contained historic values that should be considered. Further information on this, on a catchment scale basis, may assist the Panel with understanding the area of concern (noting that the LCU already acknowledges two heritage buildings/features being located in the unit). I note that the subdivision provisions as notified provide, as a restricted discretionary activity, consideration of historic heritage features (refer to Rule 27.7.6.1.l and 27.7.6.2aa, bb and cc).

23.6 Submitter Hart identifies water supply as a significant issue in terms of the zoning of Ayrburn Farm. No information is supplied regarding capacity for infrastructure in this area, or whether alternative water sources might be available. Ms Jarvis notes in her evidence that the area is not connected to a Council water or wastewater supply. It is noted that water supply is a matter that is required to be addressed through subdivision. Potential impacts of development on water quality

24 Submission point #2380.1, #2101.1, # 2167.1

are acknowledged, however matters relating to on-site wastewater discharge are generally a matter for the Otago Regional Council.

23.7 Submitter Andersson raises concerns regarding the rezoning of Ayrburn Farm as Precinct, noting that the proposal will result in residential/urban creep occurring. Further to Ms Gilbert's evidence, while I acknowledge that this area is currently subject to a relatively low density of development, it should be noted that the Precinct remains a subzone of the Amenity Zone, which is a rural zone, requiring sites to be of an average density of 1ha.

23.8 Decisions on Stage 1 define Urban Development as:

Means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development.

23.9 As such, identification of the area as Precinct does not constitute 'urban development'.

23.10 In relation to specific effects on 547 Speargrass Flat Road raised in the Beadle submission, I note that the subdivision provisions seek to address visual amenity from a landscape perspective, and also in terms of impact on neighbouring property (refer to Rule 27.7.6.2.e). This submission also raises concerns in relation to potential flooding and liquefaction. Both of these matters can be addressed through the use of floor levels and specific foundation design for buildings. The submitter is also referred to Decisions Rule 27.7.6.2.ff and ii, and also the provisions of s 106(1)(a) RMA which provides that a local authority can decline a subdivision if it considers there is a significant risk from natural hazards.

23.11 The notified zone is considered to better implement the LCUs described in Schedule 24.8. To this extent, the zoning is the most

appropriate for implementing the objectives and policies of the PDP, in particular Policy 24.2.1.3 which ensures that subdivision and development maintains or enhances the values identified for the LCU.

23.12 Considering the proposed rezoning against the objectives and policies of the PDP, and the provisions of s 32 RMA, I consider that the Precinct zoning as notified is more appropriate than Amenity Zone. It is recommended that the submission is rejected and that area is retained as Precinct, as notified.

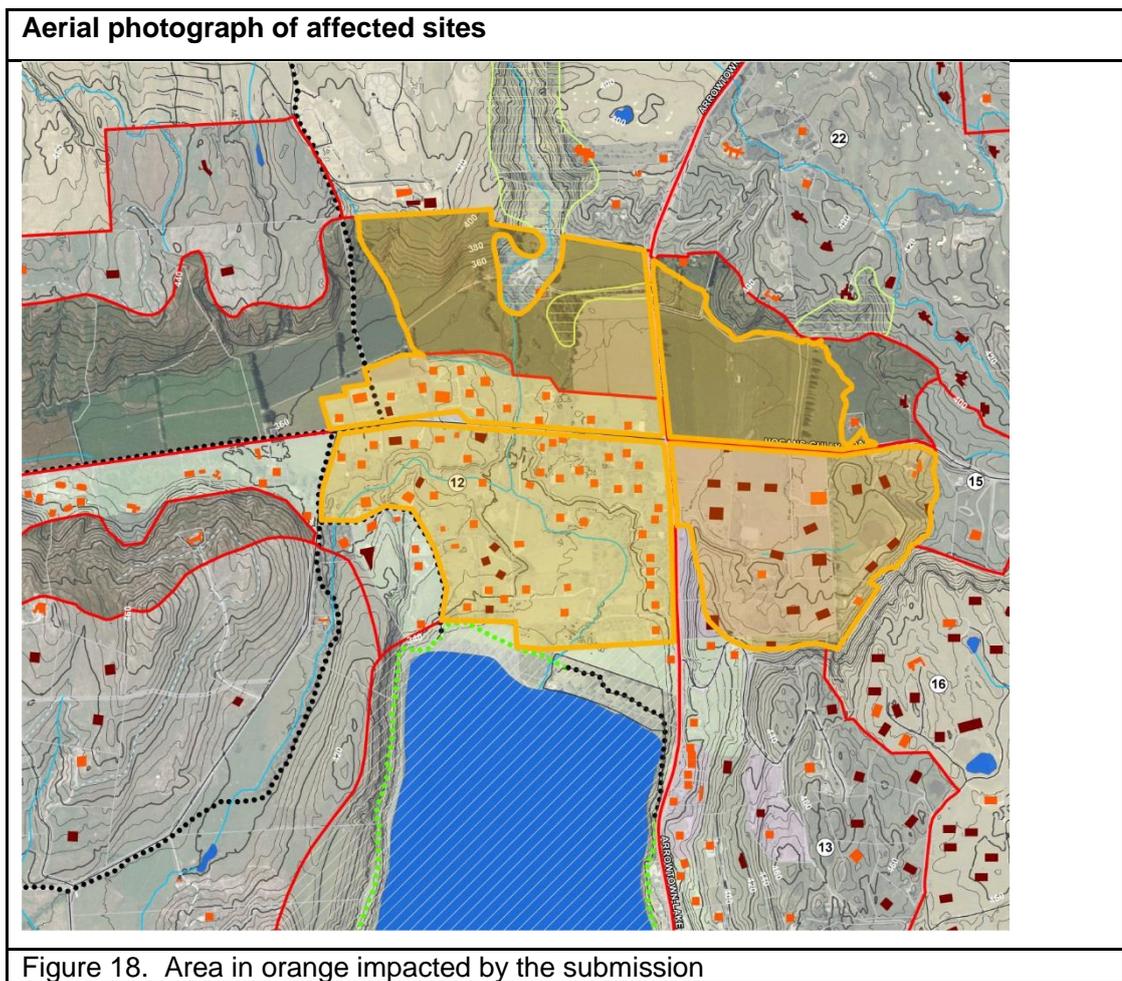
24. DOYLE (#2030)

Overall Recommendation	
Recommendation	Reject
Summary	The zoning requested does not adequately reflect the consented but unbuilt development at the north end of Lake Hayes, and the requested Precinct zoning for the Hills would leave isolated Amenity zoned land.

Property and submission information	
Further Submitters	None
Land area/request referred to as	North Lake Hayes
Stage 1: PDP Zone and mapping annotation (replaced)	Rural RRZ RLZ
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Amenity Zone / Precinct
Stage 2: Zone and mapping annotations requested	Amenity Zone / Precinct
Supporting technical Information or reports	None
Legal Description	Various
Area	n/a
QLDC Property ID	Various

QLDC Hazard Register	Alluvial fan – active, debris-dominated Flood due to Rainfall
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Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Opposed



24.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

24.2 Ms Gilbert’s evidence can be summarised as follows:

- (a) the influence of rural residential enclave at the northern end of Lake Hayes and the consented and unbuilt development on land on the opposite side of Hogans Gully serve to

- separate the notified Precinct land, and confirms the impression of a landscape character that is dominated by rural residential development;
- (b) this is also supported by the distinctive landform containment along the northern and western edges that serves to separate it from LCU 22; and
 - (c) identification of the Hills as Precinct as requested by the submitter would leave a fragmented 'left over' piece of rural land between The Hills and north Lake Hayes.

24.3 For these reasons, Ms Gilbert opposes the rezoning sought.

Planning analysis

24.4 The submitter seeks that further development potential is provided as part of the Hills golf course development through a Precinct zoning, and that the land boarding Speargrass and Hogan Gully Road on the Arrowtown side of the Arrowtown Lake Hayes Road is identified as Amenity Zone.²⁵ The development of this area is impacted by consented but unbuilt development. No supporting reports or evidence were filed with the submission.

24.5 Further analysis of the Hills development is provided below. It is my opinion that given the existing rural nature of the Hills area, there is potential for significant adverse cumulative amenity and landscape character effects to arise as a result of further clustered residential resort-style development at the eastern end of the Wakatipu Basin. This is particularly in light of the existing development at Millbrook Resort, which in my view reads as clustered urban development in a rural area, and other requests for resort zones in the proposed Amenity Zone.

24.6 I concur with Ms Gilbert's analysis. In addition I note that subdivision that is undertaken in the area notified as Precinct will include consideration of landscaping requirements and road setbacks. Taking these into account, the impacts of Precinct developments will be

25 Submission points #2030.1 and #2030.2

minimised, potentially to a greater extent than existing lifestyle block development in the Basin.

24.7 The notified zone is considered to better implement the LCUs described in Schedule 24.8. To this extent, the zoning is the most appropriate for implementing the objectives and policies, in particular Policy 24.2.1.3 which ensures that subdivision and development maintains or enhances the values identified for the LCU.

24.8 Considering the proposed rezoning against the objectives and policies of the PDP, and the provisions of s 32 RMA, it is considered that the zoning as notified is more appropriate. It is recommended that the submission is rejected and that the zoning for LCU8 is retained as notified.

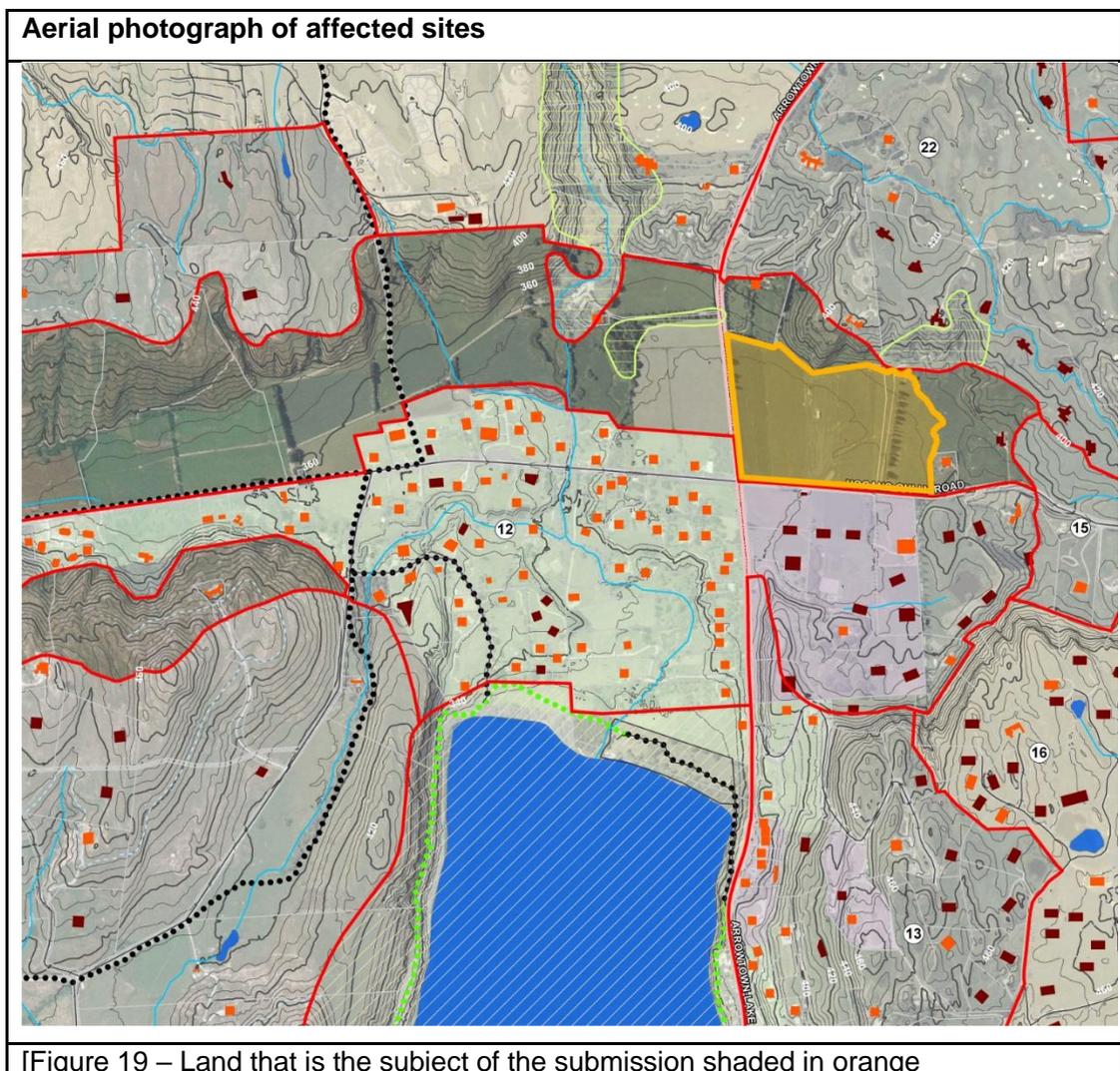
25. BOXER HILLS TRUST (#2385)

Overall Recommendation	
Recommendation	Accept
Summary	The submission seeks the same zoning as that notified and supported by the s32 evaluation and accompanying Land Use Study.

Property and submission information	
Further Submitters	2385.1 – Lake Hayes Limited - Support
Land area/request referred to as	Land east of Arrowtown-Lake Hayes Road in the vicinity of Hogans Gully
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Precinct
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None

Legal Description	Lot 2 DP 501981 Lot 6 DP 392663
Area	Approximately 19.6ha
QLDC Property ID	59750, 25680
QLDC Hazard Register	Alluvial fan – active, debris-dominated

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Not opposed



25.1 None of the expert witnesses for the Council oppose this submission, which supports the zoning of the area as Precinct. Ms Gilbert

addresses matters in relation to the description of the LCU in her evidence, however this is not relevant to the issue of the zoning *per se*.

Planning analysis

25.2 The submitter supports the Precinct zoning of their site of interest. Requested changes to the description of the LCU in Schedule 24.8 are addressed in the evidence of Mr Barr. Given the support of the notified zoning by the submitters, no further analysis is required.

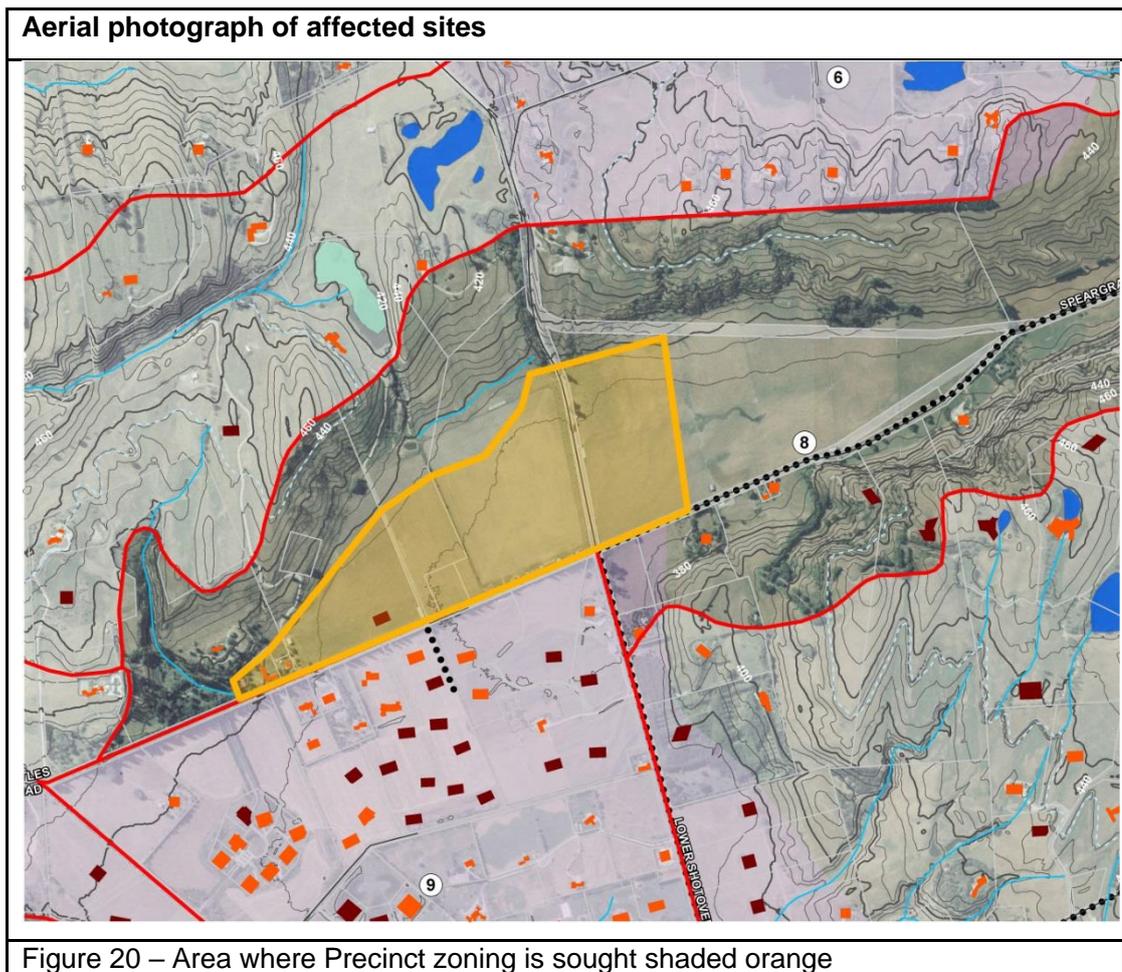
26. KAMPMAN (#2433)

Overall Recommendation	
Recommendation	Reject
Summary	The zoning of this land as Precinct would significantly undermine the buffer impression through the western end of the LCU, creating a new very visible rural residential edge. The notified Amenity Zone will better protect the character and visual amenity of the LCU and the Basin.

Property and submission information	
Further Submitters	None
Land area/request referred to as	Land north of Speargrass Flat Road directly above "The Triangle".
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	Rural Lifestlye – FS117.25
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None

Legal Description	Lot D DP 25424, Lot 2 DP 25520, Lot 3 DP 25520, Lot 2 DP 22310, Lot 1 DP 22310, Lot 2 DP 20531, Lot 1 DP 503601, Lot 2 DP 503601
Area	Approximately 37 Ha
QLDC Property ID	10128, 55440, 55450, 55460, 17154, 20024, 56760 & 56770
QLDC Hazard Register	Partly located in an area possibly susceptible to liquefaction & Alluvial fan at Regional Scale

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed



26.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

26.2 Ms Gilbert's evidence can be summarised as follows:

- (a) the extension would significantly undermine the buffer impression throughout the western end of the LCU and is likely to obstruct views of the escarpment landform and, in so doing, will detract from the landscape and visual amenity values of this part of the basin;
- (b) the proposed expansion of the Precinct suggested in this submission would create a 'new' rural residential edge;
- (c) enabling the extension would undermine the existing robust Precinct edge patterning, suggesting the potential for development creep; and
- (d) the notified provisions are considered to address the concerns raised with respect to visibility of rural residential development within the Wharehuanui Hills (LCU 6) from the Speargrass Flat valley.

26.3 For the reasons set out above, Ms Gilbert opposes the proposed rezoning of land on the north side of Speargrass Flat Road and modification of the Wharehuanui Hills WBLP boundary line.

Planning analysis

26.4 The submitter seeks the extension of Precinct land as shown in the Figure above on the northern side of Speargrass Flat Road and modification of the Wharehuanui Hills WBLP boundary line.²⁶ The change to the land, which was notified as Amenity Zone, is not supported by Ms Gilbert.

26.5 The planning analysis and recommendations in relation to moving the zone boundary of the Precinct provided above in this report apply equally to this site. In addition to this, movement of the boundary would be contrary to notified Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities

26 Submission point #2433.1

where they protect, maintain or enhance landscape values of the LCUs in Schedule 24.8.

- 26.6** Considering the proposed rezoning against the objectives and policies of the PDP, and the provisions of s 32 RMA, it is considered that the zoning as notified is more appropriate. It is recommended that the submission is rejected and that the zoning for LCU8 is retained as notified.

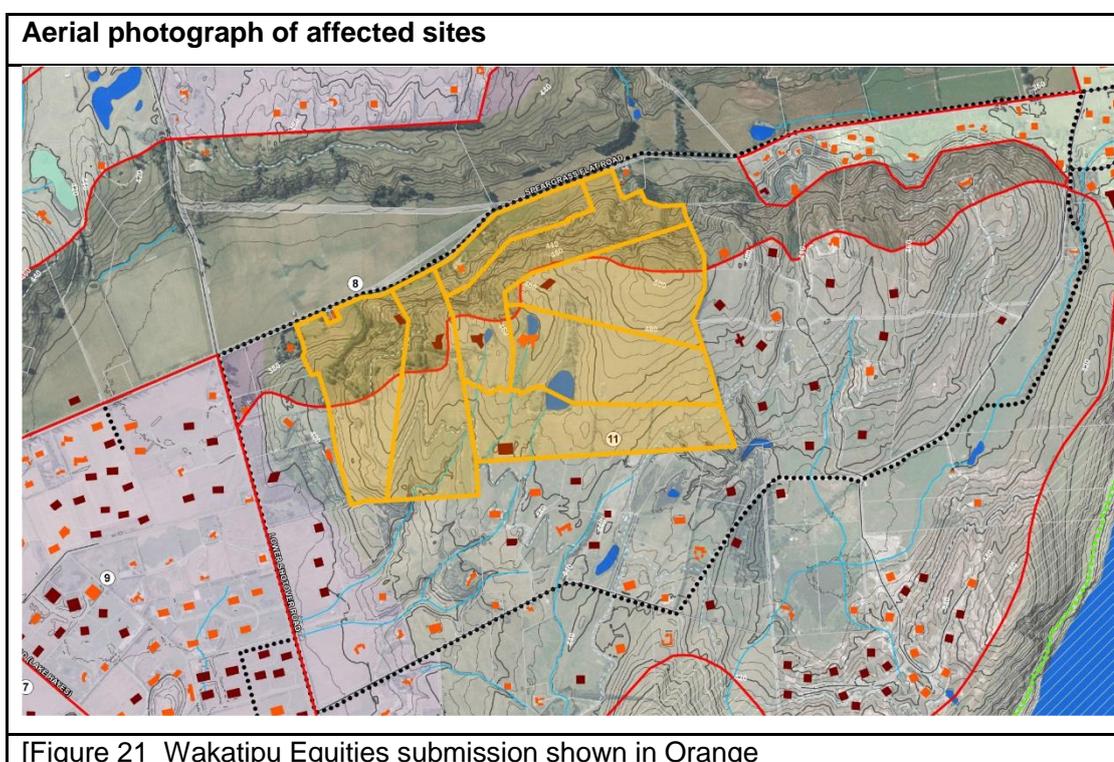
27. WAKATIPU EQUITIES LIMITED (#2479)

Overall Recommendation	
Recommendation	Reject
Summary	Applying Precinct to this site would effectively create an island of rural residential development, which would have a significant impact on the open rural character of the LCU. The values of the LCU are better protected by retaining the area as notified in Stage 2.

Property and submission information	
Further Submitters	None
Land area/request referred to as	258 Speargrass Flat Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	Rural Lifestyle requested in #515.42
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	LOT 1 DP 301330 LOT 2 DP 301330 LOT 3 DP 301330

	LOT 4 DP 301330 LOT 5 DP 301330
Area	Approximately 129Ha
QLDC Property ID	24834, 24835, 23836, 23837, 23838, 23839, 23840
QLDC Hazard Register	Possibly susceptible to liquefaction

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed



27.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

27.2 The key points in Ms Gilbert's evidence can be summarised as follows:

- (a) additional rural residential development along the low-lying land on the south side of Speargrass Flat Road is likely to exacerbate the perception of an almost continuous ribbon of

- rural residential development extending between Hawthorn Triangle and Lake Hayes rural residential;
- (b) rural residential development throughout the escarpment and hillslopes within the submitter's land would be highly visible from the surrounding area and would inevitably require substantial landform modification;
 - (c) applying the Precinct to this block would result in an 'island' of Precinct and, in so doing, would effectively amount to a spot zoning; and
 - (d) the reliance on cadastral boundaries to define the western, southern, and eastern limits of this area would make the Precinct land adjacent vulnerable to development creep.

27.3 For these reasons, Ms Gilbert opposes the rezoning requested.

Planning analysis

27.4 The submitter seeks that either the Stage 1 zoning is returned (Rural), or that the area is rezoned from Amenity to Precinct.²⁷ It is also noted that the submitter sought a Rural Lifestyle Zoning in Stage 1 as well.²⁸

27.5 As noted above, Precinct in this location is not supported from a landscape perspective by Ms Gilbert. She considers that while some development may be appropriate throughout the interior of LCU11, they are relatively discreet. I accept Ms Gilbert's evidence, and in addition consider that the hilly nature of the subject site could additionally lead to adverse outcomes for the values of the LCU, as they relate to development of access ways and retaining to establish building sites at the density levels provided for by Precinct zoning.

27.6 The submitter raises concerns that the zoning as Amenity, with an 80 ha minimum subdivision size is effectively a down-zoning, as the previously notified Stage 1 Rural Zone provided for no density, as a fully discretionary activity. The submitter is also concerned with the financial implications of this on the value of the land for commercial entities.

27 Submission #2479.54
28 Submission #515.42

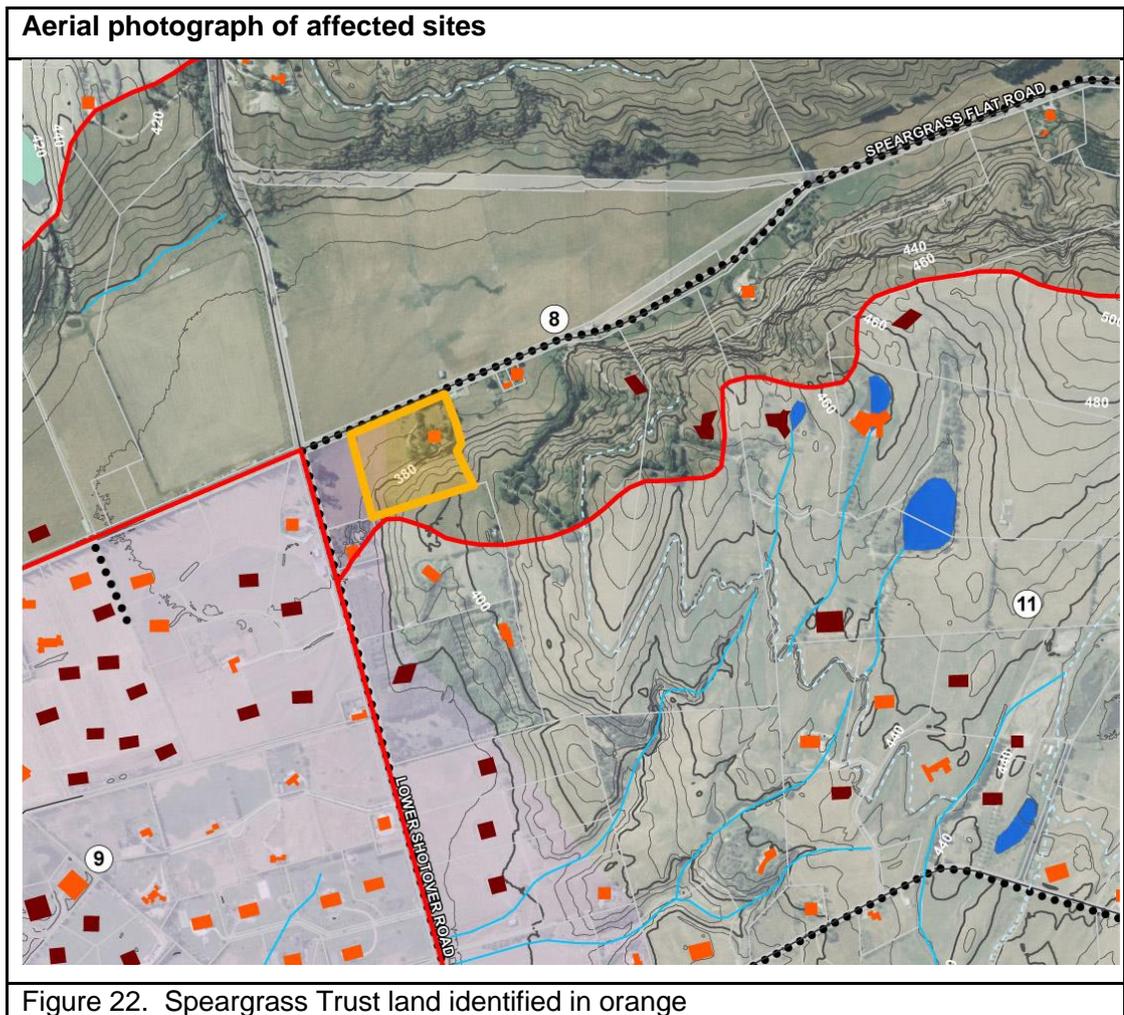
- 27.7** It is my opinion that this constitutes a change in zoning, rather than down zoning. This is because there was no guarantee that under the discretionary regime of the Stage 1 Rural zone, that development rights would eventuate. I acknowledge that for commercial entities, speculative investment in land may result in an expectation that land can be developed. However such investments also carry risks that district plan frameworks could change, or that applications for consent might be declined.
- 27.8** I do however, recognise that there is a potential effect on the property owner in an economic sense, if the ability to develop that land was to materialise. I consider, however, that this is outweighed by the potential impacts on loss of amenity, and landscape character, which the RMA seeks to maintain and enhance, and to which decision-makers are required to have particular regard.
- 27.9** To this extent, I consider that the proposed Amenity Zone and Precinct zone framework is more effective and efficient, and provides a better signal for future investment. It gives a clear indication where higher densities in the Basin are appropriate, and where retention of very low intensity rural land is to be maintained.
- 27.10** It is my opinion, supported by the evidence of Ms Gilbert, that movement of the boundary would be contrary to notified s 42A Objectives 24.2.1 and 24.2.5; and associated s42A Policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.
- 27.11** Considering the proposed rezoning against the objectives and policies of the PDP, and the provisions of s 32 RMA, it is considered that the Amenity zone as notified is more appropriate. It is recommended that the submission is rejected and that the zone boundaries are retained as notified.

28. SPEARGRASS TRUST (#2410)

Overall Recommendation	
Recommendation	Reject
Summary	The zoning of the subject site as Precinct or Rural Lifestyle in the context of the surrounding landscape is likely to generate significant adverse landscape and visual effects.

Property and submission information	
Further Submitters	FS2750.33 – Wakatipu Equities Limited – support FS2770.125 – Philip Smith - support
Land area/request referred to as	174 Speargrass Flat Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	Rural lifestyle - #557.1
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct or Rural Lifestyle
Supporting technical Information or reports	
Legal Description	Lot 2 DP 374111
Area	3.9154 ha
QLDC Property ID	23070
QLDC Hazard Register	Part of the site possibly susceptible to liquefaction

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed



- 28.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 28.2** Noting the similarities to submission #2479 by Wakatipu Equities Limited, Ms Gilbert's evidence can be summarised as follows:
- (a) the rezoning request effectively amounts to a spot zoning with no legible or defensible edges;
 - (b) the impression of a ribbon of rural residential development along the south side of Speargrass Flat Road is exacerbated, thereby compromising the impression of a buffer between the rural residential nodes within the Basin; and
 - (c) the rezoning has the potential to encourage rural residential development on highly visible, elevated sloping land that frames the Speargrass Flat valley.

28.3 For these reasons, Ms Gilbert opposes the rezoning requested.

Planning analysis

28.4 The submitter seeks that their land that was zoned Amenity in Stage 2 is rezoned Precinct or Rural Lifestyle.²⁹ The property is located adjacent to the Wakatipu Equities land identified in section 27 above.

28.5 The evaluation of the effects of the zoning sought by the submitter are the same as set out in 27.4-27.11.

28.6 Considering the proposed rezoning against the objectives and policies of the PDP, and the provisions of s 32 RMA, it is considered that the Amenity zone as notified is more appropriate. It is recommended that the submission is rejected and that the zone boundaries are retained as notified.

29. X RAY TRUST LIMITED & AVENUE TRUST (2619)

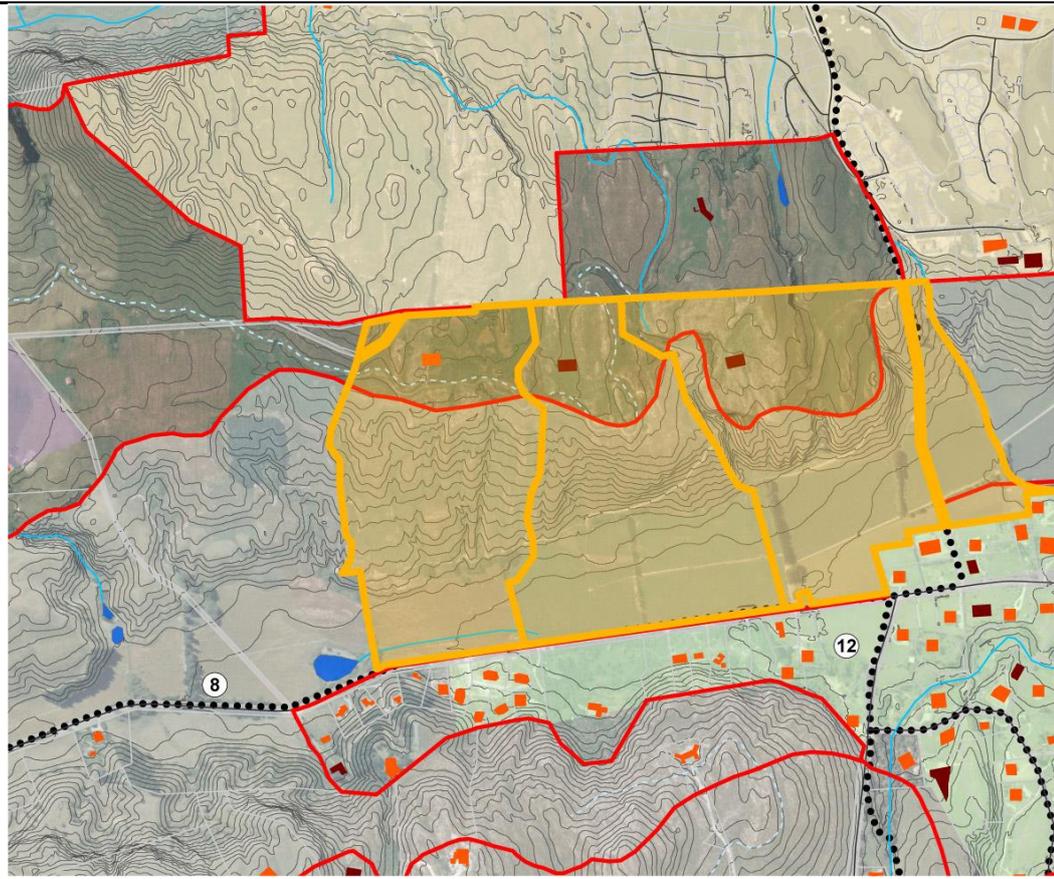
Overall Recommendation	
Recommendation	Reject
Summary	The zoning request does not align with the wider landscape character values of LCU 6 and LCU 8. The request to change the landscape feature does not follow the detailed contour patterns that informed the mapping of it. The values of the LCU are better maintained by retaining the zones and the landscape feature as notified.

Property and submission information	
Further Submitters	FS2797.3 – Donaldson – Oppose FS2710.12 – McGuinness Pa Limited - Oppose
Land area/request referred to as	413-433 and 477 Speargrass Flat Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural

Stage 1: Zone and mapping annotations requested	Rural
Stage 2: PDP Zone and mapping annotations	Amenity Zone / Precinct Landscape feature
Stage 2: Zone and mapping annotations requested	Precinct / Amenity Zone Re-alignment of landscape feature
Supporting technical Information or reports	None
Legal Description	Lots 1, 2 and 3 Deposited Plan 475822
Area	861,235m ² (estimated from QLDC GIS)
QLDC Property ID	30750, 31480 & 31680
QLDC Hazard Register	Part of the sites are located in an area that is possible susceptible to liquefaction and alluvial fan regional scale

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Opposed

Aerial photographs of affected sites



[Figure 23. X Ray Trust Limited and Avenue Trust submission area are shown in orange

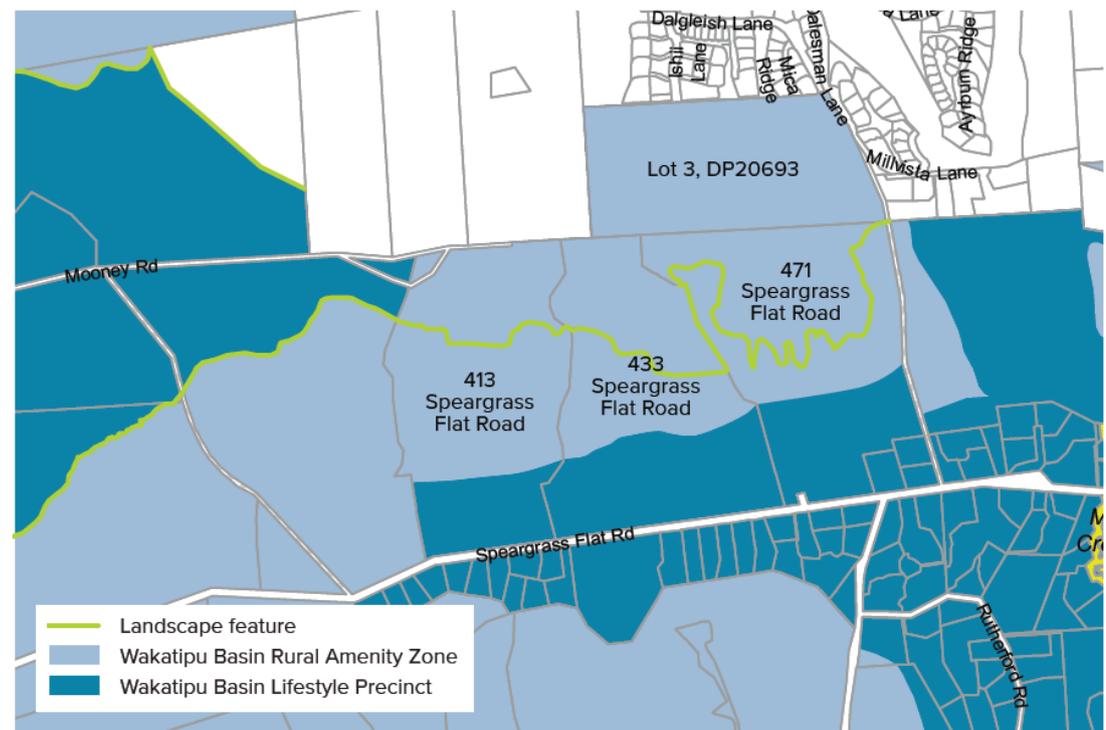


Figure 24. Proposed rezoning requested by the submitter



Figure 25. Consented development plan for the site showing the Plateau, Hillside and Meadow areas of the site

- 29.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 29.2** Ms Gilbert has considered the landscape implications arising from the submission in the context of the notified Precinct and Amenity Zones and the LCUs. With reference to the areas identified above, her evidence can be summarised as follows:
- the Plateau area of the site is part of LCU 6 and reads as a rural residential landscape, contributed to by amenity planting creating a parkland landscape impression;
 - the Meadows sits within an open and spacious pastoral portion of Speargrass Flat which functions as an important 'breathing space' between the Hawthorn Triangle and Lake Hayes Rural Residential. This would be compromised by including it as Precinct;
 - the notified Landscape Feature follows a more detailed contour analysis than the more diagrammatic form sought by the submitter; and

(d) Ms Gilbert agrees with the submitter that the Hillside area is appropriately zoned as the notified Amenity Zone.

29.3 For these reasons, Ms Gilbert opposes the zoning requests in relation to the subject land, and amendment of the landscape feature line.

Planning analysis

29.4 The submitter is seeking that 413-433 and 477 Speargrass Flat Road, and that area generally south of the Millbrook Resort Zone is rezoned so that the Amenity Zone is applied to the elevated parts of the land, and the land adjacent to the Speargrass Flat Road is zoned Precinct. The submitter also seeks that the landscape feature setback annotation is amended.³⁰

29.5 On the basis of Ms Gilbert’s assessment, I consider that the zones as notified properly reflect LCU 6 and LCU 8 as they relate to the subject land. In addition, the notified zoning appears to reflect the consented development on the Plateau, as outlined above.

29.6 Considering the proposed changes against the WB chapter objectives and policies, in particular Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1, the notified zones are more appropriate than those sought by the submitter. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.

29.7 It is recommended that the submission is rejected and that the zone boundaries are retained as notified.

30. QLDC (#2239)

Overall Recommendation	
Recommendation	Accept

30 Submission point 2619.12

Summary	This amendment is the result of a mapping error which incorrectly identified the subject land identified in the submission as Precinct, whereas it should have been zoned Amenity Zone due to the sloping and highly visible nature of the land.
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Property and submission information	
Further Submitters	FS2785.1 – Waterfall Park Limited - Oppose
Land area/request referred to as	Part Lot 3 DP5737
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Precinct
Stage 2: Zone and mapping annotations requested	Amenity
Supporting technical Information or reports	None
Legal Description	Part Lot 3 DP5737
Area	Approximately 1Ha
QLDC Property ID	52500
QLDC Hazard Register	Active debris dominated alluvial fans, Flooding

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Not opposed

Aerial photograph of affected sites

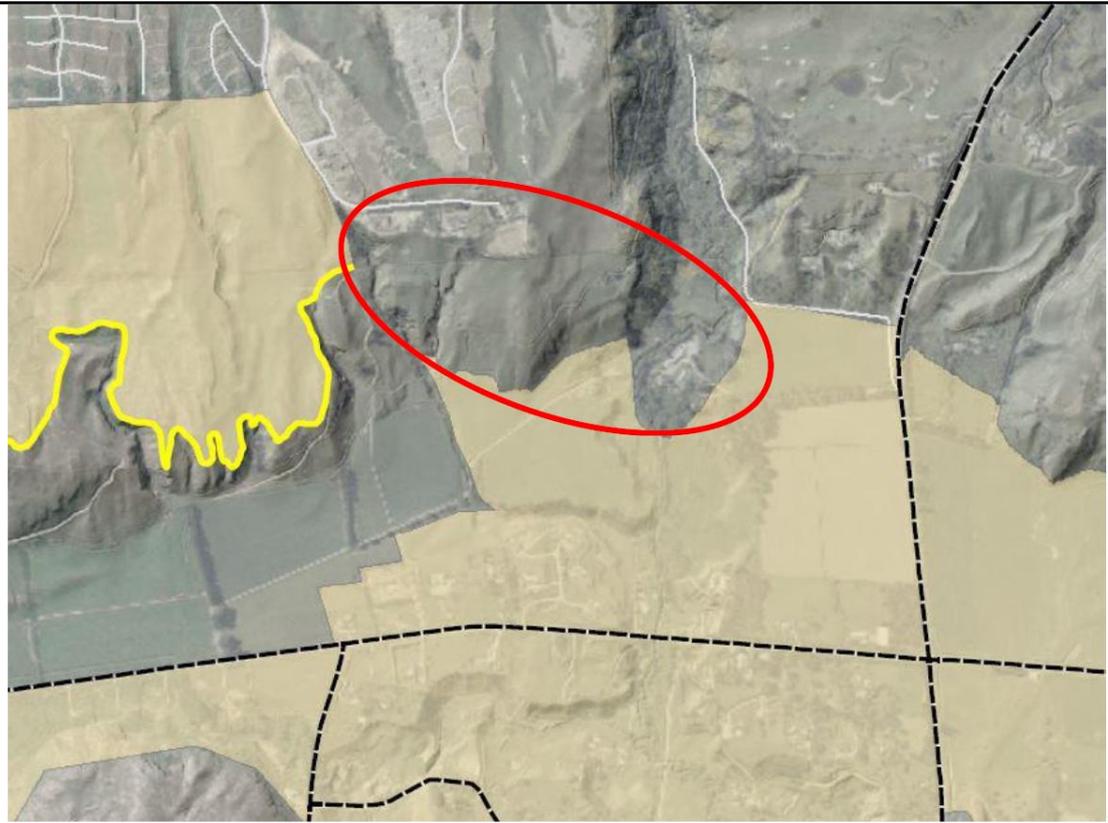


Figure 26. Area showing revised boundary circled in red

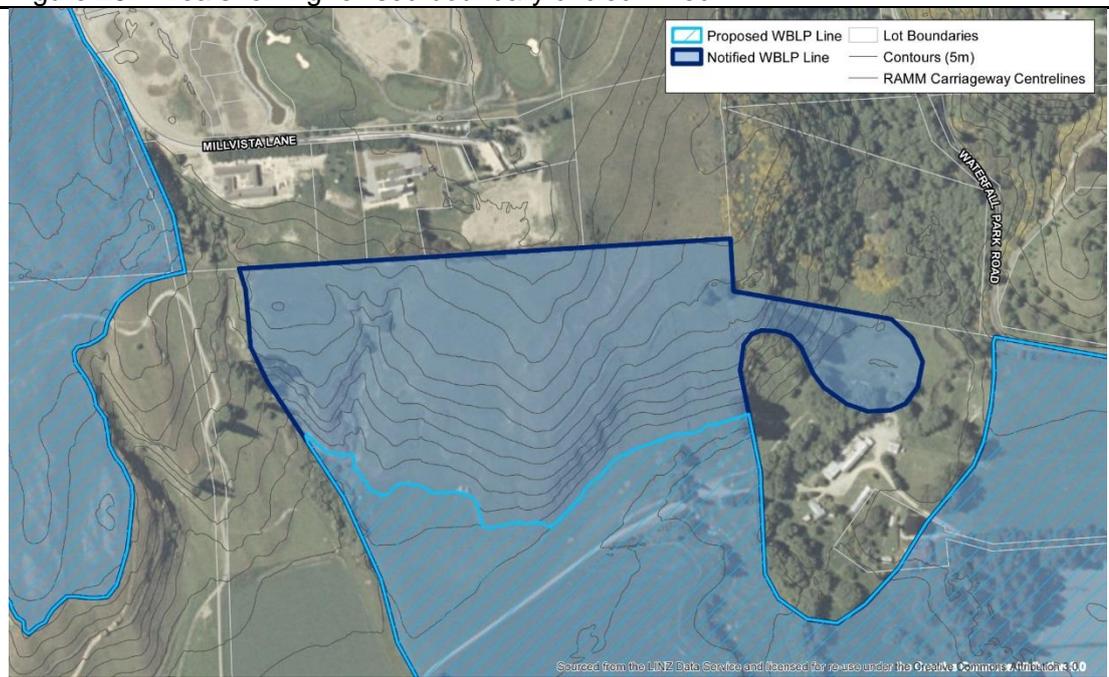


Figure 27. Area showing notified boundary which is following the cadastral lines

30.1 No site-specific infrastructure, traffic or ecology issues have been raised in relation to this submission.

- 30.2** Ms Gilbert supports the requested mapping changes, noting that the correction is consistent with the approach applied to the flat (Precinct) land on the opposite side of Arrowtown Lake Hayes Road.

Planning analysis

- 30.3** The change is recorded in the submission of QLDC as a mapping error to the zone boundary. The submission is opposed by Waterfall Park Limited, who do not consider that the line appropriately delineates the boundary, noting that as the yellow boundary line goes to the west, it follows the 370m line, before moving at right angles to the valley floor.
- 30.4** The further submission from Waterfall Park Limited is not addressed in Ms Gilbert's evidence, however, I do note that the reason for the boundary line changing at right angles, which is identified as a matter of concern in the further submission, is because a geomorphological feature (a stream gully) becomes the boundary line between the Precinct and Amenity Zones.
- 30.5** I accept Ms Gilbert's evidence that using the foot of the escarpment provides a better methodology for protecting the rural character of the land in the immediate area, by ensuring that rural residential development does not creep up the escarpment. This would, in my view, be inappropriate. The movement of the boundary to the foot of the escarpment will better protect the landscape values of the area. In terms of efficiency and effectiveness, this gives a clear indication that the hillside slope of the escarpment will generally not be appropriate for rural residential development, providing certainty for the property owner. It is acknowledged that there may be an opportunity cost that is lost to develop the land, however, given the landscape concerns raised by Ms Gilbert, this could well have been an issue through the Precinct zoning as well, so it is not possible to quantify the lost opportunity.
- 30.6** Having considered s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1, it is considered that the submitter's proposed boundary is more appropriate in this location, than what was notified. The objectives and policies referred

to above seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8. It is recommended that the submission is accepted.

31. WATERFALL PARK DEVELOPMENT LIMITED (#2388)

Overall Recommendation	
Recommendation	Reject
Summary	In relation to the Ayrburn Zone requested by the submitter, the area forms an important landscape buffer and rezoning in the manner sought by the submitter will have a significant impact on the landscape character and amenity values of the LCU. In addition, no supporting information has been provided with regard to infrastructure, transport or ecology. There is a significant risk of acting in the absence of this information, where the proposal seeks to provide for an additional 200 dwellings to the existing site (200 as part of the Ayrburn Zone, or a total of 300 if included within the Waterfall Park Zone).

Property and submission information	
Further Submitters	FS2710.13 – McGuinness Pa Limited – Oppose FS2772.11 – R Hadley – Oppose FS2773.11 – Milbrook Country Club Ltd - Oppose
Land area/request referred to as	343 Arrowtown Lake Hayes Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Precinct/Amenity
Stage 2: Zone and mapping annotations requested	Waterfall Park Zone/Ayrburn Zone

Supporting technical Information or reports	None
Legal Description	Various
Area	Approximately 59 Ha
QLDC Property ID	Various
QLDC Hazard Register	Liquefaction (LIC 2 (P)), active debris dominated alluvial fan, flooding,

Summary of Council assessments and recommendations	
Ecology	Not addressed
Infrastructure	Opposed
Traffic	Opposed
Landscape	Opposed

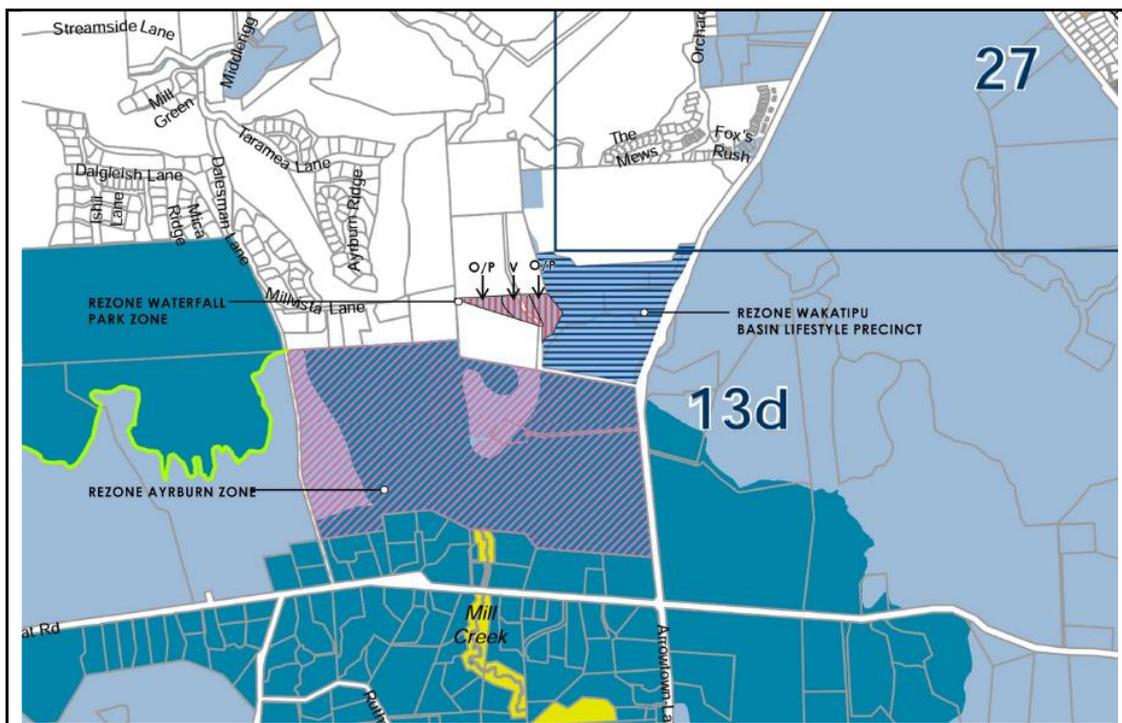


Figure 28. Map showing requested Ayrburn Zone diagonally hatched in red.

31.1 Mr Crowther addresses infrastructure in his evidence. In summary, he opposes the development sought for and additional 150 sites as part of the Ayrburn Zone (note – this appears to be an error as the provisions for the site proposed a maximum of 200 dwellings in the Ayrburn Zone, or 300 total if it is to be combined with the 100 provided for in the Waterfall Park Zone).

- 31.2** Additional intensification above the levels provided for by the Variation is not supported by Mr Smith, and it is noted that no traffic or transport evidence has been provided.
- 31.3** No site specific ecology issues have been raised, however no ecological reports have been provided with the request to comment on. It is expected this will be addressed in rebuttal.
- 31.4** Ms Gilbert's landscape evidence can be summarised as follows:
- (a) She does not agree that the site shares a connection with Millbrook, noting that they are separated by largescale and steep hillsides;
 - (b) The proposed Structure Plan anticipates an urban development character along the southern half of the west boundary of the Ayrburn land, adjacent to flat and relatively undeveloped pastoral land bounding the Queenstown Cycleway; a boundary which she considers is not defensible;
 - (c) The Waterfall Park Zone is discrete and confined;
 - (d) The Ayrburn Zone will fundamentally change the established rural residential character in the area, undermining the strategy of nodes of rural residential development interspersed with open pastoral land;
 - (e) The urban residential form proposed hard up to existing rural residential development would significantly detract from the landscape and visual amenit values enjoyed by those properties.
 - (f) The reasons for extending the Waterfall Park Zone are the same as (a)-(e)
 - (g) She considers that the watercourse provides a defensible boundary to the Precinct zoned land, and does not recommend any change in relation to it.
- 31.5** For the reasons set out above, Ms Gilbert opposes that part of the submission as it relates to LCU8

Planning analysis

- 31.6** The request from the submitter³¹ is neatly summarised by Ms Gilbert in paras 32.1-4 of her evidence. I adopt that summary. I note that the zoning of the 'Wedge' located between the two zoned WaterfallPark areas is addressed in later in this report under LCU22.
- 31.7** The proposal is opposed by Ms Gilbert and Mr Crowther, for the reasons set out above ad in their evidence. I note that in relation to this proposal, no supporting information has been provided which would enable an adequate assessment of it in terms of traffic and transport network issues.
- 31.8** I accept and rely on the evidence of Mr Crowther, Mr Smith and Ms Gilbert. I consider that, based on their evidence, the proposed Ayrburn Zone, or an extension to the Waterfall Park Zone in the manner described is likely to have a significant effect on the landscape character and amenity values of the surrounding area. In addition, the proposed sites follow cadastral boundaries and do not provide a defensible boundary to further creep. In addition, Mr Crowther identifies in his evidence infrastructure limitations which additionally indicate that the submission as proposed is not suitable.
- 31.9** I consider the densities proposed to be at a level which could be considered urban development. Unlike Millbrook, the development is not associated with a resort zone.
- 31.10** Policies 3.3.13-3.3.15 are relevant to the consideration of the submission. These seek to apply urban growth boundaries in the Wakatipu Basin, and to avoid urban development outside of them. The submitter disputes the position of the Urban Growth Boundary, seeking that it is located around the submitter's proposed Tucker Basin Residential Precinct.
- 31.11** Objective 4.2.1 recognises that Urban Growth Boundaries are used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges. Policy 4.2.1.3 provides particularly strong

direction, seeking to ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing rural settlements, urban development is avoided outside of those boundaries.

31.12 Objective 24.2.1 seeks that the landscape and visual amenity values [within the Basin] are protected, maintained and enhanced. The key policy that implements the objective is Policy 24.2.1.3, which seeks to ensure that subdivision and development maintains and enhances the landscape character and visual amenity values identified for the LCUs as described in Schedule 24.8 of the PDP. Objective 24.2.5 is also relevant, as it recognises the enabling of rural residential use in the precinct, which seeking to maintain or enhance landscape character and visual amenity values. Similarly, Policy 24.2.5.1 provides for rural residential activity only where it protects, maintains or enhances the landscape character and visual amenity values of the LCUs as defined in Schedule 24.8. No objectives or policies have been identified that support the submitter’s request.

31.13 Considering the proposed changes against the objectives and policies and the provisions of s 32 RMA, it is considered that the zoning as notified is more appropriate. It is recommended that the submission is rejected and that the zone boundaries are retained as notified.

32. TARAMEA TRUST (#2240)

Overall Recommendation	
Recommendation	Reject
Summary	Applying Precinct to this site would would have a significant impact on the open rural character of the LCU. The values of the LCU are better protected by retaining the area as notified in Stage 2.

Property and submission information	
Further Submitters	None
Land area/request referred to as	362 Speargrass Flat Road

Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	None
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Lot 1 DP 471518
Area	108,075m ²
QLDC Property ID	28943
QLDC Hazard Register	Part of the site located in an area possibly susceptible to liquefaction

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed

Aerial photograph of affected sites

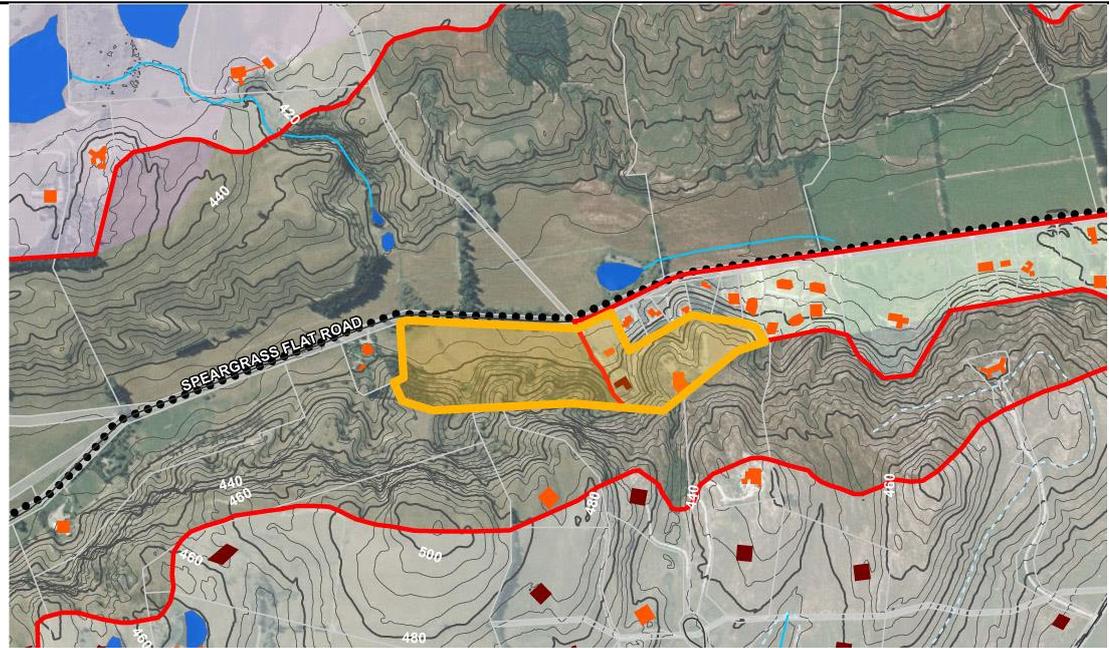


Figure 29 Taramea Trust land shown shaded in orange

- 32.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 32.2** The key points in Ms Gilbert's evidence can be summarised as follows:
- (a) The layout proposed would appear to restrict development to the lower lying portion of the property, however it would inevitably infringe the road setback.
 - (b) Further rural residential development in this area will exacerbate the perception of continuous ribbon development between the Hawthorn Triangle and Lake Hayes Rural Residential.
 - (c) Such a patterning is at odds with a fundamental landscape principle that underpins the Variation; namely that rural residential development throughout the Basin is (by and large) confined to visually discreet nodes that are separated by spacious and open, 'more rural' areas
- 32.3** For these reasons, Ms Gilbert opposes the rezoning requested.

Planning analysis

- 32.4** The submitter seeks that Precinct zoning is extended along Speargrass Flat Road to the submitter's site.³²
- 32.5** As noted above, Precinct in this location is not supported from a landscape perspective by Ms Gilbert. She considers that zoning in the manner requested would provide the appearance of ribbon development between Hawthorn Triangle and the rural residential development at the north end of Lake Hayes. This would not maintain the landscape character and visual amenity of the Basin, and runs counter to what the Variation is seeking to achieve, being pockets of rural residential land interspersed through lower density pastoral landscapes. I accept Ms Gilbert's evidence and rely on it.
- 32.6** It is my opinion, supported by the evidence of Ms Gilbert, that identification of this land as Precinct would be contrary to notified s 42A Objectives 24.2.1 and 24.2.5; and associated s42A Policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.
- 32.7** Considering the proposed rezoning against the objectives and policies of the PDP, and the provisions of s 32 RMA, it is considered that the Amenity zone as notified is more appropriate. It is recommended that the submission is rejected and that the zone boundaries are retained as notified.

32 Submission point #2240.3, refer to submission summary in the Appendix of Mr Barr's evidence

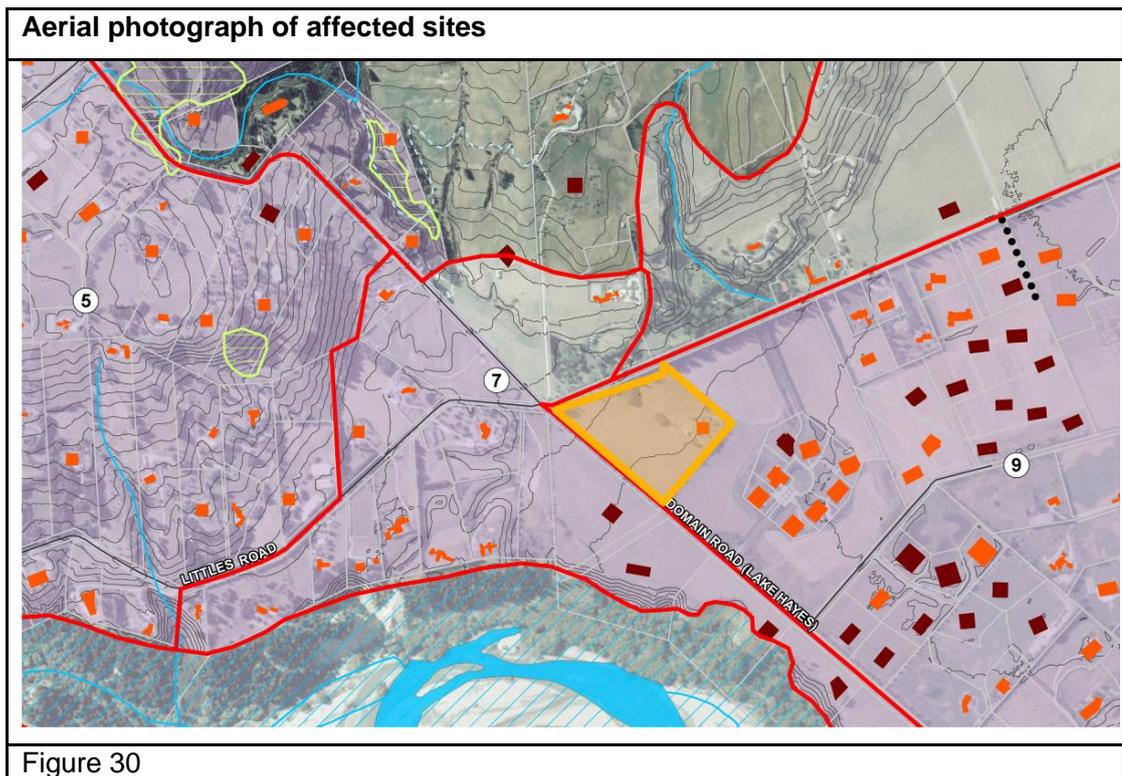
LCU 9 HAWTHORN TRIANGLE

33. MCFADGEN (#2529)

Overall Recommendation	
Recommendation	Reject
Summary	The density sought would effectively create a spot zoning for the submitter's site and there is no reason to differentiate it from other land in the basin.

Property and submission information	
Further Submitters	FS2740.91 – Crosby Development Limited – Support FS2770.96 – Philip Smith - Support
Land area/request referred to as	210 Domain Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Lifestyle
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Precinct
Stage 2: Zone and mapping annotations requested	New 'Precinct A' with average site to 4000m ²
Supporting technical Information or reports	None
Legal Description	LOT 1 DP 20253 BLK V SHOTOVER SD
Area	Approximately 5Ha
QLDC Property ID	2542
QLDC Hazard Register	Possibly susceptible to liquefaction, active floodwater dominated alluvial fan

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed



33.1 No site-specific infrastructure, traffic or ecology issues have been raised in relation to this submission by Council witnesses, however it is noted that specific onsite wastewater disposal solutions would be required on sites of 4000m² with secondary treatment.

33.2 In terms of landscape, Ms Gilbert's evidence can be summarised as follows:

- (a) the change sought would effectively amount to a spot zoning on the submitter's land; and
- (b) there is nothing that sets this property apart from the balance of LCU 9 and to adopt an alternative density approach on this specific property is not warranted from a landscape perspective.

33.3 For these reasons, Ms Gilbert opposes the rezoning requested.

Planning analysis

- 33.4** The submission seeks that the subject site is identified as a new 'Precinct A' zone where the allowable density for lifestyle development is enabled down to a minimum of 4000m², compared to the 1ha minimum being recommended by Mr Barr.³³ The submission is supported by further submissions.
- 33.5** The submitter considers that the characteristics of the land supports the ability to absorb additional capacity. No supporting assessment has been provided in terms of the density proposed, and its impact on rural character and amenity.
- 33.6** As outlined above, Ms Gilbert does not support the density proposed. I accept Ms Gilbert evidence. In addition to this, I note that there is a fine line when it comes to density from a proposal having a more rural character, and having a more large lot urban-type character. Both the density of dwellings and the curtilage associated with them, the services that are introduced (such as lighting, curbing and channeling) and how that is designed and used, impacts on how the site is perceived. It is my opinion that a density of 4000m² is less likely to protect the landscape values and amenity than the proposed 1ha average. My view is that the 1ha average provides certainty for property owners, and provides an efficient means of retaining rural character and amenity values in the Precinct.
- 33.7** In addition to this, a lower average density is less likely to cause issues in relation to on-site wastewater disposal. A concern raised in Ms Jarvis' evidence is that potential intermittent use of onsite disposal systems can lead to those systems not performing to standard. The larger the site, the more likely effects will still be able to be contained within a site.
- 33.8** The relevant objectives and policies in relation to this request are s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity

33 Submission point #2529.49

values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.

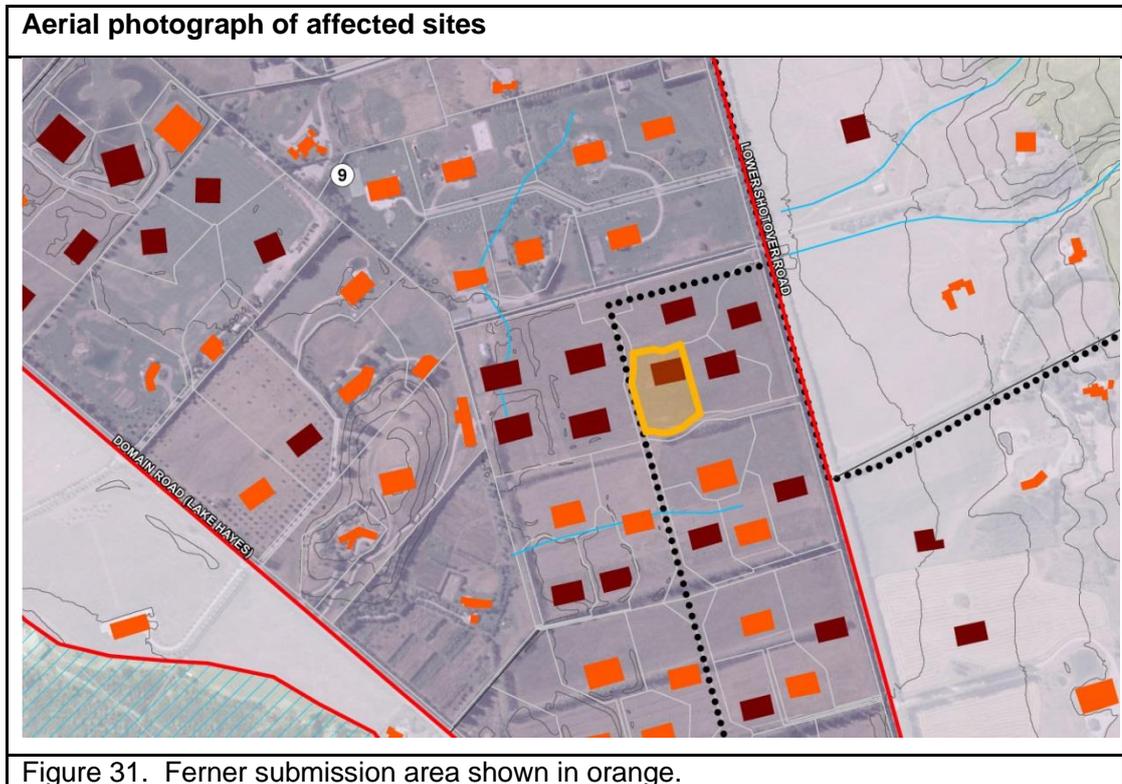
33.9 Considering the proposed changes against the objectives and policies of the WB chapter, and the provisions of s 32 of the RMA, it is considered that the Precinct zone as notified is more appropriate for the reasons set out above. It is recommended that the submission is rejected.

34. FERNER (#2464)

Overall Recommendation	
Recommendation	Accept in part
Summary	The submission supports the notified Precinct Zone.

Property and submission information	
Further Submitters	FS2740.40 – Crosby Development Limited (Hawthorn Triangle) – Support FS2741.81 – Crosby Developments Limited (Northridge) - Support
Land area/request referred to as	Lot 4 DP 498951
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Lifestyle
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Precinct
Stage 2: Zone and mapping annotations requested	Precinct 'B' or Precinct
Supporting technical Information or reports	None
Legal Description	Lot 4 DP 498951
Area	7354m ²
QLDC Property ID	50600
QLDC Hazard Register	Possibly susceptible to liquefaction

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Not opposed



34.1 No traffic, ecology or infrastructure or landscape issues have been identified by Council witnesses.

Planning analysis

34.2 The submission appears to support the notified Precinct zoning, however with amendment to the provisions. I note that the submission appears to seek a Precinct 'B' zone, but that the Precinct B is not defined. It would appear to be a differentiation between the submitter's desired zone, and the other Precinct 'A' sought by other clients of Anderson Lloyd. I do not support Precinct 'A' as sought in other submissions.

34.3 Subject to the submitter confirming they are generally happy with the Notified Precinct zoning, and subject to individual amendments to the

text sought by the submitter being addressed in the evidence of Mr Barr, I am satisfied that Precinct is the most appropriate zone for the submitters site.

LCU 11 SLOPE HILL ‘FOOTHILLS’

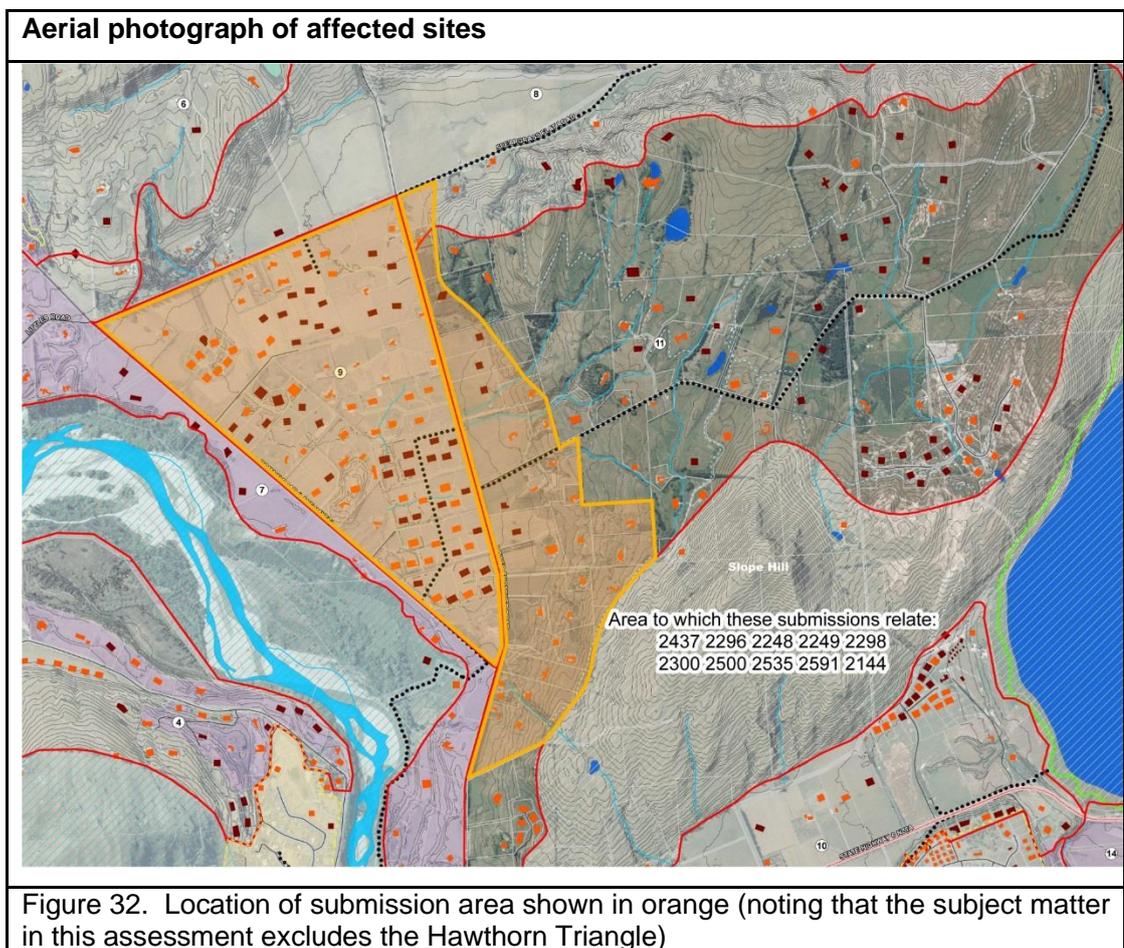
- 35. SHOTOVER TRUST (#2437), MCFADGEN (#2296), GALLAGHER (#2248), GREENSLADE (#2249), MCLEOD (#2298), SMITH (#2500), HARRIS (#2535), BURGESS (#2591), CASSIDY TRUST (#2144)**

Overall Recommendation	
Recommendation	Reject
Summary	The level of existing and consented rural residential development is at, or very near, to the limits of the landscape’s capability to absorb further development due to its elevation and visibility, close proximity to the Slope Hill ONF, distinctive and green and spacious character, and role as a backdrop to the more intensively developed Hawthorn Triangle.

Property and submission information	
Further Submitters	
Land area/request referred to as	Slope Hill Foothills
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Lifestyle and Rural
Stage 1: Zone and mapping annotations requested	RLZ Rural Zone ONL
Stage 2: PDP Zone and mapping annotations	Amenity Zone and Precinct
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Various
Area	268Ha

QLDC Property ID	Various
QLDC Hazard Register	Possibly susceptible to liquefaction, active floodwater dominated alluvial fan,

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed



- 35.1** No site-specific infrastructure, traffic or ecology issues have been raised in relation to this submission.
- 35.2** Ms Gilbert's evidence can be summarised as follows:

- (a) a reasonable level of rural residential development has occurred throughout the area, and that generally, such development is reasonably well integrated into the landscape;
- (b) the level of existing and consented rural residential development was considered by the WB Study to be at, or very near, the limits of the landscape's capability;
- (c) this area serves as a contrasting and highly attractive 'more rural' backdrop to the Hawthorn Triangle, and acts as a buffer between the more intensive rural residential areas in the Triangle and at the northern end of Lake Hayes;
- (d) the close proximity of the area to the Slope Hill ONF, combined with its elevation, make this area highly sensitive to visual change;
- (e) it is possible that in some specific locations, additional rural residential development may be acceptable. However, on balance, the sensitivity of the area warrants a cautious approach to the application of the Amenity Zone;
- (f) from a landscape perspective, relying simply on the existing patterning of rural residential development to inform the extent of rural residential zonings is methodologically flawed, as it ignores other critical aspects of landscape character;
- (g) the criticism in some submissions of Lower Shotover Road as an arbitrary boundary is rejected as the use of roads as a legible and defensible edge for a zone is an established landscape planning strategy;
- (h) the adoption of the PDP Stage 1 Rural Lifestyle boundary for the extent of the Precinct in this location would be significantly more problematic than the proposed road boundary; and
- (i) the lack of a clear topographic definition between this area and the varied undulations of the neighbouring foothill slopes, together with the similarity in the vegetation and development patterns across these areas means that such a boundary would be tenuous at best and vulnerable to the pressures of development creep discussed above in relation to the PDP Stage 1 Rural Lifestyle zoning.

35.3 For these reasons, Ms Gilbert opposes the rezoning requested.

Planning analysis

- 35.4** A number of submissions seek that the area identified in the Slope Hill Lower Foothills is identified as Precinct rather than the notified Amenity Zone.³⁴ This area is adjacent to and influenced by the Hawthorn Triangle on the western side of the Lower Shotover Road.
- 35.5** As mentioned above, Ms Gilbert's key concern is that the area is at or near capacity in terms of the ability of the landscape to absorb more development. She has noted that further development in the area has the potential to impact on the Slope Hill ONF. The subject land is part of a wider LCU that wraps around the northern flanks of Slope Hill.
- 35.6** I accept Ms Gilbert's evidence, and in terms of the impacts of further development in the LCU 9 area, I rely on her assessment that this has the potential to undermine the values of the Slope Hill ONF, and potentially result in further creep and degradation of this feature which contributes significantly to appreciation of the wider Basin landscape.
- 35.7** Given this, Decisions Objective 3.2.5.1 and Policies 3.3.29 and 3.3.30 seek to protect adverse effects of activities on ONF/Ls that are more than minor. In addition to this, movement of the boundary would be contrary to s 42A Objectives 24.2.1 and 24.2.5; and associated s42A Policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.
- 35.8** Considering the proposed changes against the s42A WB objectives and policies, and the provisions of s 32 RMA, it is considered that Amenity Zone as notified is more appropriate. It is recommended that the submissions are rejected and that area remain Amenity zone as notified.

34 Submission points #2347.2, #2296.1, #2248.1, #2249.1, #2298.2, #2500.54, #2535.1, #2591.1, and #2144.1

**36. WALES (#2270), GW STALKER FAMILY TRUST (SPRINGBANK) (#2553),
SLOPE HILL JOINT VENTURE (#2475)**

Overall Recommendation	
Recommendation	Reject
Summary	The sites are sensitive to landscape change and they have the potential to impact on the Slope Hill ONF if further development is enabled. The Amenity zone better protects the values of the ONF than Precinct zoning would.

Property and submission information	
Further Submitters	FS 2475.54 FS2715.54- Anderson Lloyd - Oppose
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Zone RLF
Stage 1: Zone and mapping annotations requested	Refer Appendix 4
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Lot 4 DP 302775, Lot 1 DP 332242, Lot 2 DP 418751
Area	Approximately 4.9Ha
QLDC Property ID	15982, 28469
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed

Aerial photograph of affected sites

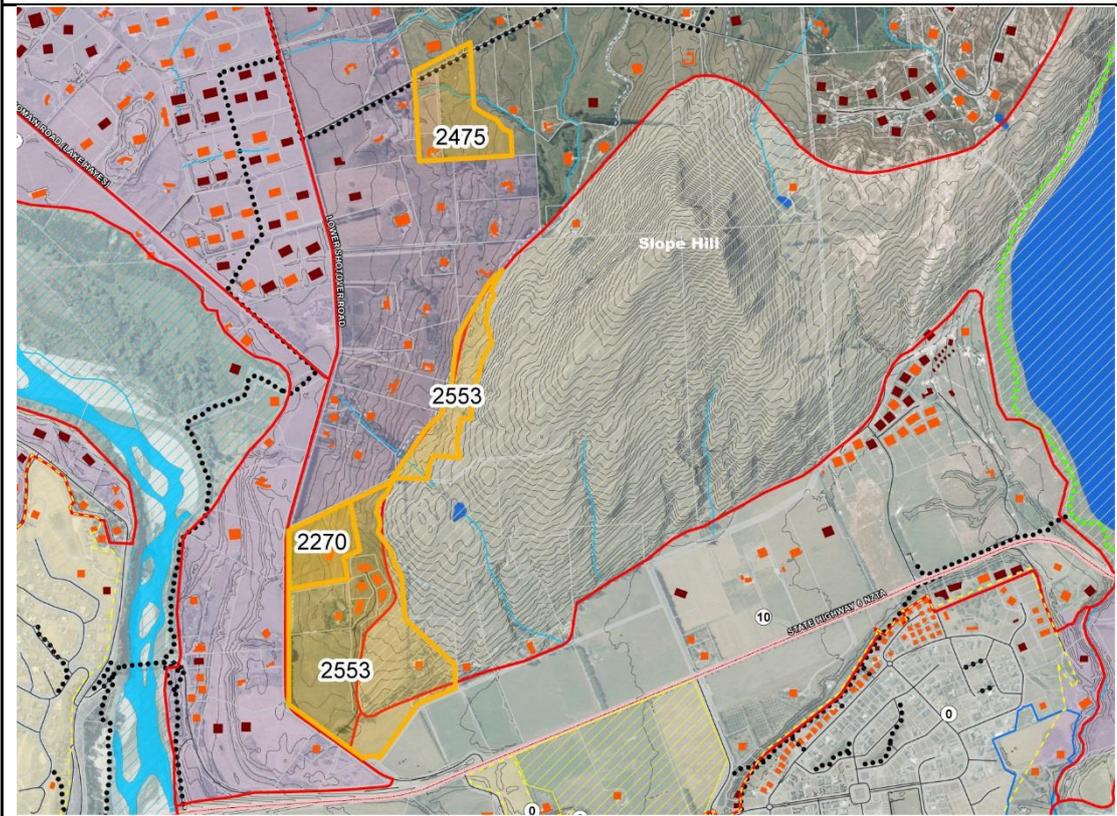


Figure 33

36.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

36.2 Ms Gilbert's evidence on landscape can be summarised as follows:

- (a) for the same reasons discussed in relation to the 'Shotover trust et al' submissions, these properties are considered to be sensitive to landscape change and a cautious approach is warranted;
- (b) from a landscape perspective, there is nothing that sets these properties apart from the balance of LCU 11 and applying a 'Precinct B' regime as proposed by the submitter would effectively amount to a spot zoning on the submitters' land; and
- (c) at least part of the land to which the GW Stalker Family Trust submission applies is prominent in the highly memorable view of Slope Hill ONF from SH6, serving to increase the sensitivity of this part of the LCU to development change.

36.3 For these reasons Ms Gilbert opposes the rezoning requests.

Planning analysis

36.4 The submitters variously seek Precinct, or a 'Precinct B' (which appears to differentiate from 'Precinct A' sought in other submissions by providing for a 1 ha average versus a 4000m² average site size) on land that was notified as Amenity Zone.³⁵

36.5 I accept Ms Gilbert's evidence that rezoning in this manner could lead to adverse effects on the Slope Hill ONF. In relation to amendments to the ONL boundaries that are addressed in Ms Mellsop's evidence, I consider that it is appropriate that where the ONF/L line is recommended to change, so that it covers less Rural zoned land, that this land would ideally be amended to pick up the adjacent Stage 2 zone. However I note that no submissions were made in Stage 1 about the rezoning of this land, but would be open to considering submissions on this matter and whether there is scope for the Amenity Zone to apply. While the submitters sought Precinct zoning for this land, it is my view, supported by the evidence of both Ms Mellsop and Ms Gilbert, that the appropriate zone is Amenity Zone, which reflects the Council's position on the zoning of the adjacent land.

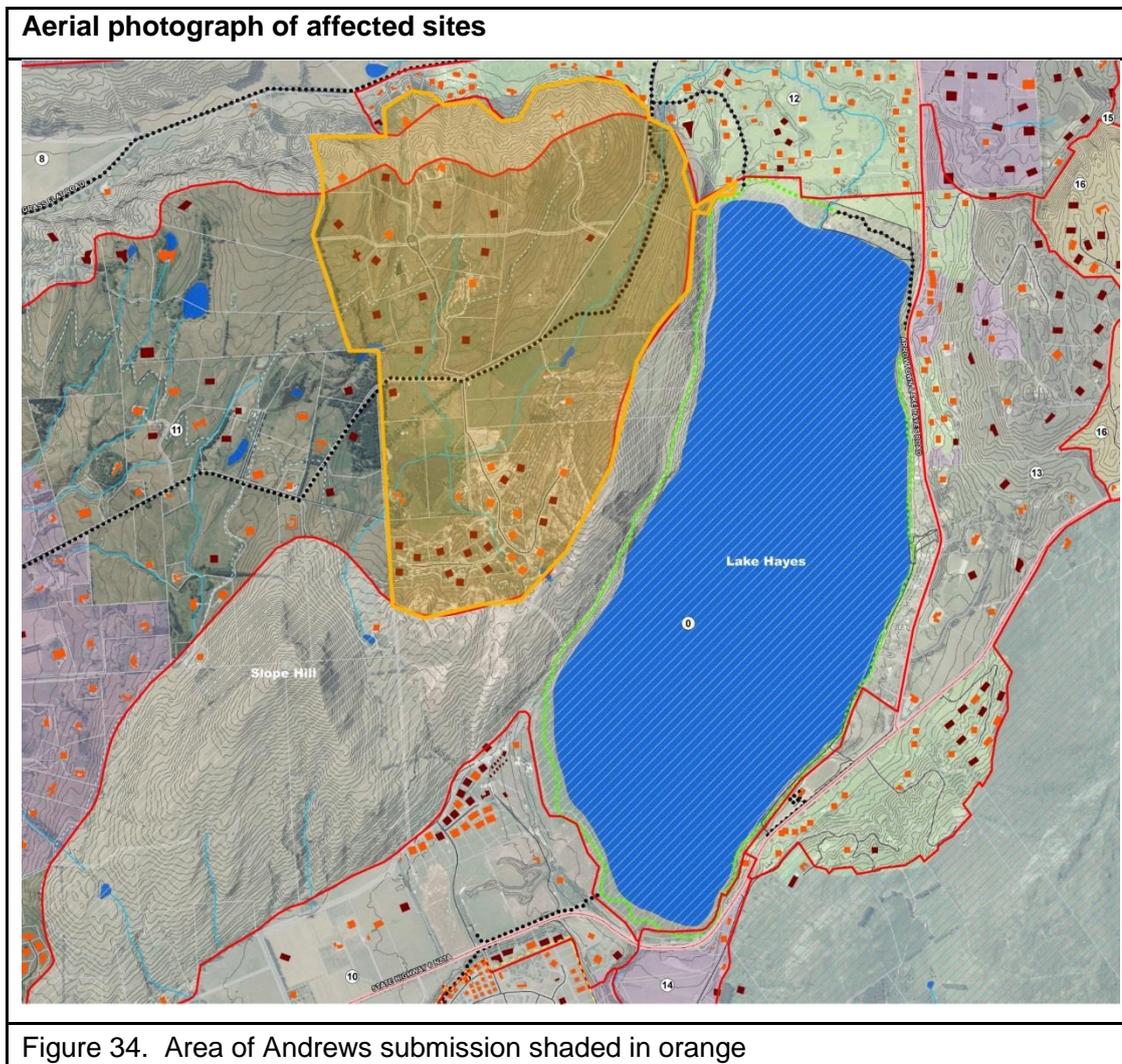
36.6 In relation to the relevant objectives and policies, of the WB chapter, the same analysis applies as discussed in para 33.7-8. It is recommended that the submissions are rejected and Amenity Zone is retained as notified, with the exception that where the ONL line has changed, that the areas within are rezoned to Amenity Zone.

37. ANDREW (#2049)

Overall Recommendation	
Recommendation	Reject
Summary	The existing levels of development in this area are near or at capacity in terms of ability to absorb further development. Further development in this area will create an appearance of sprawl into the Slopehill Foothills. The values of the LCU are better maintained by Amenity Zone.

Property and submission information	
Further Submitters	None
Land area/request referred to as	Eastern end of Slope Hill Basin Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Zone Rural Residential ONF
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Various
Area	Approximately 247Ha
QLDC Property ID	Various
QLDC Hazard Register	Debris dominated Floodwater dominated Areas Susceptible to Shallow Debris Flows LIC 2 (P)

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed



37.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

37.2 Ms Gilbert's evidence can be summarised as follows:

- (a) enabling additional rural residential development in the eastern end of the Slopehill Road catchment runs the risk of the perception of development sprawl extending westwards

from the northern end of Lake Hayes throughout the Slope Hill foothills;

- (b) the existing level of rural residential development consented throughout this part of the basin is at, or very near, its limit; and
- (c) the very limited level of rural residential development and resultant character throughout the lower slopes and stream flats serve as a foil for the level of development on the surrounding slopes and ridges.

37.3 For these reasons, Ms Gilbert opposes the rezoning request.

Planning analysis

37.4 Submitter Andrew seeks a change for the eastern end of Slopehill Road Basin from Amenity Zone to Precinct.³⁶ Mr Andrew advises that between the Threepwood and Oliver's Wood subdivisions, 44 houses, in addition to 3 existing homes, exist. For this reason, he considers that the existing development should be reflected by a Precinct zoning.

37.5 Ms Gilbert's evidence is summarised above, and I accept that evidence. I consider that, based on Ms Gilbert's evidence, that a limit to development in this area will assist with maintaining the values of the LCU.

37.6 Having considered s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1, I consider that the values of the LCU are better maintained by zoning the area as Amenity Zone, and that this zone will better achieve the objectives of the PDP. It is recommended that the submission be rejected.

36 Submission point #2049.1

38. WAKATIPU EQUITIES LIMITED (#2479)

Overall Recommendation	
Recommendation	Reject
Summary	Applying Precinct to this site would effectively create an island of rural residential development, which would have a significant impact on the open rural character of the LCU. The values of the LCU are better protected by retaining the area as notified in Stage 2.

Property and submission information	
Further Submitters	None
Land area/request referred to as	258 Speargrass Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	Rural Lifestyle requested in #515.42
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Lots 1-7 DP 301330
Area	Approximately 129Ha
QLDC Property ID	24834, 24835, 23836, 23837, 23838, 23839, 23840
QLDC Hazard Register	Possibly susceptible to liquefaction

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed

Aerial photograph of affected sites

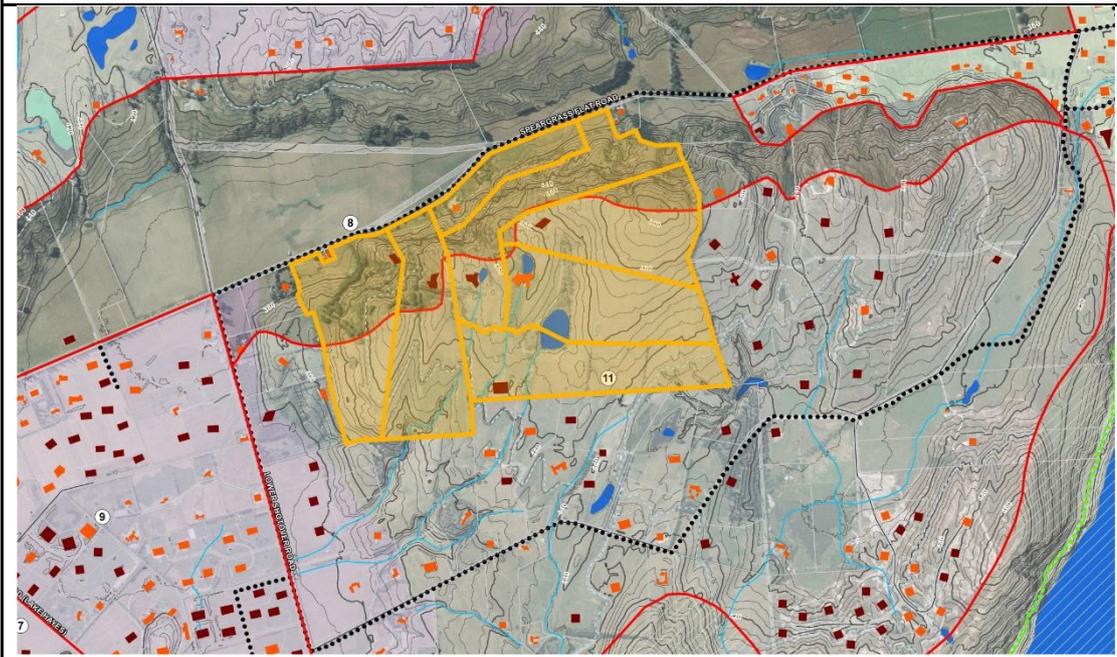


Figure 35. Wakatipu Equities submission shown in orange

38.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

38.2 Ms Gilbert's evidence adopts the same reasoning set out in her discussion of this submission under LCU 8 Speargrass Flat. For those same reasons, she opposes the submission.

Planning analysis

38.3 Similarly, this matter is addressed as part of the evaluation of the Wakatipu Equities submission located under LCU 8 Speargrass Flat of this report, where the site of interest is located in LCU 8. It is recommended that the submission is rejected for the reasons set out in that section.

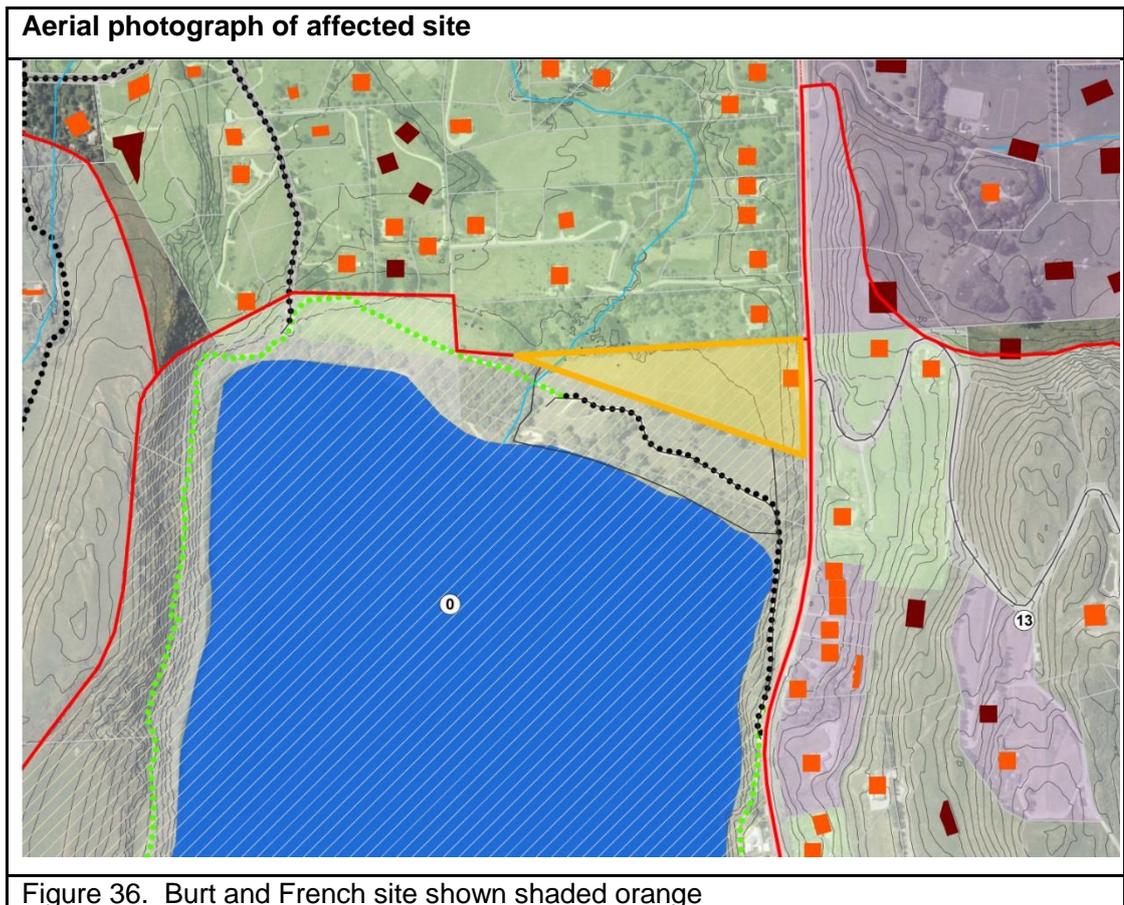
LCU 12 LAKE HAYES RURAL RESIDENTIAL

39. FRENCH AND BURT (#2417)

Overall Recommendation	
Recommendation	Accept
Summary	The identification of the land as ONF is an error.

Property and submission information	
Further Submitters	None
Land area/request referred to as	229 Lake Hayes Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Lifestyle ONF
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Lot 2 DP 15096
Area	3.4ha
QLDC Property ID	2466
QLDC Hazard Register	Flood due to Rainfall LIC 2 (P)

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Not opposed



39.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

39.2 Ms Gilbert's evidence can be summarised as follows:

- (a) Although the land is shown as part of the ONF, this is not supported from a landscape perspective. She considers that the boundary of the ONF is likely an error;
- (b) Ms Gilbert does not oppose Precinct zoning of the site; and
- (c) to be consistent with the treatment of land that coincides with ONLs or ONFs within the balance of the Basin, unless the ONF layer is removed from the site, the site should remain zoned as Amenity.

39.3 For these reasons, Ms Gilbert does not oppose Precinct if the ONF layer is removed from the site.

Planning analysis

- 39.4 Submitter #2417 has sought that the site is rezoned Precinct. The site is located in an ONF and was identified as Rural Lifestyle in Stage 1. The submitter appears to have relied on the zoning in Stage 1, and did not submit in Stage 2.
- 39.5 In Stage 2, the site has been zoned Amenity Zone. The submitter has responded to the zoning, but has not addressed the ONF/L delineation in its submission.
- 39.6 The evidence of Mr Smith for the Council on transportation matters generally opposes further development in the Basin. I do not, in this circumstance, consider that this should be determinative for this site, given the small area identified and small potential effect on the network.
- 39.7 The landscape evidence of Ms Gilbert does not oppose a Precinct zoning of the land, and in her view, the identification of the site as ONF and Amenity Zone is an error. I accept Ms Gilbert’s evidence. I consider that there is scope to make the amendment to the ONF as submission #177 Universal Developments which sought that ONF/L lines are only shown on land that is rural.
- 39.8 As such, it is recommended that the submission be accepted and the ONL line amended.

40. MCGUINNESS PA LIMITED (#2447), JUIE QT LIMITED (#2488), UNITED ESTATES RANCH LIMITED (#2126), DENNISON AND GRANT (#2301)

Overall Recommendation	
Recommendation	Reject
Summary	<p>The density proposed by the submitters is likely to lead to a threat to the vegetative cover in the area.</p> <p>In addition to this, rural character is likely to be adversely impacted by an effective doubling of existing and consented development in the area.</p> <p>The values of the landscape character unit will be</p>

	better maintained by retaining the Precinct zoning as notified.
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Property and submission information	
Further Submitters	#2126 <ul style="list-style-type: none"> • FS2706.2 – Tim Proctor – Support • FS2791.2 – Dennison and Grant – Support • FS2126.2 – Julie QT Limited – Support #2301 <ul style="list-style-type: none"> • FS2745.37 – Julie QT Limited – Support • FS2795.73 – Boxer Hills Trust – Support • FS2796.72 – Trojan Helmet Limited - Support
Land area/request referred to as	Land in LCU12 west of Arrowtown Lake Hayes Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Residential
Stage 1: Zone and mapping annotations requested	Refer Appendix 4
Stage 2: PDP Zone and mapping annotations	Precinct
Stage 2: Zone and mapping annotations requested	Zone providing 4000m ² minimum
Supporting technical Information or reports	None
Legal Description	Various
Area	Approximately 310Ha
QLDC Property ID	Various
QLDC Hazard Register	Flood due to Rainfall Active debris-dominated LIC 2 (P)

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed

Aerial photograph of affected sites

Figure 37

- 40.1** No site-specific infrastructure, traffic or ecology issues have been raised in relation to this submission by Council witnesses, however it is noted that specific onsite wastewater disposal solutions would be required on sites of 4000m² with secondary treatment (refer to the evidence of Ms Jarvis).
- 40.2** Ms Gilbert has considered the zone change requests within the LCU west of Arrowtown Lake Hayes Road. Her evidence can be summarised as follows:
- (a) the application of a 4,000m² average lot size to two specific sites within LCU 12 effectively amounts to a spot zoning;
 - (b) lot sizes within the well-established rural residential 'heart' of the unit range from approximately 1,535m² to 4ha with an average lot size of 8,000 m². The submission would be an appreciably greater threat to the integrity of the existing vegetation framework associated with the creation of platforms and accessways under the 4,000m² density, which

is not considered to be appropriate from a landscape perspective; and

- (c) the western margins of the unit were interrogated as part of the Case Study work (as explained in Ms Gilbert's evidence) that followed the completion of the Land Use Study. In that exercise, it became apparent that:
 - (i) many of the consented developments rely on protected vegetation (both existing and new plantings) and (in some instances) 'no build' areas to ensure that the consented level of rural residential development is acceptable; and
 - (ii) enabling rural residential development at a density of 4,000m² would inevitably compromise the existing vegetative framework and / or 'no build' areas, suggesting the potential for adverse landscape effects.

40.3 For these reasons, Ms Gilbert opposes the zone change requests.

Planning analysis

40.4 The submitters seek an average density of 4000m² as compared to the 1 ha minimum notified for the Precinct subzone.³⁷ In relation to these submissions, the same analysis applies as in relation to the McFadgen submission (#2529) in the Hawthorn Triangle.

40.5 As with the assessment for McFadgen, the relevant objectives and policies in relation to this request are Objectives 24.2.1 and 24.2.5; and associated Policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the LCUs in Schedule 24.8.

40.6 Considering the proposed changes against the objectives and policies of the s42A WB chapter, and the provisions of s 32 of the RMA, it is considered that the Precinct zone as notified is more appropriate for

³⁷ Submission points #2447.2, #2488.54, 2126.2 and #2301.3

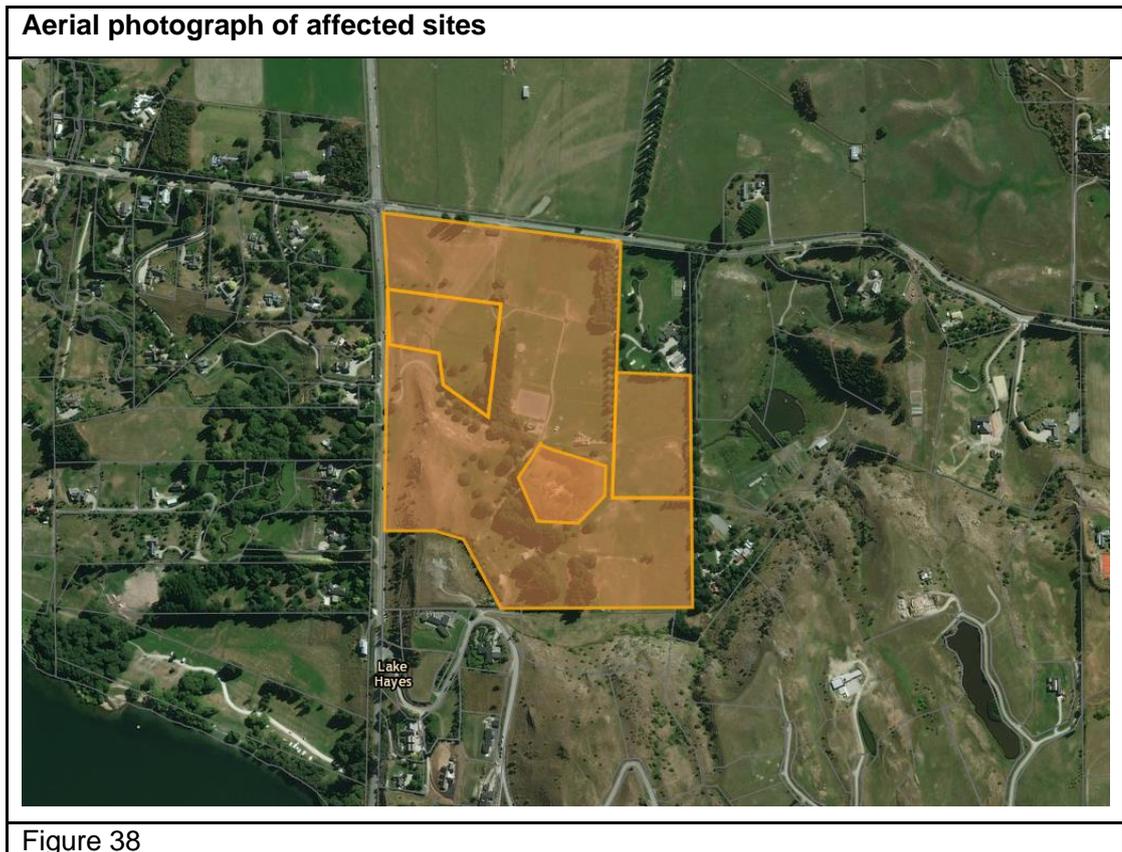
the reasons set out above. It is recommended that the submission is rejected.

41. LAKE HAYES LIMITED (#2377)

Overall Recommendation	
Recommendation	Accept in part
Summary	The primary relief to retain Stage 1 zones is rejected, however the secondary relief to retain Precinct zoning over the submitters land is supported. This zoning is the most appropriate to implement the objectives of the plan and will maintain the values of the LCU.

Property and submission information	
Further Submitters	Accept in Part
Land area/request referred to as	270 Arrowtown Lake Hayes Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Lifestyle
Stage 1: Zone and mapping annotations requested	Rural Lifestyle – FS1325.6
Stage 2: PDP Zone and mapping annotations	Precinct
Stage 2: Zone and mapping annotations requested	Rural Lifestyle
Supporting technical Information or reports	None
Legal Description	<ul style="list-style-type: none"> • Lot 101 DP314349 • Lot 1 DP 308629 • Lot 10 DP 314349 • Lot 7 DP 208629
Area	<ul style="list-style-type: none"> • 18.8282ha • 2.1001ha • 2.4189ha • 1.2213ha
QLDC Property ID	2630, 16813, 17668, 16814,
QLDC Hazard Register	N/A

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Not opposed



41.1 No traffic, ecology, infrastructure or landscape issues have been identified by Council witnesses.

Planning analysis

41.2 As their primary relief, the submitter seeks that all of the Stage 1 zones are reinstated. As secondary relief, it seeks that the text of the chapter is amended as set out in its submission.³⁸ The proposed amendments to the text of the Amenity Zone and Precinct are set out in the evidence of Mr Barr.

³⁸ Submission point #2377.40

41.3 Given the direction of the Panel in Stage 1 recommending the Council initiate a variation, the relief seeking that the Stage 1 zone be retained is not supported. It is my view that the values of the Basin are better supported through the proposed Variation than that identified in Stage 1. The provisions in Stage 1, particularly in relation to the discretionary subdivision provisions with no minimum lot size, do not provide sufficient guidance as to the capability of the landscape to absorb development. The Basin Variation in Stage 2 does provide better certainty where rural residential development is appropriate. This will lead to better maintenance of amenity values in the Basin than those provisions in Stage 1.

41.4 The zoning that is supported by the submitter in its alternative relief is supported, to the extent that it identifies Precinct land over the submitter's site, as it appropriately maintains the amenity and values identified for the LCU. No further analysis is considered necessary.

LCU 13 LAKE HAYES SLOPES

42. MORVEN RESIDENTS ASSOCIATION (#2490), HARRISON (#2163), ROBINS ROBINS & CALLAGHAN (#2104), LAKE HAYES CELLAR (#2378), MARTIN DOHERTY AND FERGUS (#2517), MONK (#2281), BATCHELOR (#2318), DUNCAN (#2319), LAKE HAYES INVESTMENTS LIMITED (#2291), STONERIDGE ESTATE LIMITED (#2314), DAYMAN (#2315), TUI TRUSTEES (2015) LIMITED (#2316), MANDEVILLE TRUST/LECK (#2317), WATERFALL PARK DEVELOPMENTS LIMITED (#2389)

Overall Recommendation	
Recommendation	Reject
Summary	This area is at or above its capability to absorb additional development. Further development in this area is likely to contribute to significant effects on the amenity and landscape values of the Basin due to its highly visible location.

Property and submission information	
Further Submitters	Refer to Appendix 2

Land area/request referred to as	Lake Hayes Slopes
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Residential part Rural Lifestyle part
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Amenity
Stage 2: Zone and mapping annotations requested	Precinct, 'Precinct A' or alternative zone with amended lot size provisions, 'Lake Hayes Cellar Precinct', Low Density Residential, Rural Residential, Rural Lifestyle
Supporting technical Information or reports	None
Legal Description	Various
Area	Approximately 1930Ha
QLDC Property ID	Various
QLDC Hazard Register	LIC 1, LIC 1 (P), LIC 2 (P), SUSCEPTIBLE Inactive composite

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed

Aerial photograph of affected sites

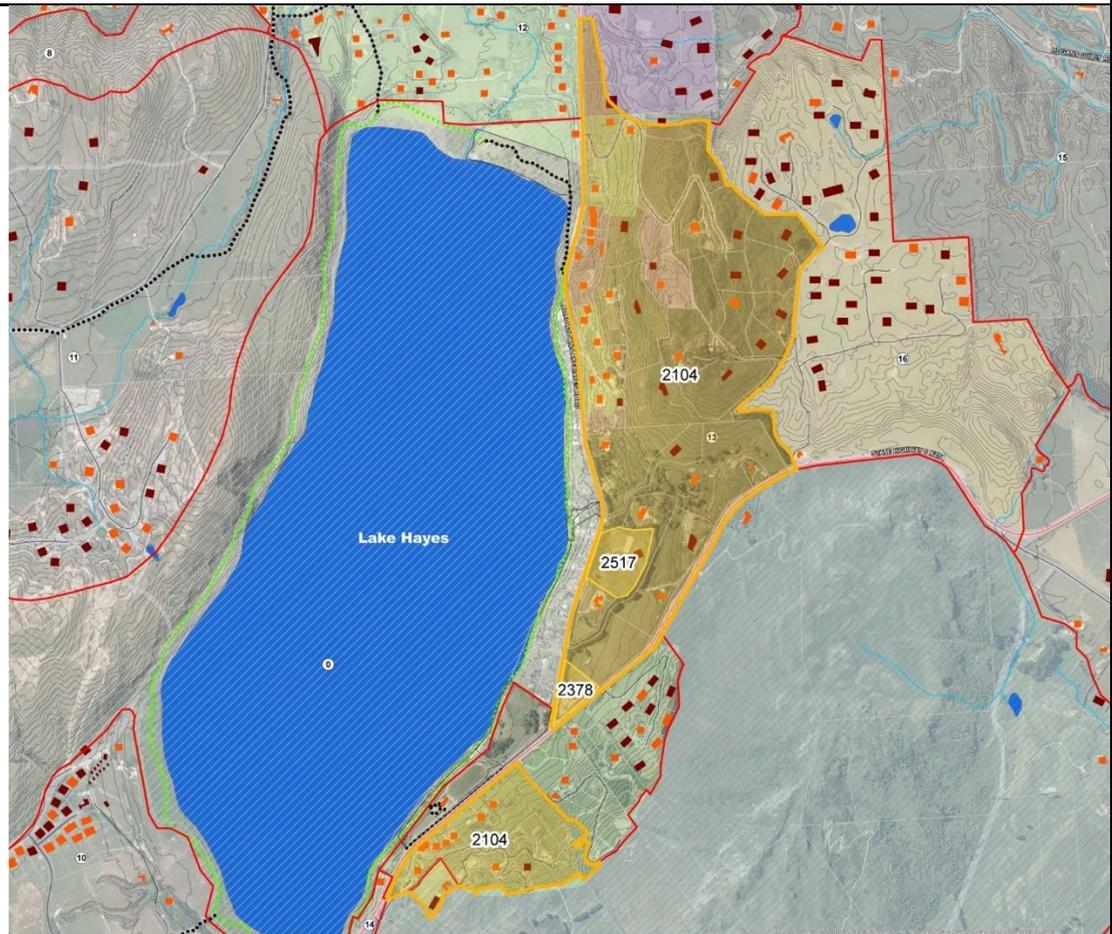


Figure 39 Submission areas shown in orange

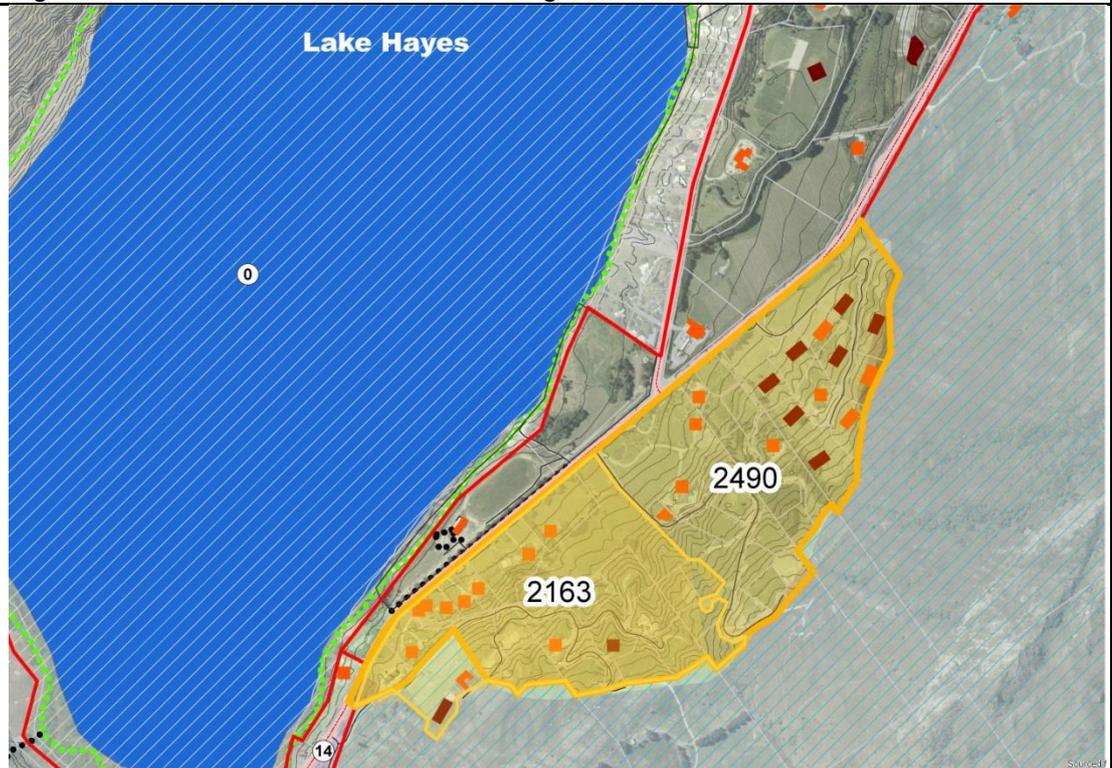


Figure 40 Submission areas shown in orange.

42.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission. General issues have been raised in relation to providing for further development potential in relation to transport network efficiency by Mr Smith, and I note that Mr Davis opposes further urban development in relation to the Lake Hayes catchment.

42.2 Ms Gilbert's evidence addresses these submissions in some detail. The key findings of her evidence are summarised below:

- (a) this part of the Basin landscape has seen an appreciable level of rural residential development throughout the highly visible hill slopes that frame the southern and eastern sides of Lake Hayes;
- (b) the Land Use Study found that generally, much of this development has been relatively unsympathetic and detracts from the landscape character and visual amenity of the area;
- (c) the LCU is considered to be sensitive to landscape change, resulting in a rating of Low with respect to its ability to absorb additional development;
- (d) whilst the rural residential patterning throughout the elevated slopes to the south west of SH6 is more logical and defensible, the level of rural residential development in this enclave is approaching, or possibly above, the landscape's capability; and
- (e) enabling further rural residential development where such development has detracted from the landscape character is not supportable from a landscape perspective.

42.3 Overall, for the reasons set out in her evidence, Ms Gilbert opposes the requested zone changes.

Planning analysis

42.4 The submitters generally opposed the Amenity zone that has been notified for the land shown in the Figure above, seeking either a return

to the Stage 1 zones, Precinct zoning, 'Precinct A or B' zoning, Low Density Residential, or in the case of Lake Hayes Cellars, a new 'Lake Hayes Cellar Precinct'.³⁹

- 42.5** It is relevant to note that the key issue raised by all of the submitters is that the notified Amenity Zone does not reflect the current levels of development in the area. Given this, they disagree with the landscape assessment, which notes that the area is at or above capacity in terms of its ability to absorb further development. None of the submissions are supported by landscape evidence.
- 42.6** I accept Ms Gilbert's evidence as summarised above, that existing development patterns are not the key driver for determining zoning for the Basin, rather it is the capability for absorbing development without adversely affecting (or further adversely affecting) those values. It is my opinion that, considering the landscape evidence, a zone that provides for further development would not be consistent with s42A Objectives 24.2.1 and 24.2.5 and the associated policies.
- 42.7** Submitter Lake Hayes Cellars Limited has similar concerns and in addition also wishes to provide for a commercial zone through a new 'Lake Hayes Cellar Precinct'. Submitter Martin, Doherty & Fergus seek Low Density Zone as it affects its site.
- 42.8** In relation to Lake Hayes Cellars Limited, it is not clear why the current commercial activity would not be supported by the Amenity Zone, noting that existing consents allow the activities to take place on the site. Further expansion or changes to the existing activities would require resource consent (possibly as either a discretionary or non-complying activity) that would take into account Objective 24.2.2 and its associated policies related to non-residential activities. Importantly, that objective and policies seek to maintain and enhance landscape character and amenity values of the Basin. I do not consider that providing for a spot zone in relation to the activities in this location, that are already provided for by way of consent, is the most appropriate way to deal with landscape values for the Basin in an integrated manner.

³⁹ Submission points #2490.54, #2163.1, #2104.1, #2378.1, #2517.1, #2281.2, #2318.1, #2319.1, #2291.1, #2314.1, #2315.1, #2316.1, #2317.1, #2389.1.

- 42.9** In relation to submitter Martin, Doherty & Fergus' request, I note that the site is located outside of the UGB. In relation to this submission, the same assessment applies as it did to the Middleton submission.⁴⁰ I note that Mr Davis, ecologist for the Council, opposes any further urban development in the Lake Hayes catchment due to potential impacts on water quality.
- 42.10** The relevant objectives and policies in relation to these requests are s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.
- 42.11** Considering the proposed changes against the objectives and policies of the s42A WB chapter, and the provisions of s 32 of the RMA, it is considered that the Precinct as notified is more appropriate for the reasons set out above. It is recommended that the submission is rejected.

LCU 14 LAKE HAYES TERRACE

43. ROBINS, ANDERSON LLOYD TRUSTEE CO LIMITED & ROBINS (#2398)

Overall Recommendation	
Recommendation	Accept
Summary	Hayes Creek is not an ONF/L, and therefore a Landscape Feature line on the Hayes Creek 'cliff' edge is not warranted. The Precinct zoning is supported by the submitter, subject to text changes addressed elsewhere.

Property and submission information	
Further Submitters	None
Land area/request referred to as	64 Alec Robins Road

⁴⁰ Submission point #2332

Stage 1: PDP Zone and mapping annotation (replaced)	Rural Lifestyle and Rural Residential
Stage 1: Zone and mapping annotations requested	#594.1, #594.6 - AK and RB Robins and Robins Farm Limited – Rural Lifestyle and Rural Residential
Stage 2: PDP Zone and mapping annotations	Precinct Landscape feature
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Section 1-2 Survey Office Plan 371226 and Part Section 28 Block IX Shotover Survey Distric
Area	Approximately 16.4 hectares
QLDC Property ID	18339, 18340, 26313, 59650
QLDC Hazard Register	SUSCEPTIBLE POSSIBLY SUSCEPTIBLE

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Not opposed

Aerial photograph of affected sites

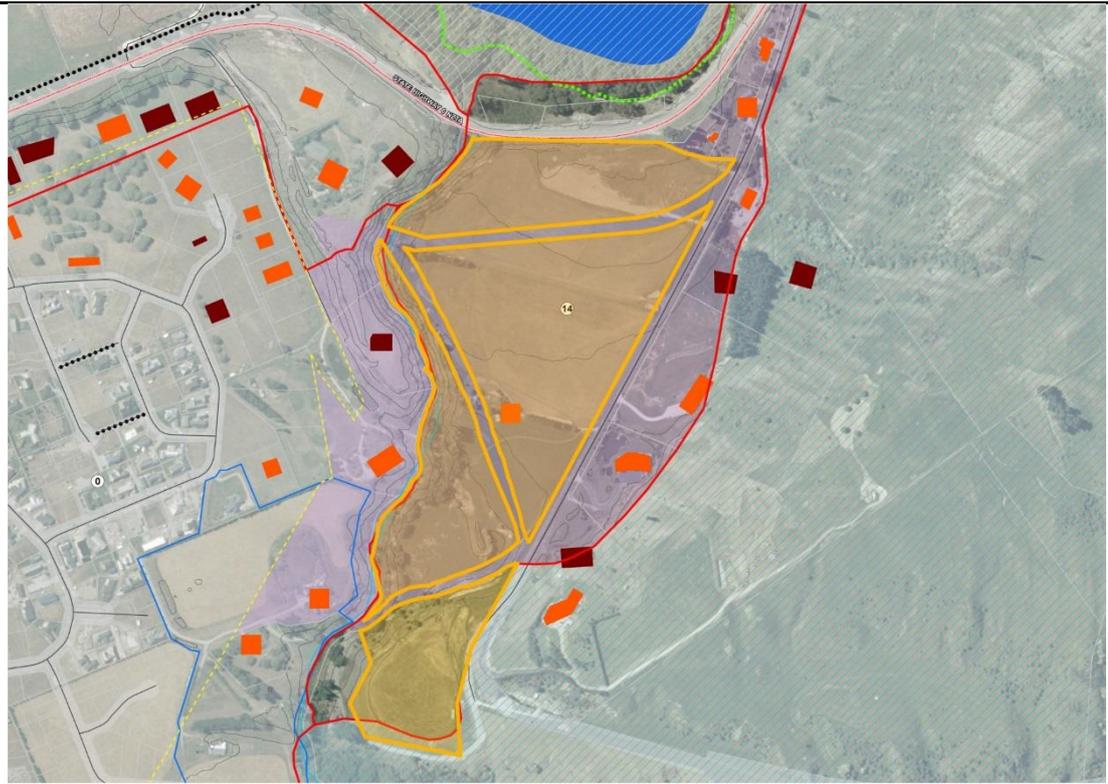


Figure 41. Area of submission shown in orange.

43.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

43.2 Ms Gilbert has reviewed the submission in the context of the submitter's request to remove the Landscape Feature. Ms Gilbert does not oppose the removal of it, on the basis that the Landscape Feature corresponds with the upper edge of the Hayes Creek 'cliff' edge, but that in this context, it differs from other edges in the Basin as Hayes Creek is not an ONF or ONL.

Planning analysis

43.3 The submitter seeks that the Precinct sub zone over the site is retained (with modifications to the text which are addressed in the evidence of Mr Barr), and removal of the Landscape Feature affecting its site.⁴¹ Ms Gilbert, for the reasons set out above, supports the removal of the Landscape Feature and Precinct zoning.

⁴¹ Submission point 2398.1, the removal of the Landscape Feature is contained in the evidence of Ms Gilbert

43.4 I accept Ms Gilbert's evidence. Given this, the removal of the Landscape Feature will not adversely impact on the landscape character and amenity values of the Basin. The removal of it, and the zoning combined, is will appropriately implement s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1, and I recommend that the submission be accepted.

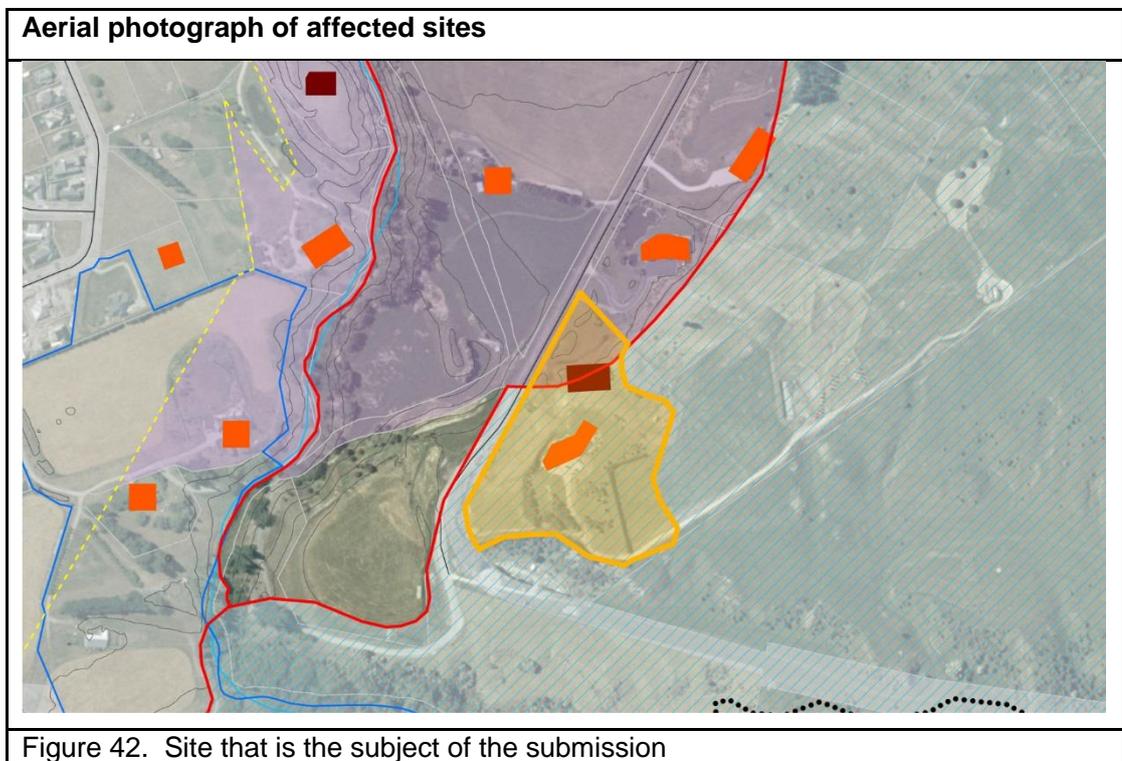
44. TOPP (#2254)

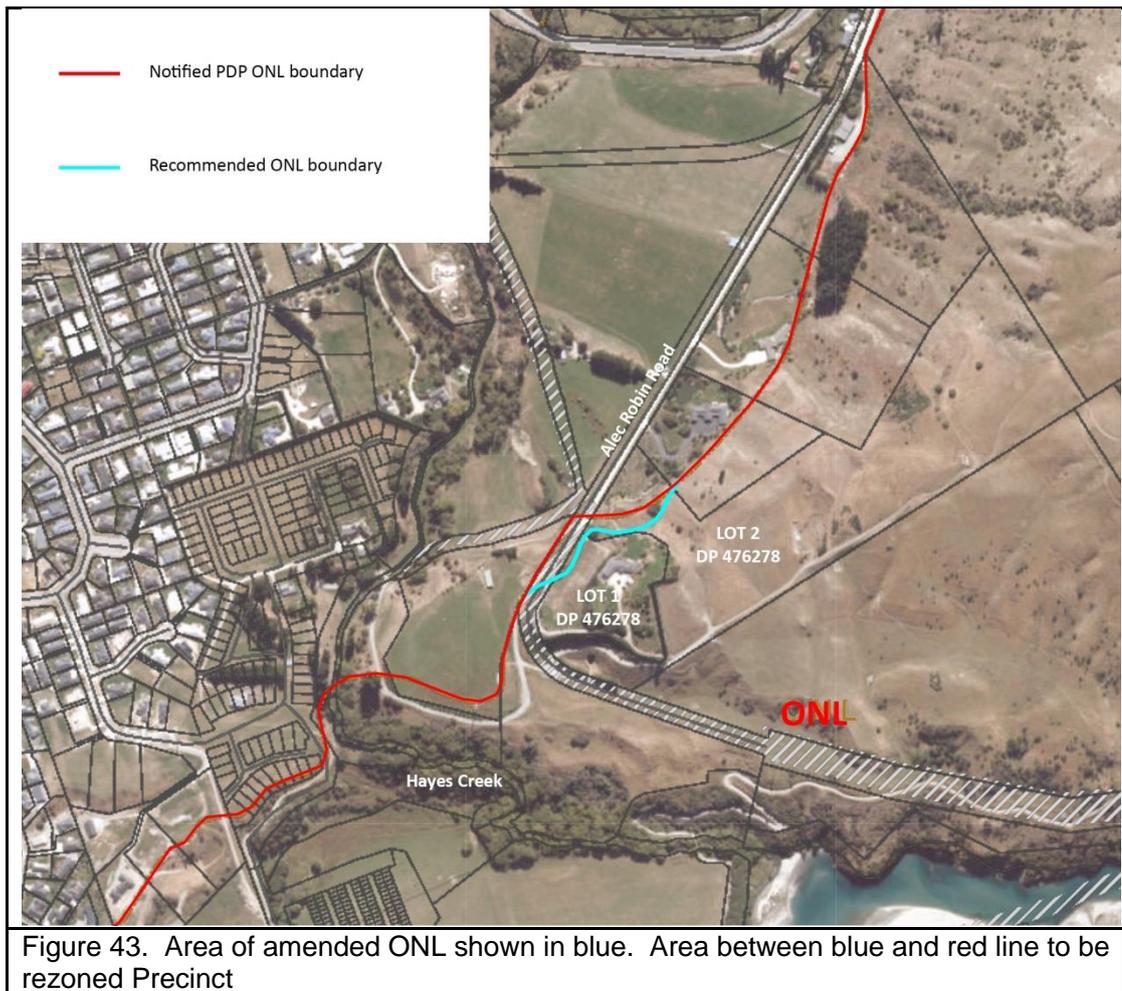
Overall Recommendation	
Recommendation	Accept in part
Summary	The change as recommended in the evidence of Ms Mellsop correctly identifies the geomorphological features on which the ONL boundary should be drawn. Identification of the line in this manner, and rezoning the affected land therein as Precinct, will protect the ONL from inappropriate development and maintain the landscape character and amenity values of the Basin. Remaining land within the ONL is not rezoned Precinct as it would have the potential to result in adverse effects on the ONL.

Property and submission information	
Further Submitters	None
Land area/request referred to as	Lots 1 and 2 DP 476278
Stage 1: PDP Zone and mapping annotation (replaced)	Rural ONL (part)
Stage 1: Zone and mapping annotations requested	Rural Lifestyle (#121)
Stage 2: PDP Zone and mapping annotations	Precinct (part)
Stage 2: Zone and mapping annotations requested	Rural Lifestyle
Supporting technical Information or reports	None

Legal Description	Lots 1 and 2 DP 476278
Area	Approximately 3Ha
QLDC Property ID	29910, 29920
QLDC Hazard Register	POSSIBLY SUSCEPTIBLE

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Not opposed in part





- 44.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 44.2 Ms Gilbert supports the proposed rezoning requested insofar as it corresponds to the amendment to the ONL boundary set out in Ms Mellsop's evidence. She does not support Precinct for the remainder of the site within the ONL.

Planning analysis

- 44.3 The submitter is concerned that Precinct has been extended over the properties to the north of its site, but has not been extended over its site, which contains an ONL boundary. The submitter seeks Precinct zoning over the entire site.⁴² It also argues that the ONL boundary is inconsistent with the boundary determined in Environment Court

42 Submission point #2254.1

Decision C203/2004. The location of the ONL line is addressed later in this report.

- 44.4** As discussed above, the boundary of the ONL has been considered by Ms Mellsop, and for the reasons set out in her evidence, she considers that the boundary should be moved as shown by the blue line in Figure 43. Ms Gilbert, who relies on Ms Mellsop's evidence as to the location on the ONL boundary, agrees that the area shown within the amended ONL line should be rezoned Precinct.
- 44.5** I accept the landscape evidence of Ms Mellsop and Ms Gilbert, and agree that the area identified is more appropriately zoned Precinct. However the extension sought by the submitter to rezone the entire site is not supported. That is because the balance of the subject site is located in an ONL. Rezoning part of the ONL as Precinct would be inappropriate, resulting in intensification and loss of ONL values in that area. I consider that the balance of the site is more appropriately zoned Rural, as notified in Stage 1.
- 44.6** Having considered the changes recommended by the Council witnesses, it is my opinion that the changes as recommended will better implement the objectives as they relate to Outstanding Natural Features and Landscape, in particular Objective 3.2.5.1 and policies 3.3.29, 3.3.30, 6.3.12, 6.3.13, and 6.3.16. This objectives and the policies that implement it seek to protect the values of ONLs, including avoiding development that will impact on their values and maintaining their open landscape character where it is open at present.
- 44.7** I recommend, therefore, the submission is accepted in part, by rezoning that portion of the land that the ONL has been removed from, as Precinct.

LCU 15 HOGANS GULLY

45. Hogans Gully Farm (#2313)

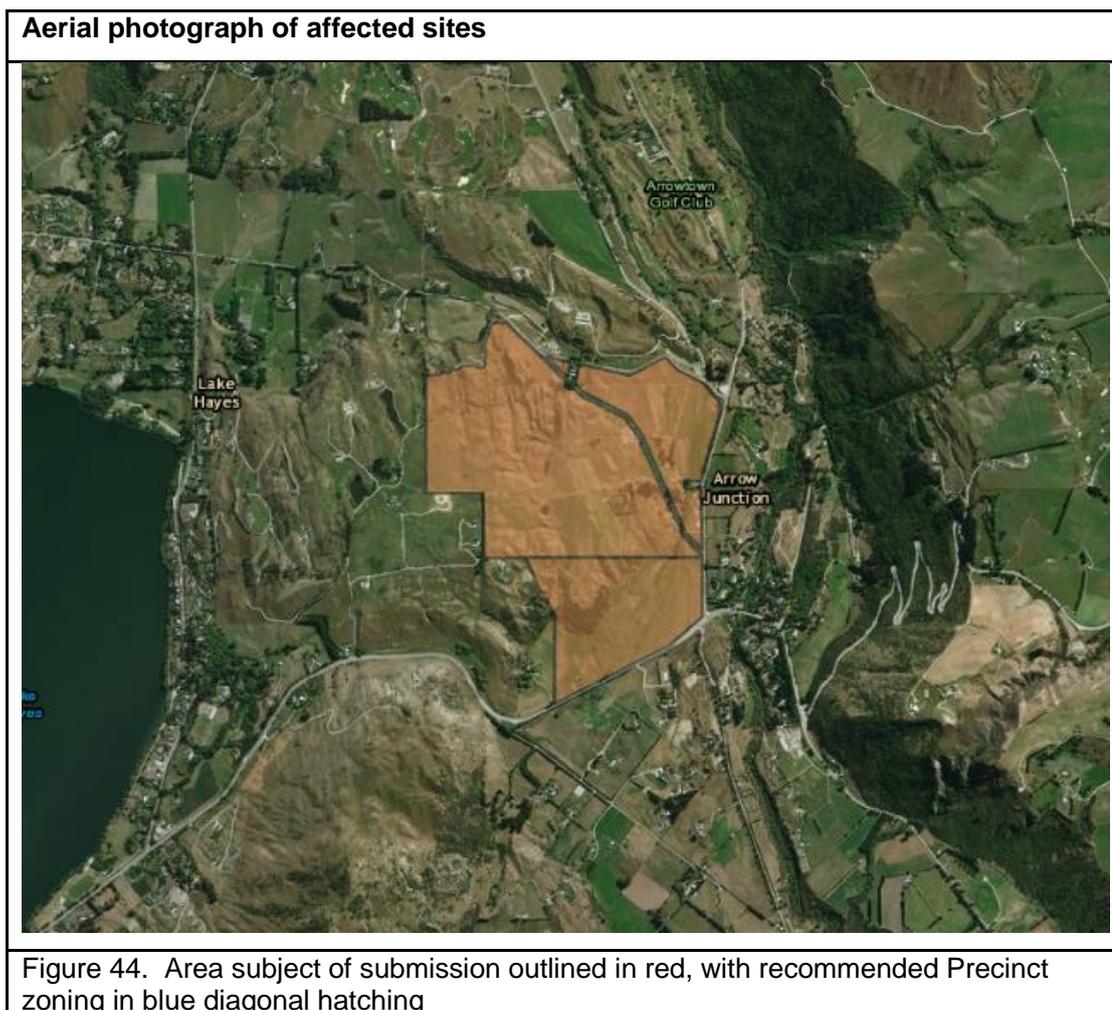
Overall Recommendation	
Recommendation	Decline
Summary	<p>When considered against the existing Millbrook Resort Zone, Bendemeer Special Zone, and other requests for special zones, and in the context of the eastern part of the Wakatipu Basin, the proposal for the Hogans Gully Special Zone put forward in the submission has the potential for significant adverse cumulative effects on the landscape character of the Basin. In addition, by itself the proposal will have significant adverse effects on landscape character and amenity values of the LCU. In relation to the secondary relief to rezone the site Precinct, the proposal does not support the landscape character and amenity values identified for the LCU, which acknowledge that the area only has a moderate capability to absorb additional development. Amenity zoning is therefore the most appropriate zone.</p>

Property and submission information	
Further Submitters	FS2794.1 – Bendemeer Residents Group - Oppose
Land area/request referred to as	Hogan Gully Farm
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	Hogans Gully Special Zone - #456.32
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Hogans Gully Special Zone, or as an alternative, Precinct in the upper platea area of Hogans Gully
Supporting technical Information or reports	

	<ul style="list-style-type: none"> • Proposed Structure Plan, prepared by Baxter Design Group, dated 8 February 2018 • Golf Concept Masterplan, prepared by Baxter Design Group, dated 21 February 2018 • Landscape Assessment, prepared by Baxter Design Group, dated 23 October 2015 • Transport Assessment, prepared by Bartlett Consulting, dated October 2015 • Preliminary and Site Investigation, prepared by e3 Scientific, dated 5 December 2017 • Infrastructure Report, prepared by Holmes Consulting, dated October 2015 • Geotechnical assessment, prepared by Geosolve, dated December 2017 • Ecological Review, prepared by Davis Consulting Limited, dated 22 October 2015 • Property Report, prepared by APL Property Queenstown Ltd, dated 1 October 2015
Legal Description	<p>Section 2 SO 440817 Lot 3 DP 356270 Part Lot 1 DP 18290 Lot 1 DP 356270 Section 25B Block VII Shotover SD Lot 4 DP 18290 Lot 3 DP 18290 Part Section 100 Block VII BLK SHOTOVER Section 25C Block VII Shotover SD Lot 5 DP 18290 Lot 2 DP 18290 Lot 4 DP 356270 Lot 2 DP 356270 Section 99 Block VII Shotover SD</p>
Area	Approximately 157 Ha
QLDC Property ID	2645, 22425, 22427, 27807

QLDC Hazard Register	Liquefaction (LIC 1 (P))
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Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Opposed
Traffic	Opposed
Landscape	Opposed



45.1 Mr Crowther has provided evidence on the proposal. He notes that the land is not currently serviced by Council water or wastewater schemes. He notes additional requirements for upgrades are necessary to Council's infrastructure in order for the services to be reticulated, and that currently, upgrades are not included in the Long Term Plan. On this basis, there is not currently sufficient capacity within the Council's scheme, and he also notes that there is no evidence that the development, once connected, will not generate additional servicing

costs that fall on the wider community. On this basis, he opposes the requested rezoning.

45.2 Additional intensification above the levels provided for by the Variation is not supported by Mr Smith. No detailed comment has been provided on the traffic assessment at this stage.

45.3 Ms Mellsop has addressed the proposal in her landscape evidence. Her evidence can be summarised as follows:

- (a) The landscape evaluation accompanying the submission has not been prepared in accordance with best practice and does not adequately assess effects on landscape character as a separate matter from effects on visual amenity.
- (b) While a particular LCU may have been identified as having a 'moderate' ability to absorb development, that ability needs to be considered in the context of the wider pattern of development within the Basin.
- (c) A discretionary regime for subdivision would not be consistent with the purpose of the Wakatipu Basin chapter, potentially resulting in incremental subdivision and development and cumulative adverse effects on the character and amenity of the Basin.
- (d) Development enabled by the special zone would substantially compromise the natural character of the landscape and the remaining pastoral character of the eastern end of the Basin, including dense nodes of residential development that would appear as sprawl from existing nodes.
- (e) The Hogans Gully Special Zone would read as an intensive urban settlement in a parkland, pastoral or indigenous vegetation setting.
- (f) The third alternative relief of Precinct on the upper part of the site, but with an average lot size of 2000m² would enable a significantly greater level of development. For this reason, Ms Mellsop does not consider Precinct would be appropriate from a landscape perspective.

- 45.4** For these reasons set out above, Ms Mellsop opposes all relief sought by the submitter in relation to rezoning.

Planning analysis

- 45.5** Hogans Gully Farm Limited has sought a bespoke zone over a 130 ha block of land located between State Hi Highway 6, McDonnell Road, Hogan Gully Road and the Bendemeer Special zone. The proposal is to include golf facilities and associated residential and visitor accommodation activities. The maximum number of residential units is proposed to be 90 (noting that the traffic assessment by Bartlett Consulting only assesses the effects of 32-45 sections).⁴³ Amendments specific to the text of Chapter 24 are addressed in the evidence of Mr Craig Barr.
- 45.6** Ms Mellsop, as set out above, opposes the proposal on landscape grounds. Similarly, Mr Crowther opposes the proposal, and is concerned about potential for impacts on the infrastructure network and associated costs, noting there is not existing capacity for the proposal.
- 45.7** It is my opinion that this proposal needs to be looked at carefully alongside Millbrook Resort, and also other requests for spot zoning at The Hills, Ayrburn Farm, and the existing Waterfall Park. Notwithstanding the impacts of the proposal on the LCU, it is my opinion (relying on the landscape evidence of Ms Mellsop and Ms Gilbert) that all of these developments have the potential to cause significant adverse cumulative impacts on the eastern end of the Wakatipu Basin. It is my opinion that in the context of the Variation, the landscape character and amenity values of the Basin will not be maintained, in particular because of the cluster urban-type development proposed. I refer to the type of development is urban-type, as I recognise that it is by definition not 'urban development' in the context of the PDP 2018 Stage 1 definition, nor the objectives and policies of Chapters 3 and 4, as the definition specifically excludes resort development.

43 Submission point #2313.1

- 45.8** Fundamentally, I consider the proposed new Hogans Gully Special zoning is contrary to s7(c) because the amenity of the landscape and Wakatipu Basin as a whole will not be maintained or enhanced, due to individual and cumulative impacts. The spot zoning fails to look at the proposed Resort zone in an integrated manner. In addition, it does not maintain the landscape character and amenity values of the LCU and the Basin, which the Amenity Zone notified by the Council seeks to achieve.
- 45.9** In relation to the request for Precinct, given the evaluation of the capability of the land to absorb additional development as set out in Ms Mellsops evidence, I consider that Amenity Zone is more appropriate. Furthermore, the density sought by the submitter would appear to be far higher than the Special Zone, and be significantly urban in appearance.
- 45.10** The relevant objectives and policies in relation to this request are s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.
- 45.11** Considering the proposed changes against the objectives and policies of the WB chapter, and the provisions of s 32 of the RMA, it is considered that the Amenity zone as notified is more appropriate for the reasons set out above. It is recommended that the submission is rejected.

LCU 17 MORVEN FERRY

46. ALLEN & ALLEN (#2482), DUNLOP & GREEN (#2609)

Overall Recommendation	
Recommendation	Reject
Summary	The change sought would not maintain the landscape character and amenity values of LCU 17

	identified in Schedule 24.8. Amenity zoning better protects those values and is more appropriate.
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Property and submission information	
Further Submitters	#2482 <ul style="list-style-type: none"> • FS2717.2 – Guthrie – Support #2609 <ul style="list-style-type: none"> • FS2717.1 – Guthrie – Support • FS2734.1 – Lake Hayes Estate Properties Limited - Support
Land area/request referred to as	'Morvern Ferry Triangle'
Stage 1: PDP Zone and mapping annotation (replaced)	Rural ONL/ONF
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Rural Lifestyle or similar (Precinct inferred)
Supporting technical Information or reports	None
Legal Description	Various
Area	Approximately 383Ha
QLDC Property ID	Various
QLDC Hazard Register	N/A

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed

Aerial photograph of affected sites

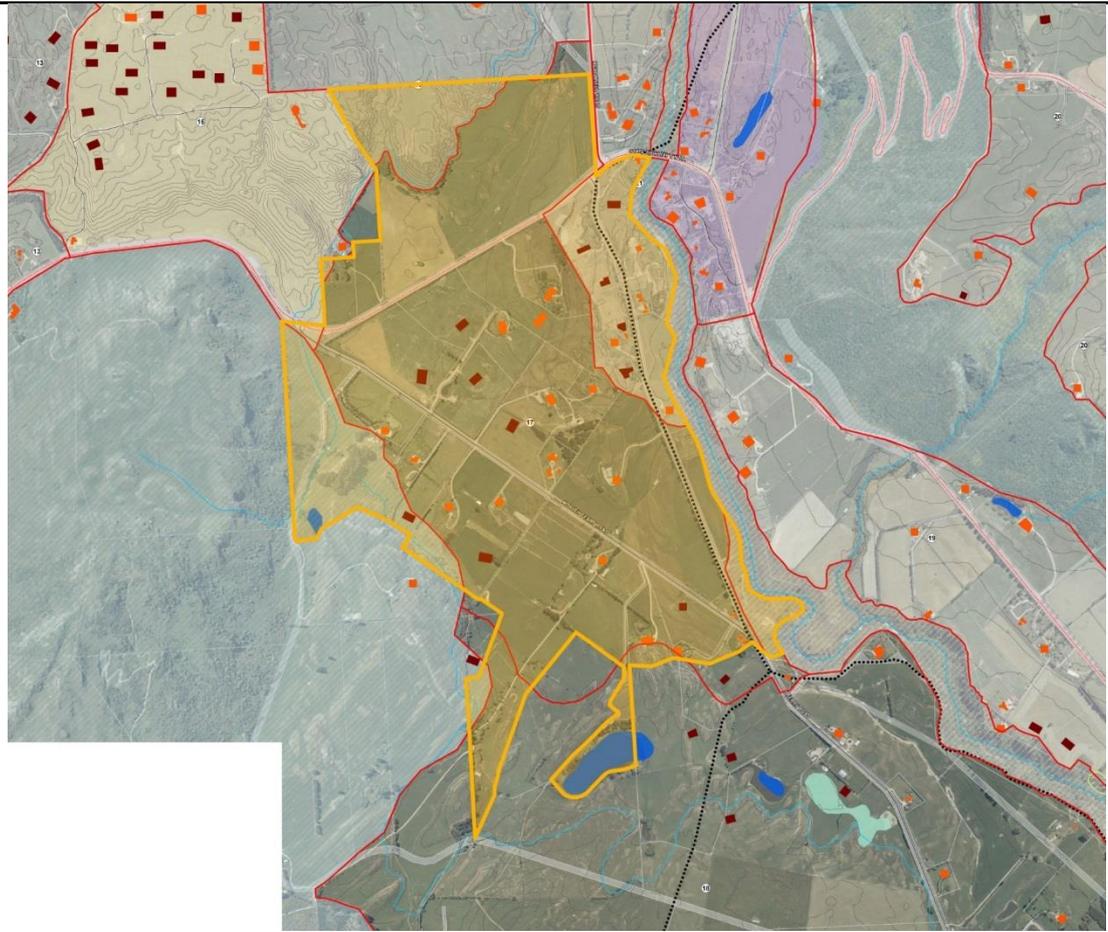


Figure 45. Allen & Allen, Green & Dunlop submissions area identified in orange

- 46.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 46.2** Ms Gilbert's evidence can be summarised as follows:
- (a) the Land Use Study found that LCU 17 Morven Ferry had a Moderate – Low capability to absorb additional development;
 - (b) the open character of much of the unit and the visibility of the northern portion of the unit from key scenic routes means that the area enjoys a reasonably high public profile;
 - (c) the location of the unit on the ill-defined edge makes the area vulnerable to development creep;
 - (d) the average lot size within LCU 17 is 3.7ha. This is well above the typical rural residential lot sizes evident throughout the basin (i.e. 2ha and under). Consequently, the landscape is not dominated by rural residential land use; and

(e) the high public profile of the area, together with its visual connection to the nearby ONL favour an Amenity zoning rather than Precinct.

46.3 For these reasons, Ms Gilbert opposes the rezoning requests outlined in the Allen and Dunlop /Green submissions.

Planning analysis

46.4 Submitters Allen & Allen and Dunlop & Green seek that a rural lifestyle zone is provided for over the land it identifies as the ‘Morven Ferry Triangle’, so that it recognises existing rural residential development in the area.⁴⁴

46.5 Ms Gilbert’s evidence is summarised above, and I accept that evidence. I consider that, based on Ms Gilbert’s evidence regarding the capacity of the landscape to absorb further development, a limit to development in this area by zoning it Amenity zone will assist with maintaining the values of the LCU identified in Schedule 24.8.

46.6 Having considered s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1, I consider that the values of the LCU are better maintained by zoning the area as Amenity Zone, and that this zone will better achieve the objectives of the PDP, than would a Precinct sub zone or other zone providing for rural residential development. It is recommended that the submission be rejected.

47. WARD (#2244)

Overall Recommendation	
Recommendation	Reject
Summary	Identifying the land that is the subject of the submission as Amenity Zone better protects the landscape character and amenity values associated with the LCU, than the Precinct that is sought by the submitter.

44 Submission points #2482.1 and #2609.1

Property and submission information	
Further Submitters	None
Land area/request referred to as	123 Morven Ferry Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Various
Area	Approximately 103Ha
QLDC Property ID	Various
QLDC Hazard Register	N/A

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed

Aerial photograph of affected sites

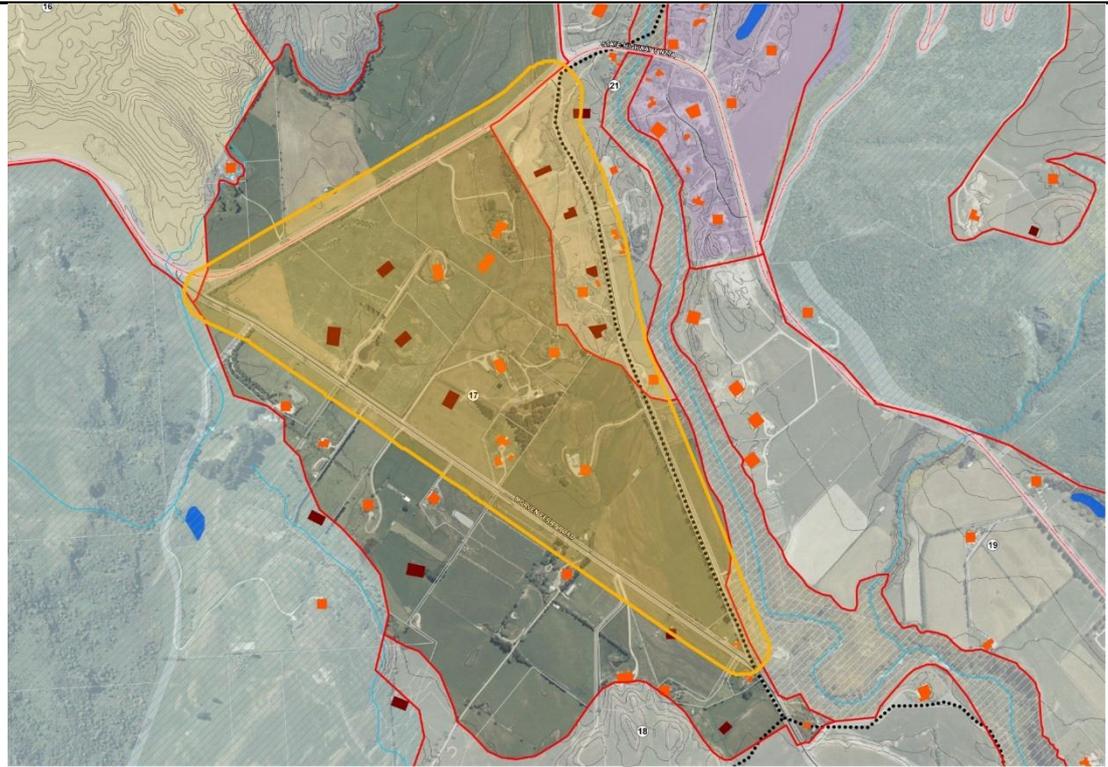


Figure 46. Location of Ward submission area shaded in orange

47.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

47.2 Ms Gilbert's evidence can be summarised as follows:

- (a) the high public profile of the area, its visual connection to the nearby ONL context, and the reasonably limited influence of rural residential development, favour an Amenity zoning rather than Precinct;
- (b) adopting a Precinct boundary that is an arbitrary distance (i.e. 100m) from a road network is not consistent with best practice Precinct delineation methods within an amenity landscape setting; and
- (c) introducing a rural residential precinct on the Ward land effectively amounts to a spot zoning. Given that there is nothing that sets this property apart from the balance of the unit, such an outcome is not supported from a landscape perspective.

47.3 For these reasons, Ms Gilbert opposes the rezoning requests.

Planning analysis

47.4 Submitter Ward seeks that Precinct zoning is extended to 100m beyond the area bounded by Arrow Junction Road, Morven Ferry Road and Lake Hayes Arrow Arrow Junction Highway, or in the alternative that Precinct is extended to cover the submitter’s land.⁴⁵

47.5 Ms Gilbert’s evidence is summarised above, and I accept that evidence. I consider that, based on Ms Gilbert’s evidence regarding the capacity of the landscape to absorb further development and potential for it to impact on the adjacent ONL, that a limit to development in this area by zoning it Amenity Zone will assist with maintaining the values of the LCU identified in Schedule 24.8.

47.6 Having considered s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1, I consider that the values of the LCU are better maintained by zoning the area as Amenity Zone, and that this zone will better achieve the objectives of the PDP, than would Precinct or other zone providing for rural residential development. It is recommended that the submission is rejected.

48. GUTHRIE (#2412), AND HAMILTON (#2261)

Overall Recommendation	
Recommendation	Accept in Part
Summary	The request by the submitters for the land to be zoned Precinct is not appropriate as it will not maintain the landscape character and amenity values of the LCU. However, rezoning that part of the land identified where the ONL is to be removed, as Amenity Zone, is considered to be appropriate, as it will apply a zone that is consistent with other non-ONL rural land in the Basin.

⁴⁵ Submission point #2244.5

Property and submission information	
Further Submitters	None
Land area/request referred to as	Lots 1, 2 & 3 DP344972
Stage 1: PDP Zone and mapping annotation (replaced)	Rural ONL
Stage 1: Zone and mapping annotations requested	Guthrie - #401.1, #401.2 – opposed ONL line
Stage 2: PDP Zone and mapping annotations	Amenity Zone (part)
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Lots 1, 2 & 3 DP344972
Area	Approximately 17Ha
QLDC Property ID	10976 17248 22034 22035 25898
QLDC Hazard Register	

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed

Aerial photograph of affected site

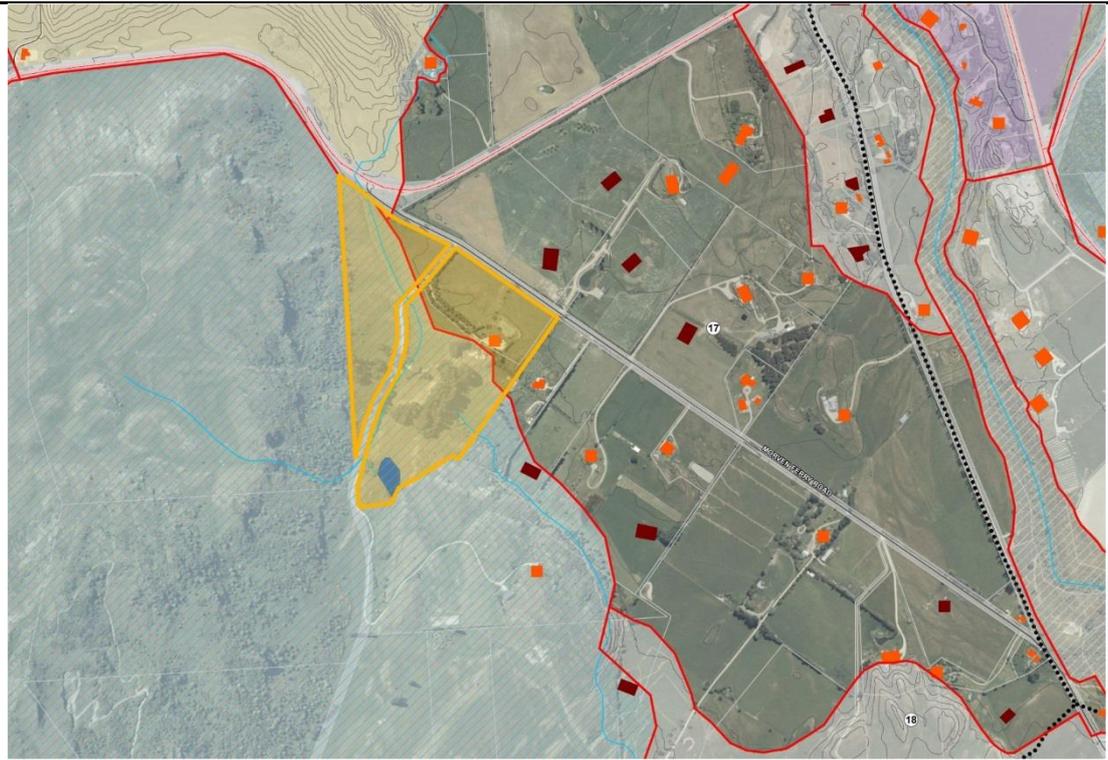


Figure 47. Location of the area affected by the Guthrie submission shaded orange

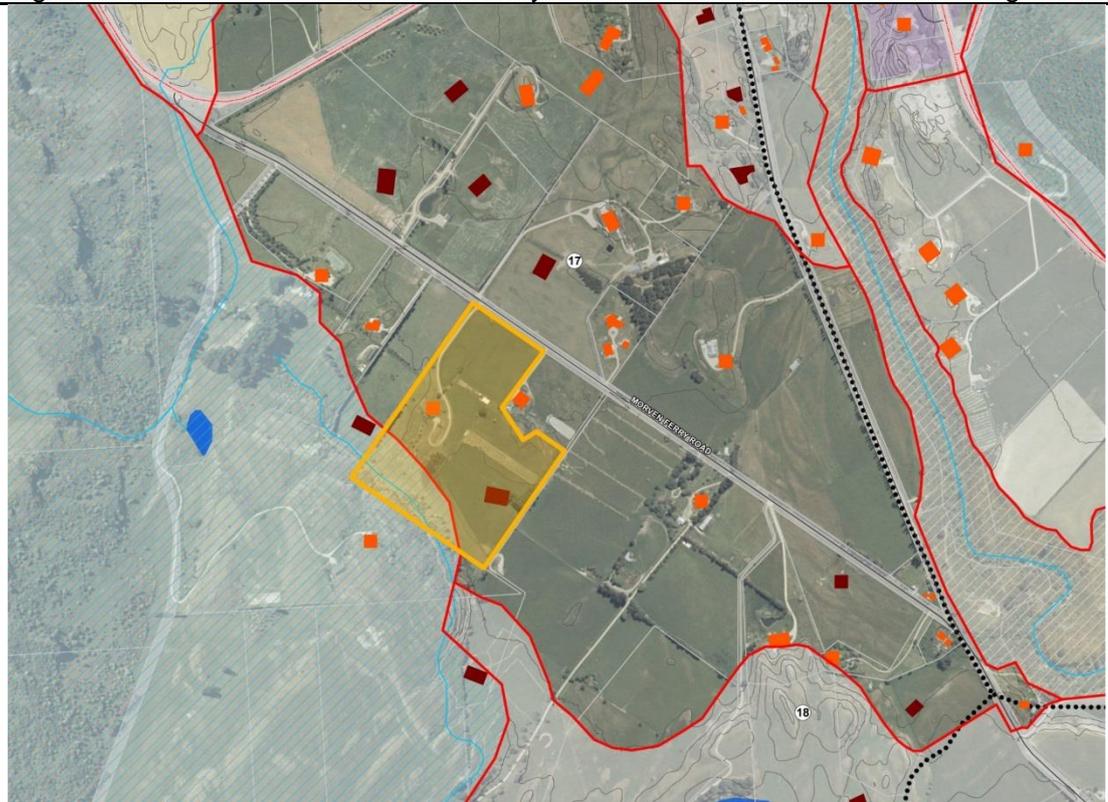


Figure 48. Location of the area affected by the Hamilton submission shaded orange

48.1 No site-specific infrastructure, traffic or ecology issues have been raised in relation to this submission.

- 48.2** Ms Gilbert’s evidence adopts the reasons outlined in her discussion of submissions relating to LCU 17 for opposing application of the Precinct to the submitter’s land.
- 48.3** In addition, Ms Gilbert refers to the recently consented five-lot rural residential subdivision on the submitter’s land. Firstly, noting that it is located outside of the Morven Hill ONL recommended by Ms Mellsop. Secondly, in her opinion, she does not consider that the approved rural residential consent amounts to a tacit endorsement of such a rezoning.
- 48.4** For these reasons, Ms Gilbert opposes the Precinct rezoning requested by both submitters.

Planning analysis

- 48.5** Submitter Guthrie and Submitter Hamilton sought that all of their land is rezoned Precinct, and in addition, that the ONL line be relocated to the location show in the ODP.⁴⁶ The relocation of the ONL line is addressed later in this report, and is addressed in the evidence of Ms Mellsop.
- 48.6** Ms Gilbert opposes the application of the Precinct for the reasons set out above and in her evidence she has included commentary from a consent decision granting rural residential activity on the submitter’s site as to the potential impact of further development in the area. I accept Ms Gilbert’s evidence that Precinct will not maintain the landscape character and amenity values of the LCU, and agree that just because consent had previously been granted for rural residential activity, this does not amount to a tacit agreement to further zoning the land Precinct.
- 48.7** Ms Gilbert does not address the rezoning of the land which is subject to the shift in the ONL line that is recommended in Ms Mellsop’s evidence. I consider that while the area was zoned Rural in Stage 1, that it is appropriate to rezone the area where ONL has been removed to Amenity Zone. While not located in the area of the Land Use Study,

46 Submission points #2412.1, #2412.2, #401.1, #401.2 and #2261.

this was on the basis of the land being identified as ONL. Given its recommended removal, Amenity Zone is the most appropriate zone for it. I consider that Amenity Zone for that piece of land is “in the range” between the Rural zone notified in Stage 1, and the subzone Precinct land requested by the submitter. To that extent, I recommend accepting the submission in part.

48.8 Having considered the changes recommended by the Council witnesses, it is my opinion that the changes as recommended will better implement the objectives as they relate to Outstanding Natural Features and Landscape, in particular Objective 3.2.5.1 and policies 3.3.29, 3.3.30, 6.3.12, 6.3.13, and 6.3.16. This objectives and the policies that implement it seek to protect the values of ONLs, including avoiding development that will impact on their values and maintaining their open landscape character where it is open at present.

48.9 I recommend, therefore, the submissions are accepted in part, by rezoning that portion of the land that the ONL has been removed from, as Amenity zone.

LCU 18 MORVEN FERRY EASTERN FOOTHILLS

49. LAKE HAYES ESTATES PROPERTIES LIMITED (#2525)

Overall Recommendation	
Recommendation	Reject
Summary	The Morven Ferry Eastern Foothills have a low capability to absorb additional development. Amenity Zone is the most appropriate in order to maintain the landscape character and amenity values of the LCU.

Property and submission information	
Further Submitters	FS2743.153 – Morven Ferry Ltd – Support FS2749.158 – Barnhill Corporate Trustee Limited, Bunn, Bunn & Green - Support
Land area/request referred to as	Land located at Morven Ferry Road, being part of the land contained in certificate of title 5890.
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	'Precinct B'
Supporting technical Information or reports	None
Legal Description	Lot 2 DP 301351
Area	Approximately 18ha
QLDC Property ID	15577
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed

Aerial photograph of affected sites

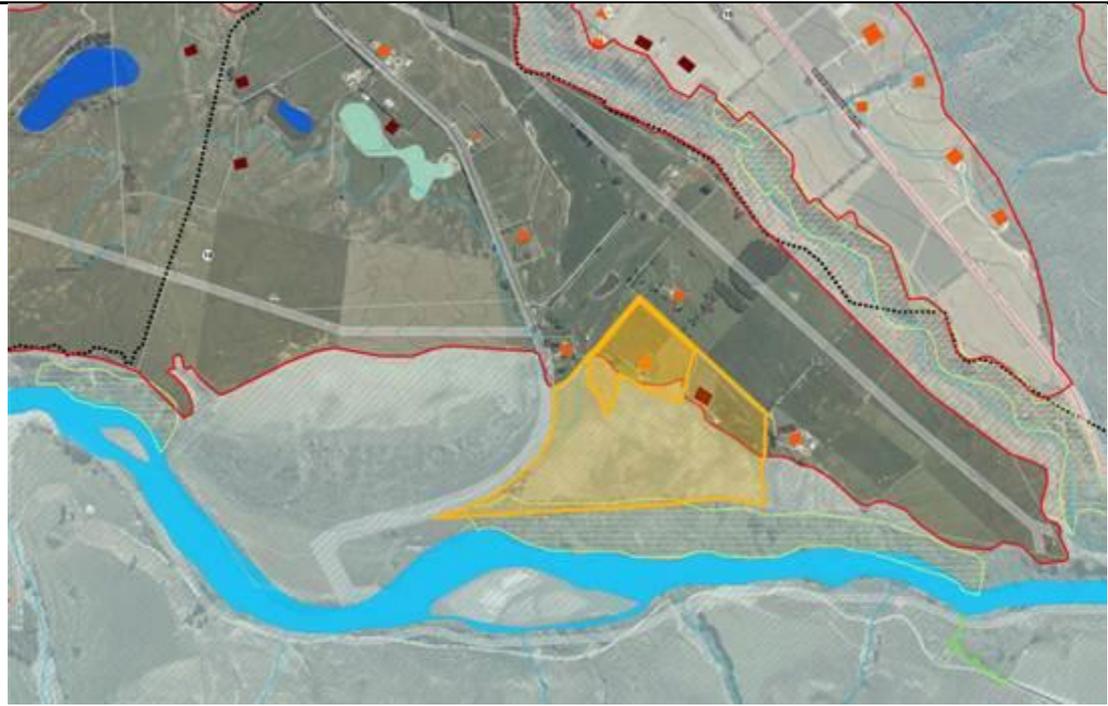


Figure 49. Lake Hayes Estate Properties Limited submission area shaded orange

49.1 No site-specific infrastructure, traffic or ecology issues have been raised in relation to this submission.

49.2 Ms Gilbert's evidence can be summarised as follows:

- (a) The Land Use Study found that LCU 18 Morven Eastern 'Foothills' has a Low capability to absorb additional development, noting enclosure on three sides by ONF/Ls, the comparatively limited level of development in the LCU, and the presence of the walkway/cycleway which offers a remote and rural experience.
- (b) Applying the Precinct to the submitter's land would result in an 'island' of Precinct and in so doing, effectively amount to a spot zoning.
- (c) The submission relies on cadastral boundaries to define its western, northern, and eastern limits, making the Amenity Zone land adjacent vulnerable to development creep.

49.3 For these reasons, Ms Gilbert opposes the rezoning requests.

Planning analysis

49.4 The submitter seeks the Variation is refused in its entirety, or if it is retained, that the land of interest to the submitter is rezoned Precinct. The submitter has also sought that LCU18 is amended so that the ability of the land to absorb additional development is reflected.⁴⁷ The submission is not supported by landscape evidence.

49.5 Ms Gilbert does not support the amendment to the LCU, nor does she support the zoning of the site as Precinct. I accept Ms Gilbert's evidence on this matter and rely on it.

49.6 Having considered s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1, I consider that the values of the LCU are better maintained by zoning the area as Amenity Zone, and that this zone will better achieve the objectives of the PDP, than would a Precinct zone or other zone providing for rural residential development. It is recommended that the submission is rejected.

50. MORVEN FERRY LIMITED (#2449), MACCOLL(#2350), BUNN (#2355), BUNN(#2356), BARNHILL CORPORATE TRUSTEE LIMITED, BUNN, BUNN & GREEN (#2509)

Overall Recommendation	
Recommendation	Reject
Summary	The Morven Ferry Eastern Foothills have a low capability to absorb additional development. Amenity Zone is the most appropriate in order to maintain the landscape character and amenity values of the LCU.

47 Submission point #2525.54

Property and submission information	
Further Submitters	<p>#2449</p> <ul style="list-style-type: none"> • FS2374.86 – Lake Hayes Estates Properties Limited – Support • FS2749.54 – Barnhill Corporate Trustees & Ors – Support • FS2782.104 – Glencoe Station Limited – Support • FS2783.264 – Lake Hayes Cellar Limited - Support • FS2784.148 – Lake Hayes Limited - Support <p>#2350</p> <ul style="list-style-type: none"> • FS2374.97– Lake Hayes Estates Properties Limited – Support • FS2743.59 – Morven Ferry Limited - Support • FS2749.58 – Barnhill Corporate Trustees & Ors – Support <p>#2509</p> <ul style="list-style-type: none"> • FS2374.97– Lake Hayes Estates Properties Limited – Support • FS2743.59 – Morven Ferry Limited - Support
Land area/request referred to as	LCU18
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	<p>265.10 – Bunn – Rural Lifestyle/Rural Residential</p> <p>626.7 – Barnhill Trustees & Ors - Rural Lifestyle/Rural Residential</p> <p>629.7 – Morven Ferry Limited - Rural Lifestyle/Rural Residential/Rural Visitor Zone</p>
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Bespoke Precinct subzone or ‘Morven Ferry Rural Visitor Zone A or B’
Supporting technical Information or reports	None

Legal Description	Various
Area	Approximately 99.5Ha
QLDC Property ID	Various
QLDC Hazard Register	Possibly susceptible to liquefaction, active floodwater dominated alluvial fan

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not addressed
Traffic	Opposed
Landscape	Opposed

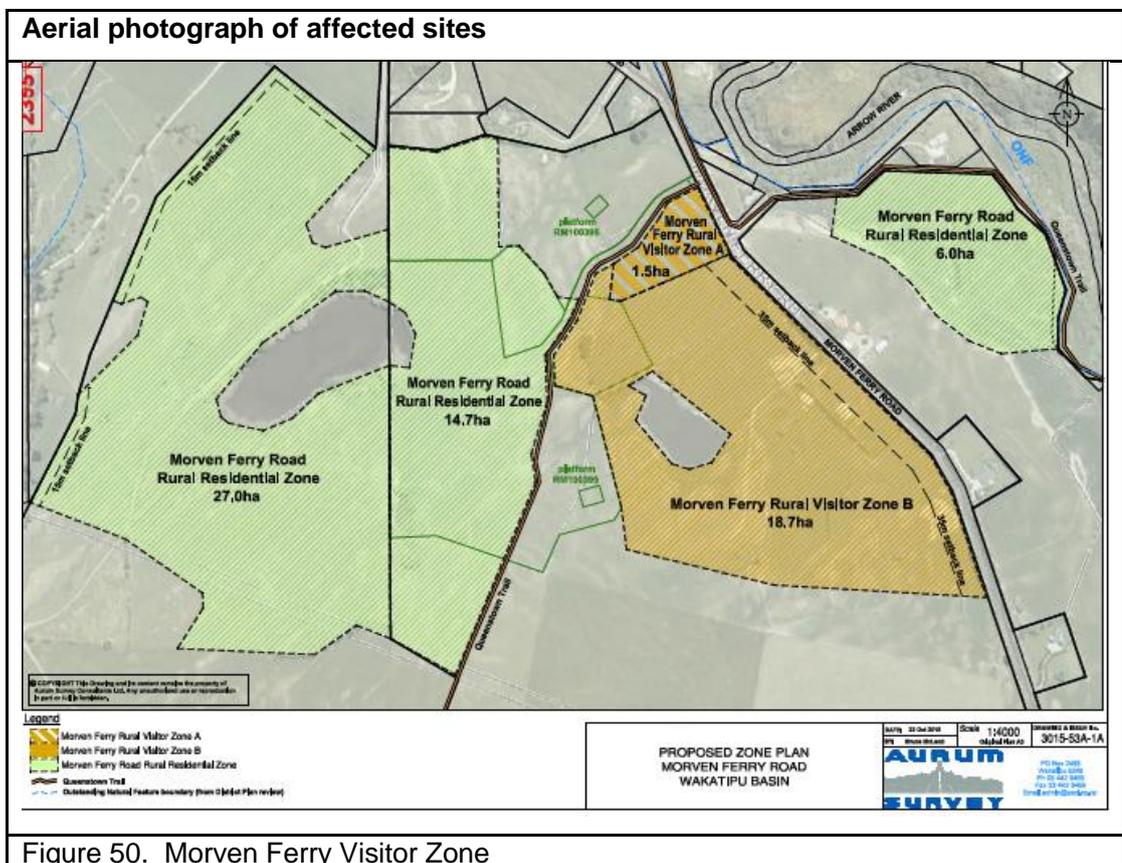


Figure 50. Morven Ferry Visitor Zone

50.1 No reports have been provided with the submission and it has not been assessed in relation to traffic, ecology or infrastructure. Should the submitter provide further information on these matters, they will be addressed in rebuttal.

50.2 Ms Mellsop's evidence can be summarised as follows:

- (a) She concurs with the Land Use Study that the LCU has 'low' capability to absorb additional development for the following reasons:
 - (i) The proximity of the land to ONFs or ONLs on three sides;
 - (ii) The strong rural character of the unit, which has a comparatively low density of rural living, and retains a sense of rural remoteness, tranquillity and quietness;
 - (iii) The role of the unit as a transition between the more developed river terrace of Morven Ferry to the north and the ONL to the west and south; and
 - (iv) The visibility of the unit from the parts of the popular Queenstown Trail that are defined as public places. This includes the sections of the trail adjacent to Morven Ferry and Arrow Junction roads and the branch of the Arrow River Bridges Trail that heads east to the Edgar Bridge, but excludes the section of the Twin Rivers Trail that crosses the submitters' land on a public easement.
- (b) Given this, the proposed subzone would result in a substantial loss of rural character and significant adverse effects on the level of visual amenity experienced from public places, undermining views towards surrounding ONLs.
- (c) Similar issues arise for the 'Morven Ferry Visitor Zone A and B'

50.3 For these reasons, Ms Mellsop opposes the rezoning requests.

Planning analysis

50.4 These four submitters all seek rezoning of land in the southern part of Morven Ferry from notified Amenity Zone to a bespoke Precinct subzone or to a 'Morven Ferry Rural Visitor Zone A or B'. The area of rezoning sought is largely contained within LCU 18 Morven Eastern 'Foothills', as defined in notified Chapter 24, but also extends onto some flatter terrace land that is within LCU 17 Morven Ferry. In addition, they seek amendment of the description of the LCU.

- 50.5** Ms Mellsop does not support the amendment to the LCU, nor does she support the zoning of the site as Morven Ferry Rural Visitor Zone or the bespoke Precinct Zone. I accept Ms Mellsop's evidence on this matter and rely on it.
- 50.6** Fundamentally, I consider the proposed request for the Morven Ferry Rural Visitor Zone is contrary to s7(c) because the amenity of the landscape and Wakatipu Basin as a whole will not be maintained or enhanced, due to the effects of the zoning. The spot zoning fails to look at the proposed visitor zone in an integrated manner. In addition, it does not maintain the landscape character and amenity values of the LCU and the Basin, which the Amenity Zone notified by the Council seeks to achieve.
- 50.7** In relation to the request for Precinct, given the evaluation of the capability of the land to absorb additional development as set out in Ms Mellsop's evidence, I consider that Amenity Zone is more appropriate. Furthermore, the density sought by the submitter would appear to be far higher than the Special Zone, and be significantly urban in appearance.
- 50.8** The relevant objectives and policies in relation to this request are s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.
- 50.9** Considering the proposed changes against the objectives and policies of the WB chapter, and the provisions of s 32 of the RMA, it is considered that the Amenity zone as notified is more appropriate for the reasons set out above. It is recommended that the submission is rejected.

51. ALLEN & ALLEN (#2482), DUNLOP & GREEN (#2609)

51.1 The information relating to this request is the same as that outlined earlier in this report in relation to the submitters' sites in LCU 17 Morven Ferry, except that this relates to that portion of land in LCU 18.

51.2 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

51.3 Ms Gilbert's opposes the submitters' requests, her evidence adopting the reasons outlined in her assessment of the submission by Lake Hayes Estates Properties Limited (#2525).

51.4 Similarly, I adopt the same evaluation and recommendation as it relates to submission #2525.

LCU 19 GIBBSTON HIGHWAY FLATS

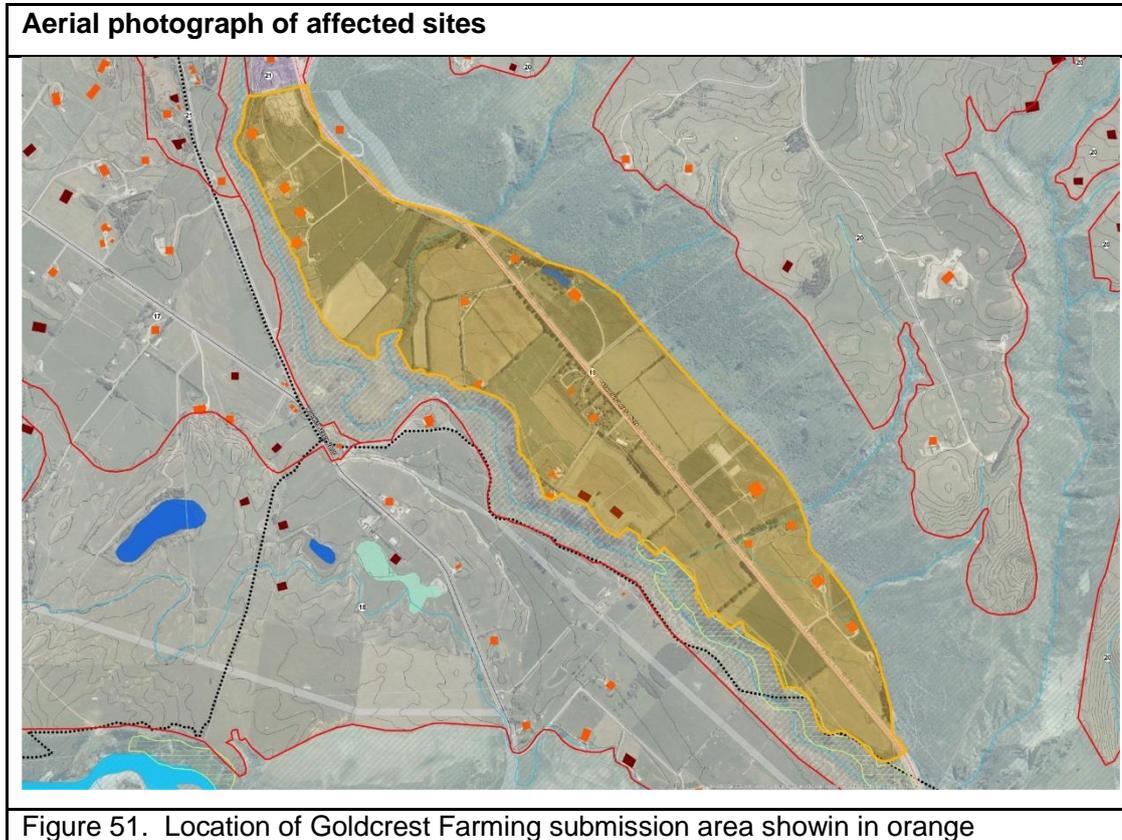
52. GOLDCREST FARMING LIMITED (#2607)

Overall Recommendation	
Recommendation	Reject
Summary	The Gibbston Highway Flats have a very low capability to absorb additional development. Amenity Zone is the most appropriate in order to maintain the landscape character and amenity values of the LCU.

Property and submission information	
Further Submitters	FS2702.54 – Whiskey Dowling Trust – Support FS2703.54 – Baker Family Trust – Support FS2729.54 – Johnston & Sharp - Support
Land area/request referred to as	LCU 19, and in particular 1358 Gibbston Highway.
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	N/A

Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Various
Area	Approximately 129Ha
QLDC Property ID	Various
QLDC Hazard Register	Possibly susceptible to liquefaction, active and composite alluvial fans, schist debris landslides

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed



52.1 No site-specific infrastructure, traffic or ecology issues have been raised in relation to this submission.

52.2 Ms Gilbert's evidence can be summarised as follows:

(a) The Land Use Study found that LCU 19 Gibbston Highway Flats are rated as having a Very Low capability to absorb visual change. The reasons for this make the unit highly sensitive to landscape change.

(b) The high profile of the unit in combination with its rural gateway function means that additional rural residential development in the unit has the potential to compromise the perceived character of the wider Wakatipu Basin landscape.

52.3 For these reasons, Ms Gilbert opposes the rezoning request.

Planning analysis

52.4 Goldcrest Farming Limited seek that the Variation is refused in its entirety, or if it is retained, that the land is rezoned Precinct, subject to amendments to the text.⁴⁸ As set out above, Ms Gilbert opposes the zoning of the site as Precinct, as it has a very low capability to absorb additional development. No landscape evidence has been provided on the suitability of this land to absorb additional development.

52.5 I accept Ms Gilbert's evidence on this matter and rely on it.

52.6 Having considered s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1, I consider that the values of the LCU are better maintained by zoning the area as Amenity Zone, and that this zone will better achieve the objectives of the PDP, than would a Precinct zone or other zone providing for rural residential development. It is recommended that the submission is rejected.

48 Submission point #2607.54

LCU 21 ARROW JUNCTION

53. HENKENHAF (#2562)

Overall Recommendation	
Recommendation	Accepted in part, to the extent that Precinct Sub Zone is retained.
Summary	The zone was notified as Precinct and is the most appropriate zone. It will maintain the landscape character and amenity values in the Arrow Junction LCU. Providing for subdivision that allows development to 3000m ² across the zone will not retain the generally rural residential nature of the surrounding area, and there is nothing that warrants this particular site having a spot zone.

Property and submission information	
Further Submitters	None
Land area/request referred to as	3 Whitechapel Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Lifestyle Zone ONF
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Precinct
Stage 2: Zone and mapping annotations requested	Refuse the Variation, or if retained, Precinct, with amendments to density down to 3000m ² per site
Supporting technical Information or reports	None
Legal Description	Lot 2 DP 15996
Area	Approximately 6587m ²
QLDC Property ID	2877
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed

Traffic	Opposed
Landscape	Opposed in part

Aerial photograph of affected sites

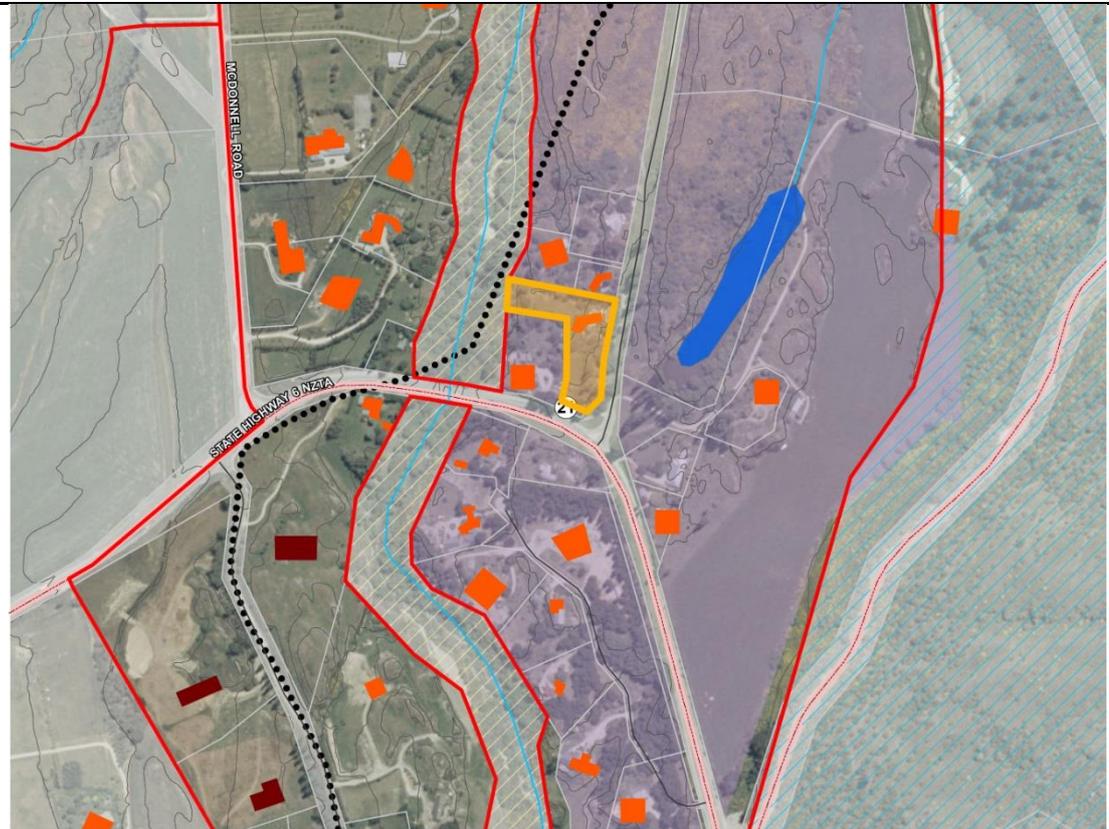


Figure 52. Location of Henkenhaf submission area shown in orange.

53.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

53.2 Ms Gilbert’s evidence can be summarised as follows:

- (a) The site is typical of the existing local lot size patterning and there is nothing that sets this property apart from the balance of the established rural residential enclave on the east side of the Arrow River.
- (b) To adopt an alternative density approach on this specific property is not warranted from a landscape perspective and would effectively amount to a spot zoning on the submitter’s land.

53.3 For these reasons, Ms Gilbert opposes the rezoning request.

Planning analysis

- 53.4** The submitter seeks that the Variation is rejected, but that if it is retained, that the submitter's site is zoned Precinct, with the ability to subdivide to 3000m² as a minimum average.⁴⁹ As set out above, while the zoning is supported by Ms Gilbert, she does not support rural residential at an average 3000m² lot size.
- 53.5** In this respect, I adopt the same analysis as was applied to the McFadgen submission.⁵⁰ It is my opinion that at such small lot sizes, development starts to appear less rural residential in nature, and as more large lot urban.
- 53.6** The relevant objectives and policies in relation to this request are s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.
- 53.7** Considering the proposed changes against the objectives and policies of the WB chapter, and the provisions of s 32 of the RMA, it is considered that the Precinct zone as notified is more appropriate for the reasons set out above. It is recommended that the submission is rejected.

54. ALLEN & ALLEN (#2482), DUNLOP & GREEN (#2609), WARD (#2244)

Overall Recommendation	
Recommendation	Accept in part, to the extent that the subject land is located in LCU 21.
Summary	Precinct is considered the most appropriate zone for these sites, recognising the capability of the land to absorb further development in the LCU.

49 Submission point #2562.4

50 Submitter #2529.

Property and submission information	
Further Submitters	#2482 <ul style="list-style-type: none"> • FS2717.2 – Guthrie – Support #2609 <ul style="list-style-type: none"> • FS2717.1 – Guthrie – Support • #2734.1 – Lake Hayes Estate Properties Limited – Support
Land area/request referred to as	123 Morven Ferry Road (within LCU21)
Stage 1: PDP Zone and mapping annotation (replaced)	Rural Lifestyle Rural Zone ONF
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Precinct
Stage 2: Zone and mapping annotations requested	Rural Lifestyle or Precinct
Supporting technical Information or reports	None
Legal Description	Various
Area	Approximately 164Ha
QLDC Property ID	Various
QLDC Hazard Register	None

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Not opposed

Aerial photograph of affected sites

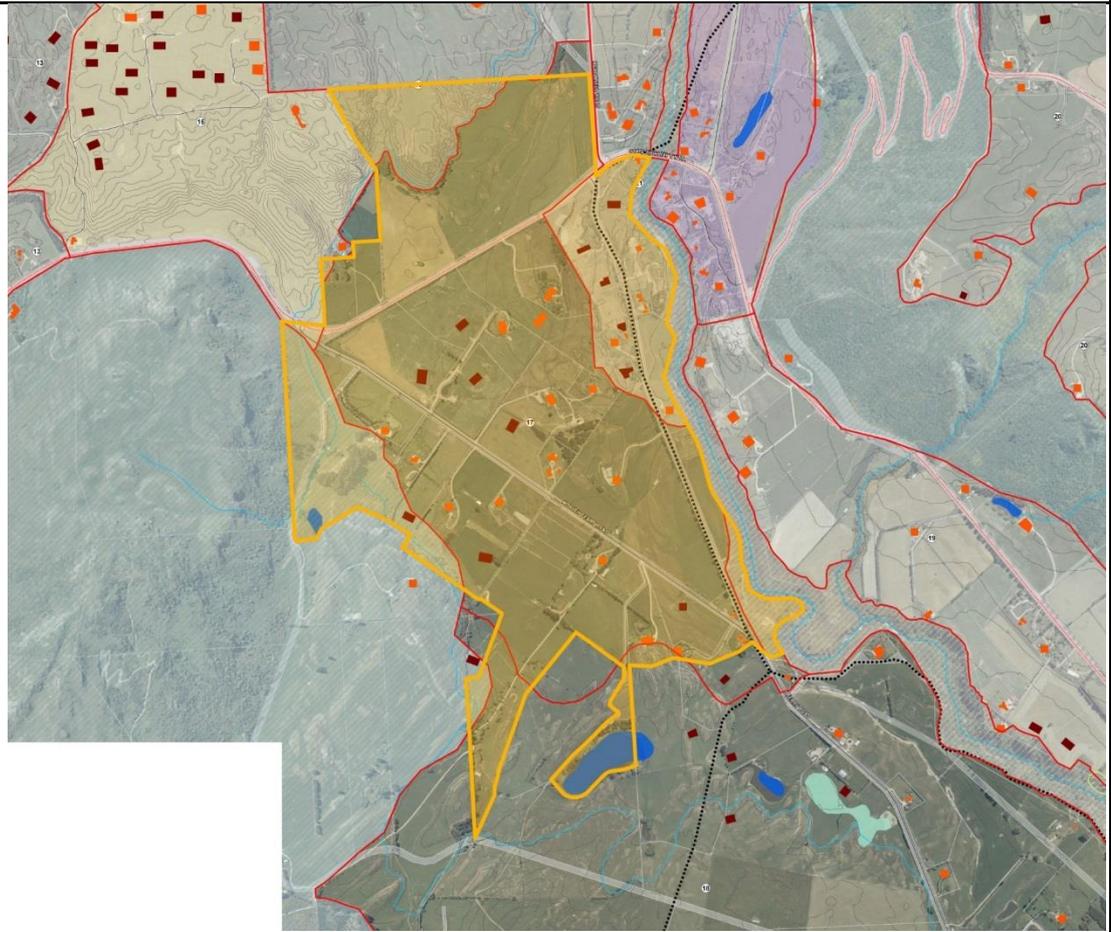


Figure 53. Allen & Allen, Green & Dunlop submissions area identified in orange

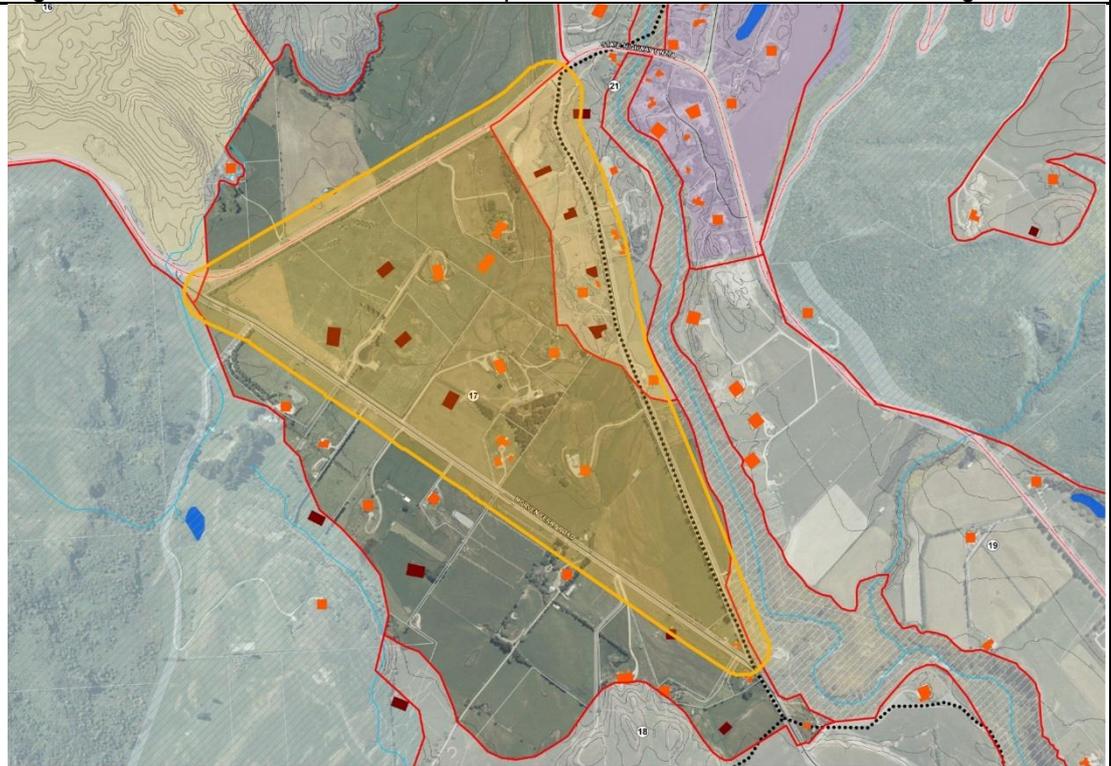


Figure 54. Location of Ward submission area shaded in orange

54.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

54.2 For the reasons outlined in the Land Use Study that identify LCU 21 as being suited to absorb additional rural residential development, Ms Gilbert supports this aspect of these submissions.

Planning analysis

54.3 The submitters seek to confirm Precinct on land that was notified as Precinct in LCU 21. This is supported by Ms Gilbert.

54.4 Given the submitters support the notified zoning, no further analysis is necessary. It is recommended that the submissions be accepted to the extent that they support Precinct in LCU 21.

LCU 22 THE HILLS

55. TROJAN HELMET (#2387)

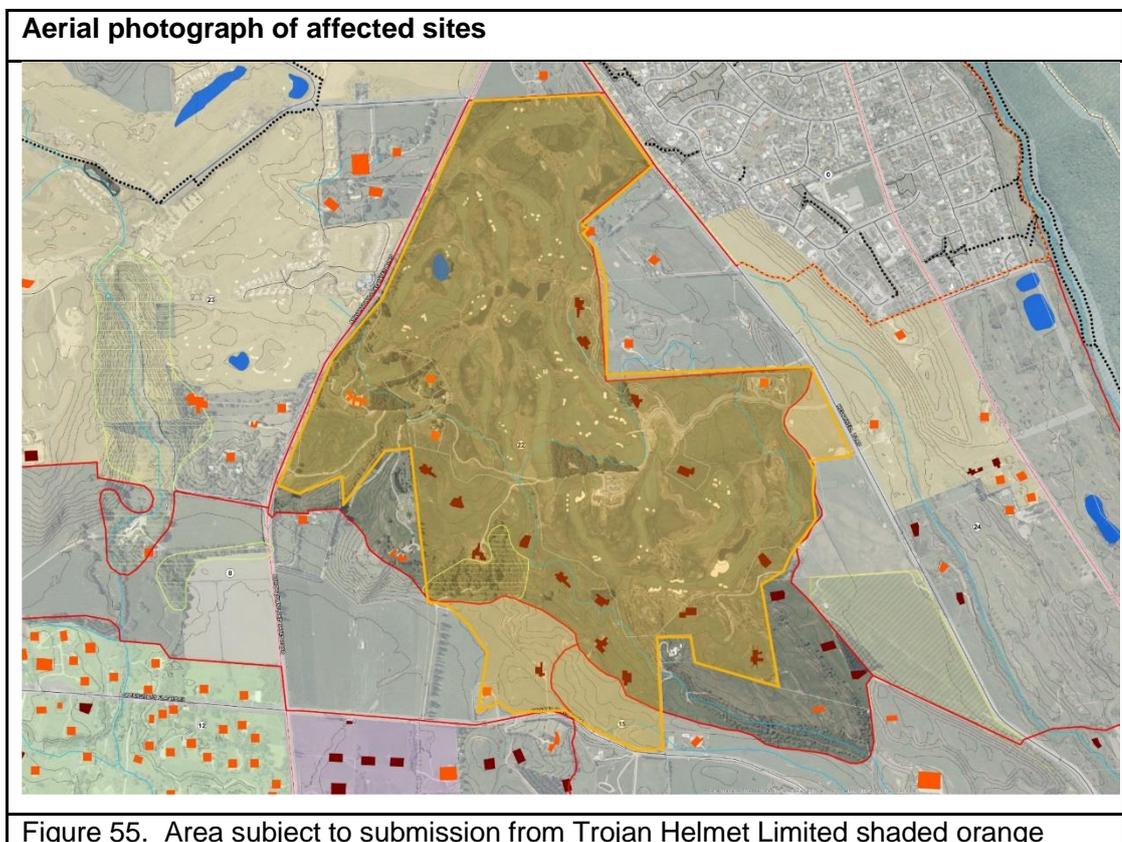
Overall Recommendation	
Recommendation	Reject
Summary	When considered against the existing Millbrook Resort Zone in the context of the eastern part of the Wakatipu Basin, the proposal for the Hills Resort Zone put forward in the submission has the potential for significant adverse cumulative effects on the landscape character of the Basin. In relation to the secondary relief to rezone the side Precinct, the proposal does not support the landscape character and amenity values identified for the LCU.

Property and submission information	
Further Submitters	FS2701.1 – Doyle – Support FS2716.8 – Banco Trustees & Ors – Support FS2733.1 – Feeley & Ors – Support

	FS2769.12 – Arrowtown Retirement Village Joint Venture - Support
Land area/request referred to as	The Hills
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	#437.1 – Hills Resort Zone
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Hills Resort Zone, or as a less preferred alternative, Precinct with a minimum lot size of 2000m ² .
Supporting technical Information or reports	<ul style="list-style-type: none"> • The Hills Resort Zone, Master Planning report, prepared by Darby Partners, dated 21 February 2018; • The Hills, Resort Zone for the Hills, Assessment of Landscape and Visual effects, prepared by Boffa Miskell, dated February 2018 • The Hills Rezoning, Helicopter Noise Assessment, prepared by Marshall Day Acoustics, 12 October 2015; • The Hills Resort Zone, Transportation Assessment Report, prepared by Traffic Design Group, dated October 2015 • The Hills Golf Course Land, Infrastructure Feasibility, prepared by Hadley Consultants Limited, dated 21 October 2015 • Hills Golf Course Land (including McDonnell Road Land) and Hogans Gully Land, Natural Hazard Assessment, prepared by Hadley Consultants Limited, dated 21 October 2015 • The Hills Special Zone Submission, Preliminary and Detailed Site Investigations, prepared by Davis Consulting Limited, dated 21 October 2015
Legal Description	Lot 7 DP 392663, Lot 2 DP 501981, Section 9 Block VII Shotover SD, Lot 1 DP 392663, Part

	Section 19 Block VII Shotover SD, Lot 2 DP 21705, Section 1 SO 22444, Part Section 1 SO 23541, Part Section 960R Block VII Shotover SD, Lot 1 DP 501981, Lot 1 DP 21269, Lot 6 DP 392663, Lot 3 DP 506191, Lot 5 DP 392663, Lot 1 DP 20834, Lot 1 DP 506611, Part Section 18 Block VII Shotover SD, Lot 4 DP 25341
Area	Approximately 164Ha
QLDC Property ID	2632, 2634, 2635, 2641, 2643, 12776, 24088, 25675, 25679, 25680, 25681, 29203, 29204, 29205, 56940, 59740, 59750, 70670
QLDC Hazard Register	Active debris dominated alluvial fan

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed



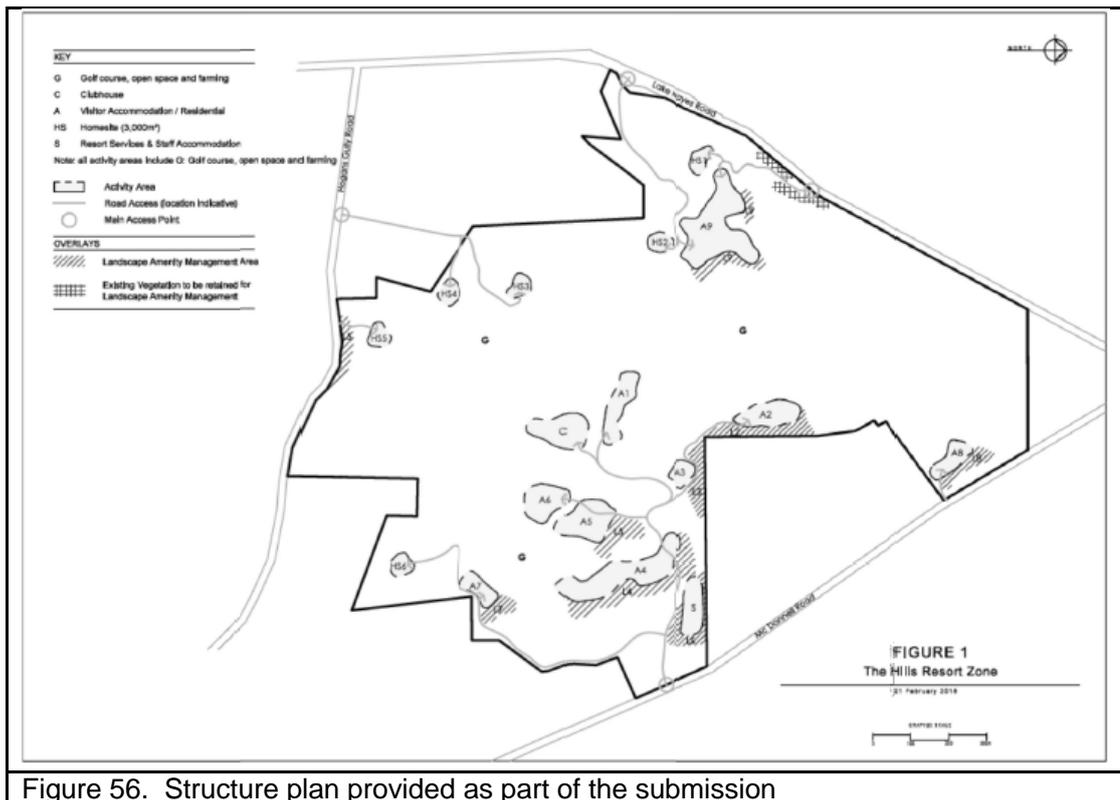


Figure 56. Structure plan provided as part of the submission

- 55.1** No site-specific ecology comments have been made by Mr Davis or the Council on the proposal.
- 55.2** Ms Jarvis' evidence has addressed the infrastructure reports regarding three waters provided as part of the submission. It is her opinion that with appropriate upgrades, water can be supplied as part of the Arrowtown water supply scheme. Similarly, she identifies that sufficient capacity is available in the wastewater network, if the developer were to provide infrastructure to an appropriate standard for connection to the existing network. In the alternative, she notes that on-site disposal could also occur through the use of a community system, and did not identify any issues with this approach.
- 55.3** Mr Smith addresses the submission in his transport planning evidence. Based on 100 additional residential and/or accommodation units, it is expected that the site will generate between approximately 1,000 to 1,150 vehicle trips per day. Mr Smith generally agrees that the proposed vehicle movements are unlikely to affect the local road network, however, as with other submissions seeking further development in the Basin, he remains concerned with the impact of further development on the wider network and in particular, the

Shotover River Bridge. It is his opinion that such development will have a significant impact on the efficiency of the network. Those network impacts are not addressed in the submission. He therefore opposes the Hills Resort Zone requested by the submitter.

55.4 Ms Gilbert's evidence addresses the various components of the submission, as summarised below.

55.5 With respect to the Hills Resort Zone, Ms Gilbert's evidence provides the following comments and recommendations:

- (a) The density and character of such a development is a significant departure from more traditional rural residential development character within the basin and the very carefully considered (and visually discreet) consented development on the property.
- (b) Like Millbrook, the proposed resort zone will amount to an urban parkland landscape character. Such an outcome adjacent to Arrowtown runs the risk of a perception of urban development sprawling across the basin.
- (c) This would significantly undermine the Variation strategy of 'nodes' of development interspersed with more open and undeveloped areas that is intended to assist with the management of cumulative adverse landscape and visual amenity effects in the basin.
- (d) This raises a fundamental issue with respect to the appropriateness of such a development outcome within the context of a rural Amenity Landscape setting.

55.6 Notwithstanding the above, Ms Gilbert considers that a thorough landscape evaluation of the proposed The Hills Resort zone is required, setting out the matters the evaluation should address.

55.7 With respect to the request to rezone 'activity areas' Precinct with a minimum subdivision lot size of 2,000m², Ms Gilbert's evidence can be summarised as follows:

- (l) A key issue in the identification of 'new' Precinct areas was the ability to integrate legible and defensible edges to limit the potential for development creep. A patterning of fragmented and small-scale pockets of Precinct is at odds with such an outcome, particularly where there are areas nearby that display similar landscape characteristics.
- (m) The proposed relief effectively amounts to a spot zoning.

55.8 For these reasons, Ms Gilbert opposes the request to rezone 'activity areas' Precinct with a minimum subdivision lot size of 2,000m².

55.9 In relation to introducing provisions to the Amenity Zone that align with the planning regime of the legacy plan, Ms Gilbert notes that applying this regime to all LCUs with a Moderate rating would have the effect of enabling the legacy plan regime throughout LCU 15 Hogans Gully. In her opinion, such an outcome would be inappropriate.

55.10 For these reasons, Ms Gilbert opposes these amendments.

Planning analysis

55.11 Trojan Helmet Limited has sought a bespoke zone over the existing Hills Golf Course called the Hills Resort Zone, or in the alternative that this is not agreed, Precinct zoning so that it can achieve its planned structure plan, with a minimum site size of 2000m².⁵¹ The proposal would provide for up to 100 additional visitor and/or residential units. Amendments specific to the text of Chapter 24 are addressed in the evidence of Mr Craig Barr.

55.12 Ms Gilbert, as set out above, opposes the proposal on landscape grounds. Similarly, Mr Smith opposes the proposal, and is concerned about potential for significant impacts on network efficiency, particularly as it relates to the Shotover Bridge. I rely on both witnesses evidence in relation to landscape and transport.

55.13 It is my opinion that this proposal needs to be looked at carefully alongside Millbrook Resort, and also other requests for spot zoning at

51 Submission point 2387

Hogans Gully Farm, Ayrburn Farm, and the existing Waterfall Park. Notwithstanding the impacts of the proposal on the LCU, it is my opinion (relying on the landscape evidence of Ms Mellsop and Ms Gilbert) that all of these developments have the potential to cause significant adverse cumulative impacts on the eastern end of the Wakatipu Basin, in and around Arrowtown. It is my opinion that in the context of the Variation, the landscape character and amenity values of the Basin will not be maintained, in particular because of the cluster urban-type development proposed. I refer to the type of development is urban-type, as I recognise that it is by definition not 'urban development' in the context of the PDP 2018 Stage 1 definition, nor the objectives and policies of Chapters 3 and 4, as the definition specifically excludes resort development.

- 55.14** Fundamentally, I consider the proposed new Resort zoning is contrary to s7(c) because the amenity of the landscape and Wakatipu Basin as a whole will not be maintained or enhanced, due to cumulative impacts. The spot zoning fails to look at the proposed Resort zone in an integrated manner. In addition, it does not maintain the landscape character and amenity values of the LCU and the Basin, which the Amenity Zone notified by the Council seeks to achieve.
- 55.15** In relation to the request for Precinct, given the evaluation of the capability of the land to absorb additional development as set out in Ms Gilbert's evidence, I consider that Amenity Zone is more appropriate.
- 55.16** The relevant objectives and policies in relation to this request are s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.
- 55.17** Considering the proposed changes against the objectives and policies of the WB chapter, and the provisions of s 32 of the RMA, it is considered that the Amenity zone as notified is more appropriate for the reasons set out above. It is recommended that the submission is rejected.

56. DOYLE (#2030)

Overall Recommendation	
Recommendation	Reject
Summary	Zoning of The Hills Golf Course as Precinct has the potential to undermine the green belt role of this landscape in relation to the western edge of Arrowtown. Development of a Precinct sub zone in close proximity to existing urban settlements also has the potential to compromise efficient future development of that land for urban purposes through fragmentation and reduces the opportunity for its development in an integrated manner.

56.1 Site specific analysis in relation to landscape, infrastructure and transport planning are addressed in the response to the submission of Trojan Helmet Limited.

Planning analysis

56.2 The planning merits of this submission are addressed in relation to the submission by Trojan Helmet Limited above and in the earlier analysis under LCU8. No further analysis is required.

LCU 23 MILLBROOK

57. MILLBROOK COUNTRY CLUB (#2295 AND #2605)

Overall Recommendation	
Recommendation	Accept in part
Summary	The following aspects of the Millbrook submission are recommended to be accepted as they better reflect the zoning and landscape considerations when viewed alongside the Millbrook Resort Zone: (a) Amendment to the mapping of the Precinct south of MRZ such that steep slopes are removed and

	<p>the extent of the Precinct is restricted to the low-lying flat land north of the existing settlement at the north end of Lake Hayes as proposed in the QLDC submission #2239 (see discussion of that submission under LCU 8 above);</p> <p>(b) Amendment to the plan maps to exclude three slivers of land throughout the south western margins of Millbrook that have been incorrectly notified as Amenity Zone; and</p> <p>(c) Amenity Zone zoning of a number of properties to the northwest and north of Millbrook Resort that coincide with LCU 1 Malaghans Valley.</p> <p>The following aspects of the Millbrook submission are recommended to be accepted in part for the reasons set out in submission #2320:</p> <p>(d) Identification of the Amenity Zone throughout a series of properties to the southwest of MRZ and adjacent to the Waterfall Park Zone</p> <p>The following aspects of the Millbrook submission recommended to be rejected, as the requests are inconsistent with the landscape assessment regarding the most appropriate zoning for the sites:</p> <p>(e) The restriction of the extent of the precinct in LCU 6 on the lots to the west and south west of MRZ to land below the 440m contour, and the consequential identification of land above that contour as Amenity Zone;</p> <p>(f) The removal of the Precinct (and subsequent rezoning to Amenity Zone) from the elevated portion of the (recently subdivided) lots</p>
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	<p>immediately south of Millbrook that coincide with the X Ray Trust land;</p> <p>(g) Amending the extent of the Precinct throughout the Donaldson land to the south of Millbrook such that the elevated portions of that property are Amenity Zone;</p> <p>(h) Retention of the notified Amenity Zone in relation to the Middlerigg Lane properties 'within' the northern portion of MRZ (addressed in the JE Griffin (2580), PH Archibald (2501) submissions); and</p> <p>(i) Retention of the notified Amenity Zone in relation to a series of properties on the eastern side of MRZ (along Arrowtown Lake Hayes Road) that are effectively enclosed on three sides by Millbrook (addressed in the J Egerton & Cook Allan Gibson Trustee Company Limited (2419), M & K Campbell (2413), Boundary Trust (2444) and Spruce Grove Trust (2512) submissions).</p> <p>The following aspect of the Millbrook submission recommended to be rejected, as the change does not assist with plan clarity, and the submission that naming the roads infers that they may be public is not supported.</p> <p>(j) Removal of names from private roads on the planning maps</p>
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Property and submission information	
Further Submitters	Refer to Appendix 3
Land area/request referred to as	Millbrook Resort and surrounds
Stage 1: PDP Zone and mapping annotation (replaced)	<p>In relation to areas identified as mapping errors:</p> <ul style="list-style-type: none"> • Millbrook Resort Zone <p>In relation to Donaldson land</p> <ul style="list-style-type: none"> • Rural <p>In relation to land to the north and east of Millbrook Resort:</p> <ul style="list-style-type: none"> • Rural <p>In relation to land to the west and south of Millbrook Resort:</p> <ul style="list-style-type: none"> • Rural <p>In relation to land to the Egerton and Ors Land:</p> <ul style="list-style-type: none"> • Rural
Stage 1: Zone and mapping annotations requested	<p>In relation to the Donaldson land:</p> <ul style="list-style-type: none"> • Opposed Millbrook Resort Zone (FS1264.1) <p>In relation to land to the Egerton and Ors Land:</p> <ul style="list-style-type: none"> • Opposed Millbrook Resort Zone (FS1266.21)
Stage 2: PDP Zone and mapping annotations	<p>In relation to areas identified as mapping errors:</p> <ul style="list-style-type: none"> • Amenity Zone <p>In relation to Donaldson land:</p> <ul style="list-style-type: none"> • Precinct and Amenity Zone <p>In relation to land to the Egerton and Ors Land:</p> <ul style="list-style-type: none"> • Amenity Zone <p>In relation to land to the north and east of Millbrook Resort:</p> <ul style="list-style-type: none"> • Amenity <p>In relation to land to the west and south of Millbrook Resort:</p> <ul style="list-style-type: none"> • Precinct
Stage 2: Zone and mapping annotations requested	<p>In relation to areas identified as mapping errors:</p> <ul style="list-style-type: none"> • Millbrook Resort Zone <p>In relation to Donaldson land:</p> <ul style="list-style-type: none"> • Precinct and Amenity Zone



Figure 58. The Donaldson land (shaded blue), which is surrounded by MRZ on three sides.

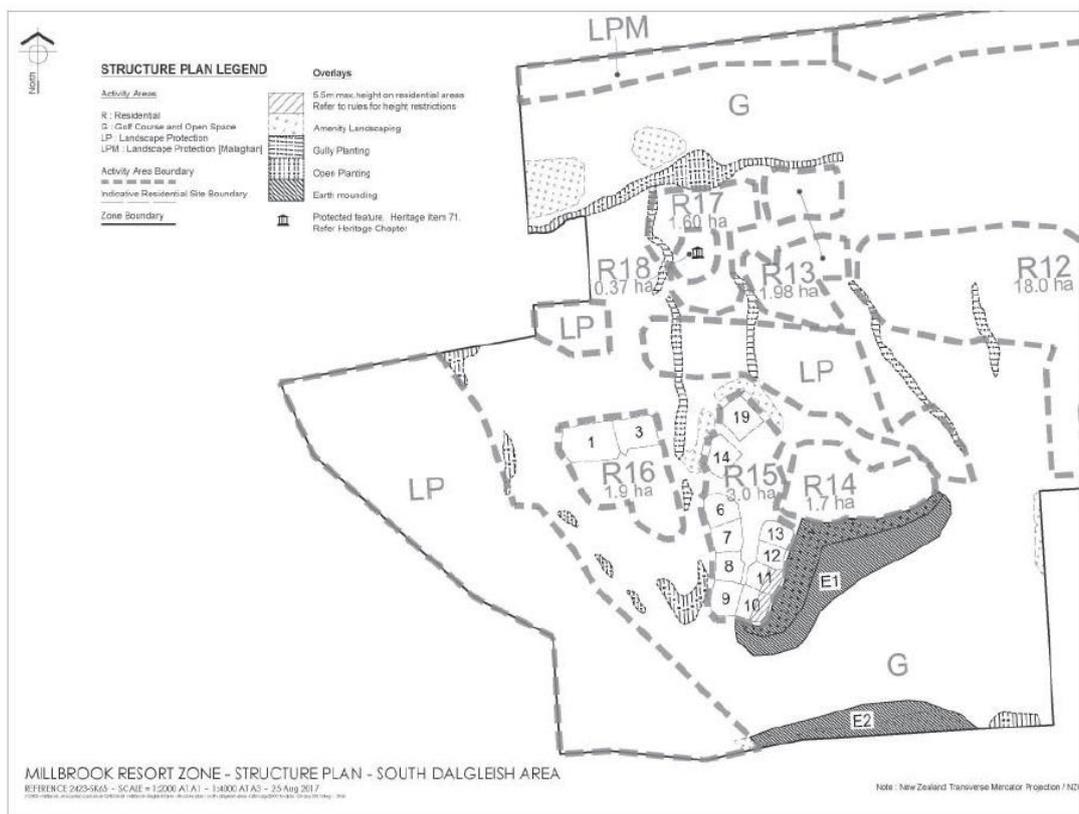


Figure 59. Millbrook Structure Plan (South Dalgleish Area)

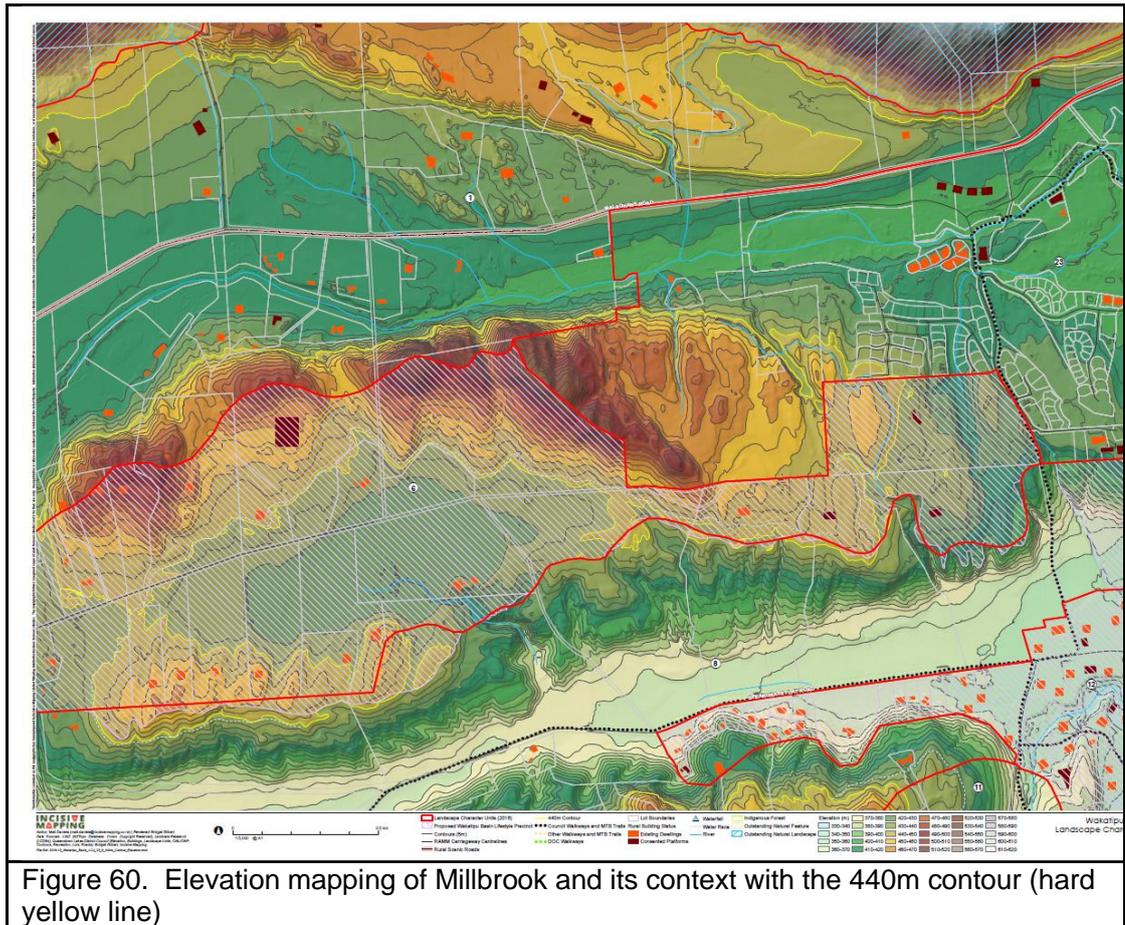


Figure 60. Elevation mapping of Millbrook and its context with the 440m contour (hard yellow line)

- 57.1** No site-specific infrastructure, traffic or ecology issues have been raised in relation to this submission.
- 57.2** Ms Gilbert's evidence considers the various aspects of the Millbrook Country Club submissions (#2295 and #2605) in some detail. The following highlights the key aspects of her evidence.
- 57.3** The following submission points are supported from a landscaping perspective:
- (n) Amendment to the mapping of the Precinct south of MRZ such that steep slopes are removed and the extent of the precinct is restricted to the flat land as proposed in the QLDC submission #2239.
 - (o) Amendment to the Variation mapping to exclude three slivers of land throughout the south western margins of Millbrook that have been incorrectly identified as Amenity Zone.

- (p) Amenity Zone for a number of properties to the northwest and north of Millbrook Resort that coincide with LCU 1 Malaghans Valley.

57.4 Ms Gilbert's evidence does not support the following aspects of the Millbrook Country Club submissions from a landscape perspective:

- (a) The restriction of the extent of the Precinct in LCU 6 on the lots to the west and south west of the Millbrook land, below the 440m contour, and the consequential identification of land above that contour as Amenity Zone.
- (b) The removal of the Precinct from the upper slopes of the (recently subdivided) lots immediately south of Millbrook that coincide with the X Ray Trust land.
- (c) Amending the extent of the Precinct throughout the Donaldson land to the south of Millbrook such that the elevated portions of that property are Amenity Zone.
- (d) Amenity zoning of the Middlerigg Lane properties 'within' the northern portion of Millbrook Resort.
- (e) Amenity Zone for a series of properties on the eastern side of Millbrook Resort (along Arrowtown Lake Hayes Road) that are effectively enclosed on three sides by Millbrook (addressed in the J Egerton & Cook Allan Gibson Trustee Company Limited (2419), M & K Campbell (2413), Boundary Trust (2444) and Spruce Grove Trust (2512) submissions).

57.5 The reasons for not supporting these submission points are set out in her evidence in the discussion of submissions that relate to neighbouring land.

57.6 Finally, Ms Gilbert supports the following aspects of the Millbrook submission in part:

- (a) Amenity zoning of a series of properties to the southwest of Millbrook Resort and adjacent the Waterfall Park Zone (addressed in the G Wills & T Burdon submission (#2320)).

Planning analysis

57.7 The relief sought by the submitter is neatly summarised in the evidence of Ms Gilbert and I adopt that summary.⁵² I accept Ms Gilbert's evidence in all respects, except for the analysis provided in relation to the area identified in para 57.27(d) and (e) in relation to the land that is subject to the following submissions (referred to as **Griffin & Archibald**, and **Egerton and Ors**):

- (a) Griffin (#2580) and Archibald (#2501)
- (b) J Egerton & Cook Allan Gibson Trustee Company Limited (#2419)
- (c) M & K Campbell (#2413)
- (d) Boundary Trust (#2444)
- (e) Spruce Grove Trust (#2512)

57.8 In relation to the other submission points addressed by Ms Gilbert, the zoning for the sites as she has recommended is consistent with the landscape absorption capability analysis that underpins the Land Use Study, in particular the use of geomorphological boundaries to identify the LCUs and their subsequent zoning as either Precinct or Amenity Zoning.

57.9 In relation to the submissions of Griffin and Archibald, I address this in section 57 of my evidence. Insufficient information has been provided at this stage how the subject sites will integrate with the Millbrook Resort Zone (including the Millbrook Structure Plan), which is the submitter's primary relief. As such, I have recommended in the interim that it is zoned Precinct.

57.10 In relation to the land submitted on by Egerton and Ors, I do not consider that the amendments to the Millbrook Resort Zone that the submitters have requested is in keeping with the intention of either the Millbrook Resort Zone, or Amenity Zone or Precinct (noting that Precinct was not requested by the submitters. The analysis of this proposal is set out in section 58 of this report. In essence, Ms Gilbert's

⁵² Evidence of Ms Bridget Gilbert at para 57.1(a)-(h), see also submission points #2295.1, #2295.2, #2295.3, #2295.19, #2295.20, and #2605.1

landscape evidence only addressed the concept of inclusion in the Millbrook Resort Zone, and did not address the matter of density within the area proposed to be included. In the form requested by the submitters, I do not agree that is appropriate for the reasons set out in Ms Gilbert's analysis. As such, at this stage I concur with Millbrook Country Club that Amenity Zone is the most appropriate zone at this stage, noting that the submitters have not sought Precinct zoning of the sites.

57.11 In relation to the submissions of Millbrook Country Club, the relevant objectives and policies in relation to this request are s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.

57.12 For this reasons set out above, and in Ms Gilbert's evidence, I recommend the following submissions are accepted as they are the most appropriate for achieving the objectives of the PDP:

- (a) Amendment to the mapping of the Precinct south of MRZ such that steep slopes are removed and the extent of the Precinct is restricted to the low-lying flat land north of the existing settlement at the north end of Lake Hayes as proposed in the QLDC submission #2239 (see discussion of that submission under LCU 8 above);
- (b) Amendment to the plan maps to exclude three slivers of land throughout the south western margins of Millbrook that have been incorrectly notified as Amenity Zone; and
- (c) Amenity Zone zoning of a number of properties to the northwest and north of Millbrook Resort that coincide with LCU 1 Malaghans Valley.
- (d) Retention of the notified Amenity Zone in relation to a series of properties on the eastern side of MRZ (along Arrowtown Lake Hayes Road) that are effectively enclosed on three sides by Millbrook (addressed in the J Egerton & Cook Allan Gibson Trustee Company Limited (#2419), M & K Campbell

(#2413), Boundary Trust (#2444) and Spruce Grove Trust (#2512) submissions).

57.13 For this reasons set out above, and in Ms Gilbert's evidence, I recommend the following submissions are accepted in part as they are the most appropriate for achieving the objectives of the PDP:

- (a) MRZ is not appropriate in relation to the Middlerigg Lane properties 'within' the northern portion of MRZ (addressed in the JE Griffin (2580), PH Archibald (2501) submissions). Although Millbrook Country Club sought Amenity Zone, I consider at this stage Precinct Zoning is more appropriate.
- (b) Identification of the Amenity Zone throughout a series of properties to the southwest of MRZ and adjacent the Waterfall Park Zone (addressed in the G Wills & T Burdon submission (2320) submission).

57.14 For this reasons set out above, and in Ms Gilbert's evidence, I recommend the following submissions are rejected as other methods (including the notified PDP provisions) are more appropriate for achieving the objectives of the PDP:

- (a) The restriction of the extent of the precinct in LCU 6 on the lots to the west and south west of MRZ to land below the 440m contour, and the consequential identification of land above that contour as Amenity Zone;
- (b) The removal of the Precinct (and subsequent rezoning to Amenity Zone) from the elevated portion of the (recently subdivided) lots immediately south of Millbrook that coincide with the X Ray Trust land;
- (c) Amending the extent of the Precinct throughout the Donaldson land to the south of Millbrook such that the elevated portions of that property are Amenity Zone;

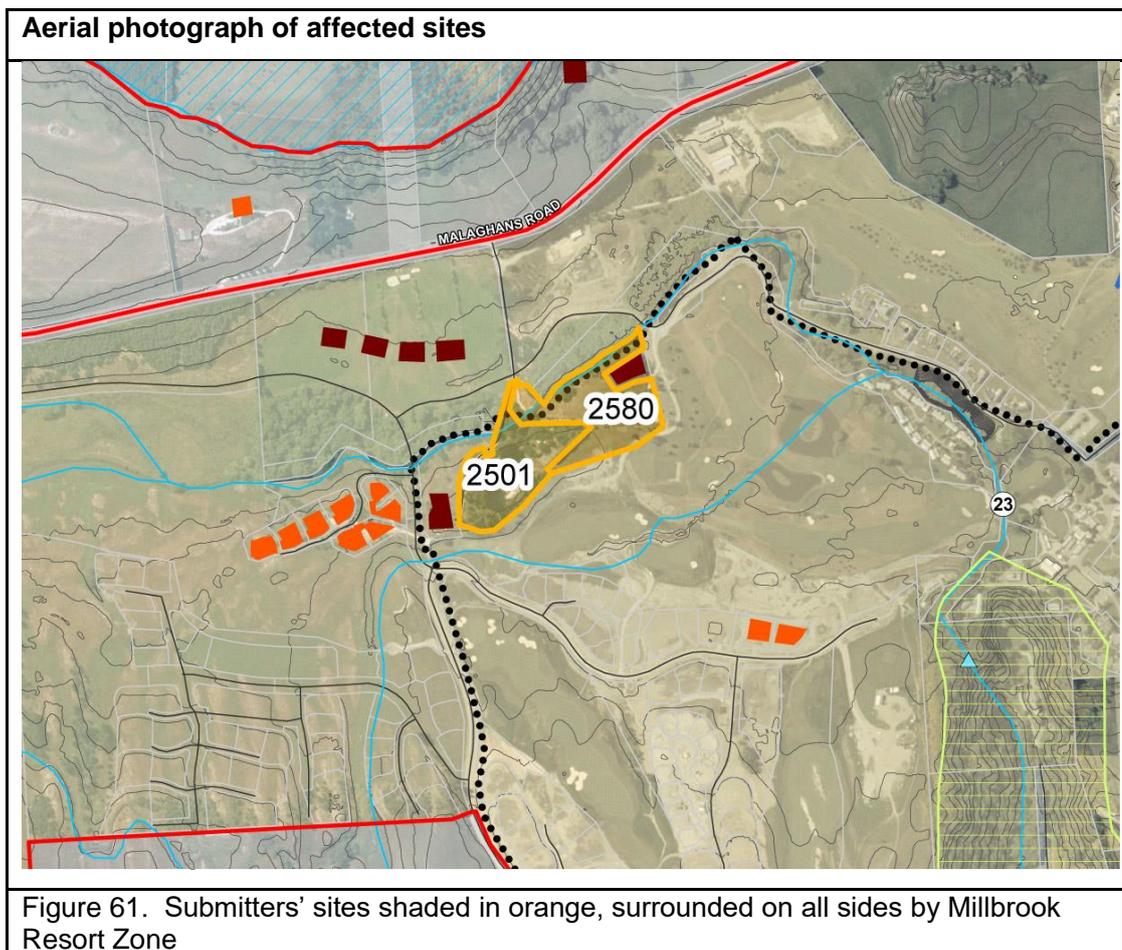
58. GRIFFIN (#2580) AND ARCHIBALD (#2501)

Overall Recommendation	
Recommendation	Accept in Part
Summary	The submission lacks specificity as to how it would be integrated into the Millbrook Resort Zone. Further detail is sought from the Submitter as to appropriate changes to Chapter 42. In the interim, Precinct is considered appropriate as it reflects the capability of the land to absorb additional development.

Property and submission information	
Further Submitters	<p>#2580</p> <ul style="list-style-type: none"> • FS2720.54 – Boundary Trust – Support • FS2723.54 – Spruce Grove Trust – Malaghans Road – Support • FS2724.54 – Spruce Grove Trust – Butel Road – Support <p>#2501</p> <ul style="list-style-type: none"> • FS2773.3 – Millbrook CC Ltd – Oppose • FS2720.110 – Boundary Trust – Support • FS2723.110 – Spruce Grove Trust – Malaghans Road – Support • FS2724.110 – Spruce Grove Trust – Butel
Land area/request referred to as	19 and 36 Middlerigg Lane
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Millbrook Resort Zone or 'Precinct A'
Supporting technical Information or reports	None

Legal Description	Lot 11 DP 404716, Lot 12 DP 404716, Lot 1 DP 458042, Lot 4 DP 20526, Lot 2 DP 404716, Lot 1 DP 458042, Lot 11 DP 404716, Lot 12 DP 404716, Lot 2 DP 404716, Lot 3 DP 404716, Lot 4 DP 20526, Lot 2 DP 458042
Area	Approximately 1.5Ha
QLDC Property ID	26505, 26544, 43050, 43060, 53780, 53790, 53880, 65880
QLDC Hazard Register	Liquefaction (LIC 1(P))

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Not opposed



- 58.1** No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.
- 58.2** Ms Gilbert's evidence can be summarised as follows:
- (a) These properties are approximately 1.5ha and 1.8ha in size and comprise relatively low-lying and visually discreet parcels that effectively read as part of the resort.
 - (b) Assuming no 'constraints' to development (which is highly unlikely), applying the Precinct 1ha average would yield no additional lots (although a density of 4000m² would provide for 5 additional lots).
- 58.3** Ms Gilbert's evidence supports either the MRZ or Precinct as being appropriate for these two properties, subject to their wider planning merits.

Planning analysis

- 58.4** The submitters have sought wither Millbrook Resort Zone or 'Precinct A' allowing development to an average of 4000m².⁵³ Ms Gilbert is not opposed to either a Millbrook Resort zoning or Precinct. I note that while Mr Smith's transport evidence opposes additional development generally in the Basin, on the context of this proposal, I do not consider that, given Mr Smith's evidence, it will result in any significant issues for the network. No site specific assessment has been sought.
- 58.5** I have set out previously why I do not consider that a 4000m² average site size is appropriate as a Precinct rural residential zone.⁵⁴ However, I am not opposed, given its location within the Millbrook Resort Zone area, that the site is zoned Millbrook Resort Zone. Unfortunately, insufficient information has been provided with the submission to understand how the proposal would be integrated into the provisions and structure plan contained in Chapter 43.

53 Submission points #2501.54 and #2580.54

54 Refer to submission of McFadgen #2529

58.6 In relation to the request for Precinct, I consider that in the context of the Basin as a whole, and considering that the sites have a high capability to absorb additional development, that Precinct is appropriate. It is my opinion that whether development can be achieved at a density that is greater than 1 site per ha in this location is a question that should be considered through a resource consent process.

58.7 The relevant objectives and policies in relation to this request are s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1. These objectives and policies seek to protect, maintain and enhance landscape and visual amenity values, including providing for activities where they protect, maintain or enhance landscape values of the character units in Schedule 24.8.

58.8 For this reason, at this stage I recommend the request to be rezoned Millbrook Resort Zone is rejected. In the absence of further information forthcoming, I recommend that the sites be rezoned Precinct.

59. J EGERTON & COOK ALLAN GIBSON TRUSTEE COMPANY LIMITED (#2419), CAMPBELL (#2413), BOUNDARY TRUST (#2444) AND SPRUCE GROVE TRUST (#2512)

Overall Recommendation	
Recommendation	Reject
Summary	The density sought by the submitter is not dissimilar to an urban density and is not offset by open space, as is the rest of the Millbrook Resort Zone.

Property and submission information	
Further Submitters	#2419 <ul style="list-style-type: none"> • FS2773.5 – Millbrook Country Club – Oppose #2413 <ul style="list-style-type: none"> • FS2413.1 – Millbrook Country Club - Oppose

	#24444 <ul style="list-style-type: none"> FS2773.6 – Millbrook Country Club - Oppose
Land area/request referred to as	459 Arrowtown Lake Hayes Road 9 Orchard Hill Road 461 Arrowtown Lake Hayes Road 29 Butel Road 9 Butel Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	#558 – Millbrook Resort Zone
Stage 2: PDP Zone and mapping annotations	Rural Amenity
Stage 2: Zone and mapping annotations requested	Millbrook Resort Zone
Supporting technical Information or reports	None
Legal Description	Part Lot 2 and Lot 3 DP 19667 Lots 1 & 2 DP 327817 Lots 1 & 2 DP 27846
Area	Approximately 10.6 Ha
QLDC Property ID	2451, 2452, 14021, 16399, 19006, 19779, 23199, 53790, 65880
QLDC Hazard Register	Liquefaction (LIQ 1(P))

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Not opposed

Aerial photograph of affected sites

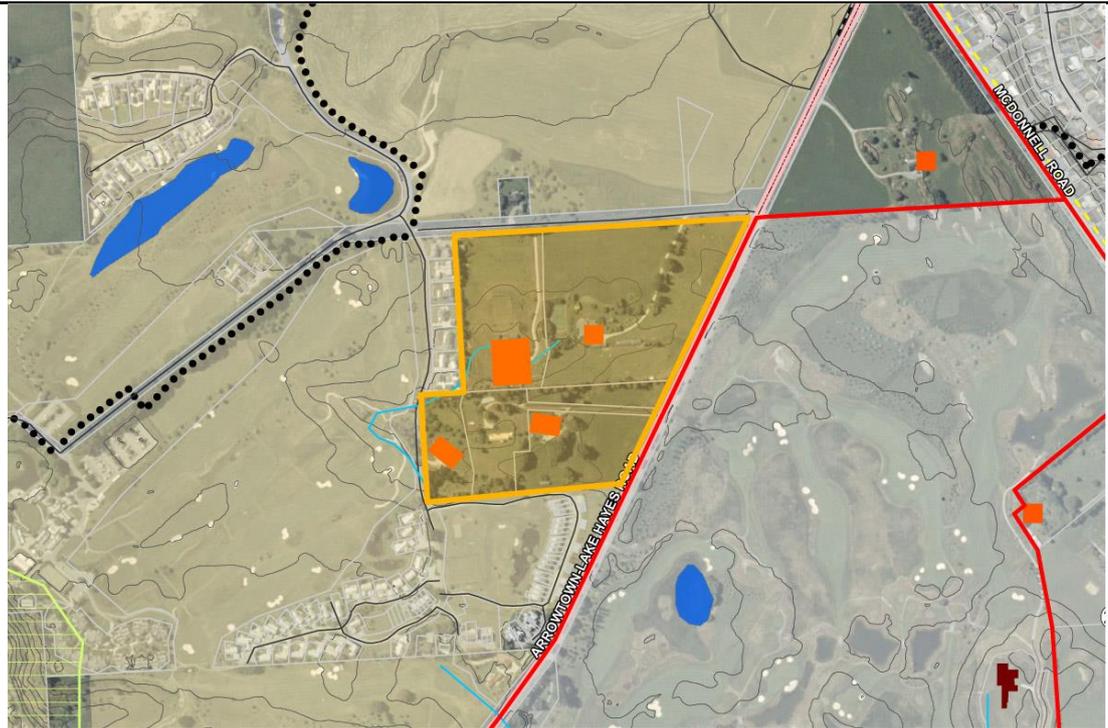


Figure 62 Submitters' land shaded orange

59.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

59.2 Ms Gilbert's evidence can be summarised as follows:

- (a) The submission relates to a relatively small-scale and discrete area which effectively reads as a 'cut out' in the resort along its Arrowtown Lake Hayes Road frontage.
- (b) The land displays an established rural residential character.

59.3 For these reasons, Ms Gilbert supports either the MRZ or Precinct as being appropriate for these two properties, subject to their wider planning merits.

Planning analysis

59.4 The submitters seeks Millbrook Resort Zone over the subject land identified in the Figure above. The total area is 5.389 hectares, with the submitters seeking that the zone is identified as a housing area for

density down to 500m². The submission is not supported by any technical information, structure plan or yield information.

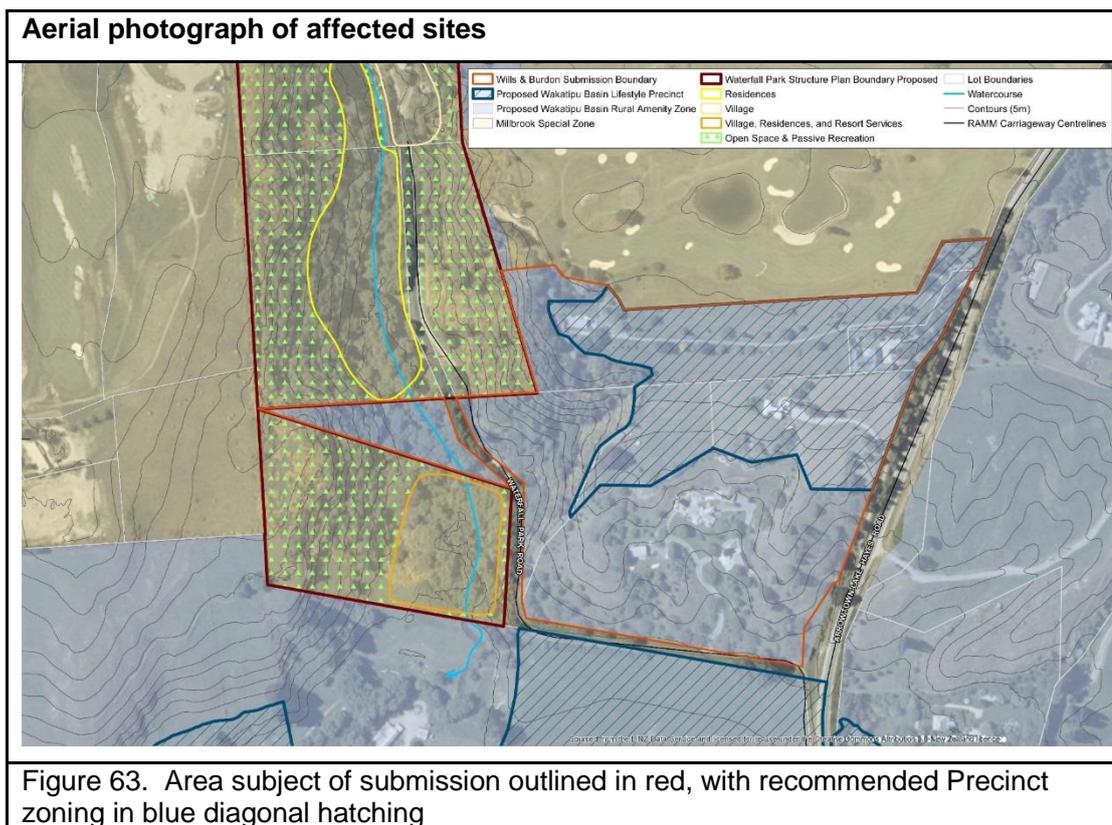
- 59.5** Ms Gilbert does not oppose the proposal to add the site to the Millbrook Resort Zone, nor does she consider that it should not be identified as Precinct, however her evidence does not address the matter of density in relation to the proposed Millbrook Resort Zoning.
- 59.6** I do not oppose rezoning the land as part of the Millbrook Resort Zone in principle. However, I note that Millbrook has been established in a rural area with a significant amount of land proposed to be offset by open space golf course (at a ratio I understand of approximately one visitor unit/residential dwelling per hectare). It does not appear that any such density offset is proposed as part of this development. In effect, it amounts to a spot zoning for urban activity in a rural area.
- 59.7** The total area of the sites subject to the submissions is 5.389 ha, with a notional maximum of 107 dwellings or visitor accommodation units. If 35% of this area was required for roading and servicing, it would still result in an increase of 70 dwellings or visitor units.
- 59.8** Given the level of development proposed, I consider that at this stage, the submitters' proposal to include the land in the Millbrook Resort Zone is not appropriate and that further information is required. The matter of density will need to be addressed by the submitter in evidence, so that the matter can be fully explored and responded to by the Council in rebuttal prior to the hearing. As such, it is recommended at this stage that the submission is rejected.

60. WILLS AND BURDON (#2320)

Overall Recommendation	
Recommendation	Accept in Part
Summary	Precinct is considered to be appropriate on the upper flat part of the site where the land has capability to absorb additional development, but not on the sloping hillside on the southern side of the site, which is highly visible.

Property and submission information	
Further Submitters	None
Land area/request referred to as	n/a
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Precinct
Supporting technical Information or reports	None
Legal Description	Lot 2 DP 337565, Lot 3 DP 27422, Lot 1 DP 12273, Part Section 960R Block VII Shotover SD, Lot 2 DP 27422, Lot 1 DP 507367
Area	Approximately 10Ha
QLDC Property ID	2455, 2456, 2457, 19424, 61880
QLDC Hazard Register	Active debris dominated alluvial fan, Liquefaction (LIC 1 (P),

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Opposed in part



60.1 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission.

60.2 Ms Gilbert's evidence can be summarised as follows:

- (a) It is appropriate to enable rural residential development throughout the elevated, visually discreet, flat land that coincides with 367, 395 and 397 Arrowtown Lake Hayes Road and displays a connection with the adjacent resort landscape.
- (b) It is not appropriate to apply the precinct to the steeper vegetated slopes along the western and southern sides of the area covered by this submission, as both of these areas are of visual importance in shaping the character of neighbouring landscapes (i.e. Speargrass Flats and Waterfall Park).
- (c) Further rural residential development throughout these vegetated slopes has a high potential to generate adverse landscape effects in relation to landform and vegetation modification.

60.3 For these reasons set out above, Ms Gilbert supports the submission in part, with limited upzoning to Precinct in the area depicted in the map within her evidence.

Planning analysis

60.4 The submitter seeks that its entire site is rezoned Precinct.⁵⁵ As part of the submission, a minimum average lot size of 4000m² is sought; this is addressed in the evidence of Mr Barr, however I note that this report also addresses that request where it has been for an alternative 'Precinct A' zone.

60.5 I accept Ms Gilbert's evidence that in terms of landscape character and amenity values for the LCU, that Precinct zoning is appropriate and that those values will be maintained for the upper portion of the site. In relation to the lower and hillside portion, I accept her evidence that the slopes of the site are important in shaping the character of neighbouring landscapes.

60.6 Having considered s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1, I consider that the values of the LCU are appropriately maintained by zoning the area identified in the figure above as Precinct, with the balance of the sloping parts of the site as Amenity Zone, and that this zone will better achieve the objectives of the PDP. It is recommended that the submission be accepted in Part.

61. WATERFALL PARK DEVELOPMENT LIMITED (#2388)

Overall Recommendation	
Recommendation	Reject
Summary	The submitter

Property and submission information	
Further Submitters	FS2710.13 – McGuinness Pa Limited – Oppose

55 Submission point #2320.1

	FS2772.11 – R Hadley – Oppose FS2773.11 – Milbrook Country Club Ltd - Oppose
Land area/request referred to as	343 Arrowtown Lake Hayes Road
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Precinct/Amenity
Stage 2: Zone and mapping annotations requested	Waterfall Park Zone/Ayrburn Zone
Supporting technical Information or reports	None
Legal Description	Part Lot 3 DP 5737, Lot 1 DP 23038, Lot 1 DP 18109, Lot 1 DP 27503, Lot 2 DP 337565, Lot 3 DP 27422, Part Section 960R Block VII Shotover SD, Lot 2 DP 507367, Lot 2 DP 27422, Lot 1 DP 336908, Lot 1 DP 342045, Lot 1 DP 12273, Lot 1 DP 507367, Lot 1 DP 334133, Lot 1 DP 304422, Lot 7 DP 23930, Lot 8 DP 23930, Lot 4 DP 23930, Lot 6 DP 23930, Lot 2 DP 23038
Area	Approximately 57 Ha
QLDC Property ID	2455, 2456, 2457, 2459, 12058, 16386, 16805, 17153, 19401, 19424, 19426, 31670, 53780, 53880, 61880, 61890
QLDC Hazard Register	Liquefaction (LIC 1 (P), LIC 2(P)) Flooding, active debris dominated alluvial fan

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Opposed
Landscape	Not opposed

Aerial photograph of affected sites

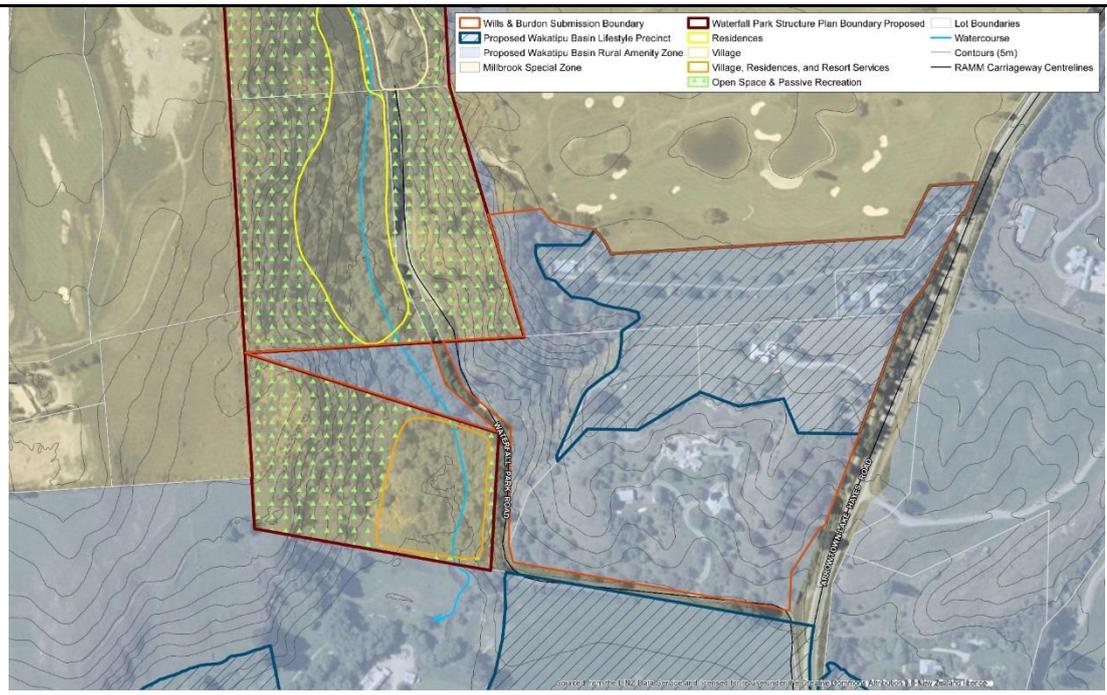


Figure 64. Area subject of submission outlined in red, with recommended Precinct zoning in blue diagonal hatching



Figure 65. Area identified with vertical red hatching sought by submitter to be included in Waterfall Park Zone.

1.2 No site-specific infrastructure, traffic or ecology issues have been raised by Council witnesses in relation to this submission. However, it

is noted that the 'wedge' area appears to be substantially covered in vegetation, and the nature of that vegetation is undetermined (i.e. whether it is indigenous or exotic).

1.3 In relation to landscape, Ms Gilbert's evidence can be summarised as follows:

- (a) The 'wedge' forms an artificial cut out in the existing Waterfall Park Zone pattern.
- (b) From a landscape perspective, there is no apparent reason that the wedge should be excluded from the zone.

1.4 On that basis, Ms Gilbert does not oppose rezoning of the wedge to Waterfall Park Zone.

Planning analysis

61.1 The submitter has sought rezoning of a 'wedge' located between the two areas of land zoned Waterfall Park Zone, identified in Figure 65. No supporting information is provided with the proposal, however from a landscape perspective, Ms Gilbert has indicated that she does not oppose the rezoning.

61.2 I accept Ms Gilbert's position on landscape. However, it is my opinion that insufficient information has been provided with the submission to determine whether or not there are any potential impacts of the rezoning on either infrastructure capacity or ecology. I consider there is a risk of recommending approval in this circumstance without sufficient detail around the nature of the land and its ability to be served for water, wastewater and sewerage, and potential ecological effects.

61.3 As such, I recommend that the rezoning is rejected, subject to further information being provided. It is expected that this matter can be addressed in rebuttal.

LCU 24 SOUTH ARROWTOWN

62. ARROWTOWN RETIREMENT VILLAGE JOINT VENTURE (#2505), MONK (#2281)

Overall Recommendation	
Recommendation	Reject
Summary	<p>In the context of the land surrounding Arrowtown, in LCU 24, retention of it as Amenity Zone is more appropriate to retain the ability for efficient potential future development of it as greenfield urban land. Fragmenting that land by providing for Precinct development will lead to sub-optimal planning outcomes in the future and is not sound resource management practice.</p> <p>In addition, the consented development of the SHA Arrowtown Retirement Village site is enabled by way of resource consent, and any future change to conditions will take the consented environment into account, and is not seen as justification for a bespoke zone.</p>

Property and submission information	
Further Submitters	<p>#2505</p> <ul style="list-style-type: none"> • FS2716.1 – Banco Trustees and Ors – Support • FS2792.57 – MacColl – Support • FS2795.66 – Boxer Hills Trust – Support • FS2796.68 – Trojan Helmet Limited – Support <p>#2281</p> <ul style="list-style-type: none"> • FS2716.7 – Banco Trustees and Ors – Support • FS2769.2 – Arrowtown RV Joint Venture - Support • FS2795.1 – Boxer Hills Trust – Support

	<ul style="list-style-type: none"> FS2796.3 – Trojan Helmet Limited – Support
Land area/request referred to as	Arrowtown Retirement Village LCU 24
Stage 1: PDP Zone and mapping annotation (replaced)	Rural
Stage 1: Zone and mapping annotations requested	N/A
Stage 2: PDP Zone and mapping annotations	Amenity Zone
Stage 2: Zone and mapping annotations requested	Rural, or as a second preference, Precinct
Supporting technical Information or reports	None
Legal Description	Lot 4 DP 506191
Area	121,185m ² (Council GIS)
QLDC Property ID	56950
QLDC Hazard Register	Part of the site located in an area that is probably low risk of liquefaction.

Summary of Council assessments and recommendations	
Ecology	Not opposed
Infrastructure	Not opposed
Traffic	Not opposed
Landscape	Not opposed

Aerial photograph of affected sites



Figure 66

- 62.1** No site-specific infrastructure, traffic, landscape or ecology issues have been raised by Council witnesses in relation to these submissions.

Planning analysis

- 62.2** A number of submission have sought Precinct zoning or other zoning in LCU 24 South Arrowtown.⁵⁶ Arrowtown generally has a tight urban boundary, with relatively little lifestyle development surrounding it. To the south, the Arrowtown Lifestyle Retirement Village (**ALRV**) has been granted as a Special Housing Area and is currently under development pursuant to a resource consent for the site.⁵⁷
- 62.3** The surrounding area was identified as having a high capability to absorb additional development in the Land Use Study. As such, from a landscape perspective, Precinct was not opposed. This was largely influenced by the presence of the ALRV to the south.

⁵⁶ Submission points #2505.56, #2281.1

⁵⁷ Resource consent SH160141

- 62.4** However, it is my view that Amenity Zone in this LCUt is appropriate. It is my view that rural lifestyle and rural residential development on land, which may potentially be used for future urban expansion, is highly inefficient, and creates significant limitation on the future use of that land. It results in fragmented ownership and inefficient design based on cadastral boundaries, and can result in significant opposition to urbanisation from lifestyle block landowners.
- 62.5** Due to the generally irreversible nature of subdivision under currently legislation (unless it is voluntary through amalgamation), it is my view that Precinct-style rural residential development is only appropriate when next to existing urban areas where there is no likelihood that the land may be required, in the long term, for future urban greenfield development. This approach has been used in Christchurch, where no further rural residential development is provided for on the outskirts of Christchurch.
- 62.6** In the case of South Arrowtown, I consider that expansion may be a distinct possibility in the future, and that that ability to achieve integrated, comprehensive development needs to be protected. As such, it is my view that this is more efficiently achieved by retaining Amenity Zone around the township, than providing for fragmentation through Precinct zoning.
- 62.7** In relation to Arrowtown Retirement Village Joint Venture's request for bespoke zoning, I do not consider that just because this development is subject to a resource consent, that it should in effect have a spot zone. The existing consent will be taken into account in relation to any change in conditions or change in design. I do not consider that the Amenity Zone will be an impediment to development within the site and/or changes to conditions, within the general intention of the SHA. The submitter may wish to consider examples of where this might be a problem for it, so the issue it has raised can be better understood, and whether changes to Chapter 24 may address the intention of the relief it is seeking.
- 62.8** Taking into account the evaluation above, I consider that Amenity Zone is appropriate in terms of s7(b), which requires that those exercising

functions under the Act have regard to the efficient development of natural and physical resources. In addition, it is the most appropriate zone to ensure that Objective 3.2.2 is achieved, that is, that urban growth is achieved in a strategic and integrated manner, and will ensure that Policy 3.2.2.1 is able to be achieved. As such, it is recommended that those submission seeking Precinct in LCU 24 are rejected.

63. REQUESTS FOR CHANGES TO LANDSCAPE LINES

- 63.1** The submissions discussed below all seek amendments to the notified ONL or ONF boundaries for all areas within the scope of this hearing⁵⁸.
- 63.2** In the below paragraphs I outline the framework within the PDP for the identification of the landscape boundary lines and how development within ONLs, ONFs and RLCs are managed by the PDP, through the Stage 1 decisions version (acknowledging that the appeal period is currently open on the Stage 1 decisions). I have taken these matters into consideration in the assessment of submissions seeking changes to the notified landscape boundary lines.
- 63.3** The policies in Chapters 3 and 6 describe the implementation of these lines. Overall, in its Stage 1 recommendations, the Panel determined that the identification of ONL / ONF boundary lines is more efficient and effective than relying on the identification of landscape categories on a case-by-case basis, as is required by the framework of the ODP.
- 63.4** The framework in the PDP provides for the classification of ONL and ONFs and associated boundary lines within the Rural Zone (Chapter 21). The rules and assessment matters relating to the three landscape classification overlays (ONF, ONL and RLC) are in the Rural Zone chapter and are in addition to the objectives and policies contained within Chapters 3 and 6.
- 63.5** The identification of the ONF and ONL boundary lines on the PDP Planning Maps within the Wakatipu Basin (excluding the Ladies Mile area) is described in detail in the evidence of Ms Mellisop for QLDC.

⁵⁸ The ONL/ONF boundary lines on properties within the Ladies Mile Area and the Lake Hayes Estate margins have been assessed in Ms Vanstone's S42A Report.

ARTHURS POINT BASIN

64. ALEXANDER REID - #277, MICHAELA MEEHAN - #526, SHOTOVER HAMLET INVESTMENTS LIMITED - #570

- 64.1** All three submissions relate to the area around the western end of Littles Road in the Arthurs Point Basin.
- 64.2** Submitter 277 seeks the relocation of the ONL boundary together with a proposed rezoning from Rural to Rural Lifestyle Zone, of an area of land where there is some existing development.
- 64.3** Submitter 526 requests the relocation to the west of the ONL boundary to exclude the northern flank of the Northridge landform due to the topography, vegetation and existing development in this area.
- 64.4** Submitter 570 proposes that its site on the corner of Littles Road and Arthurs Point Road should continue to be split zoned, with the open lower reaches of the landscape below the natural terrace in the north contained within the ONL and the northern extent of the site contained within the RLC in accordance with Environment Court decision C3/2002.⁵⁹ This submission is opposed by Robert Stewart (FS1297).
- 64.5** The current ONL boundaries in the Arthurs Point basin were considered by the Environment Court in C3/2002, including the imposition of the discontinuous line in the ODP, which is illustrated in Figure 67 below. In her evidence for QLDC, Ms Mellsoy assesses the character and values analysis of Arthurs Point basin that was undertaken in C3/2002 and notes the problematic nature of the discontinuous line. Ms Mellsoy disagrees with submitter 526 that the ONL boundary should exclude the northern flank of the Northridge landform. Her view is that the level of development that has occurred in this area since the Environment Court decision has not degraded the natural character to the extent that it no longer belongs in the ONL.

59 *Wakatipu Environmental Society Inc v Queenstown Lakes District Council C3/2002 [2002] NZEnvC 11 (C3/2002)*.

64.6 I rely on Ms Mellsop's opinion on this matter and recommend that the relief sought by submitters 277, 526 and 570 be rejected.

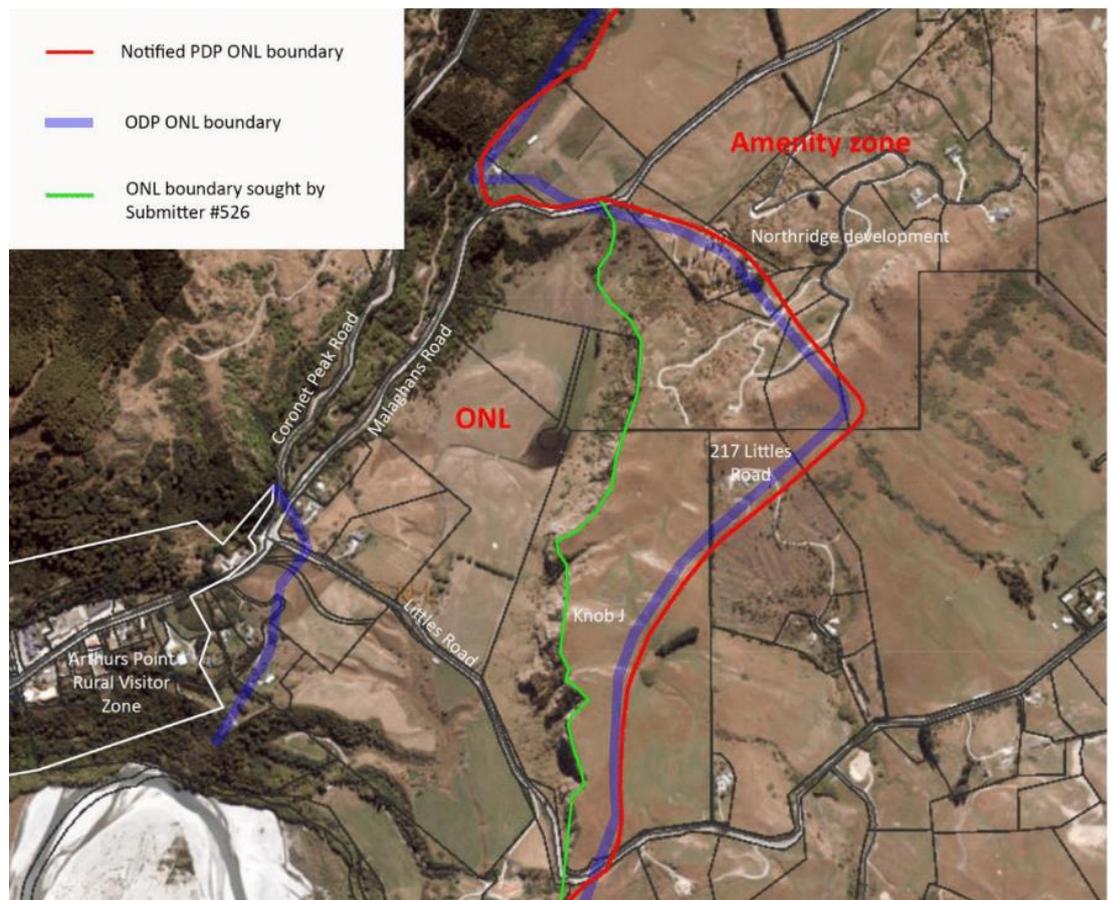


Figure 67: ODP ONL, Notified PDP ONL and ONL recommended by Submitter 526

SLOPE HILL

65. JUSTIN CRANE & KIRSTY MACTAGGART - #688

65.1 This submission requests that the ONF boundary move westward of Lot 28 DP 378242 and northward from Lot 1 DP 21614 so that the boundary line follows the base of Slope Hill. The outcome of this change would be that the proposed Slope Hill ONF would not include any of the properties that form part of the Threeewood subdivision.

65.2 Ms Mellsop agrees that the toe of Slope Hill lies largely outside Lot 1 DP 21614. However, Ms Mellsop considers that the ONF boundary does enter the northwestern part of Lot 1, where the toe of the hill crosses the property boundary, as indicated in the aerial photograph

below. Ms Mellsop has mapped the notified ONF boundary and the recommended ONF boundary on the map below:

- 65.3** I rely on Ms Mellsop's opinion on this matter and recommend that the ONF boundary on the north side of Lot 1 DP 21614 be slightly amended to follow the toe of Slope Hill, noting that it still runs partly over this property, as illustrated in Figure 68 below:

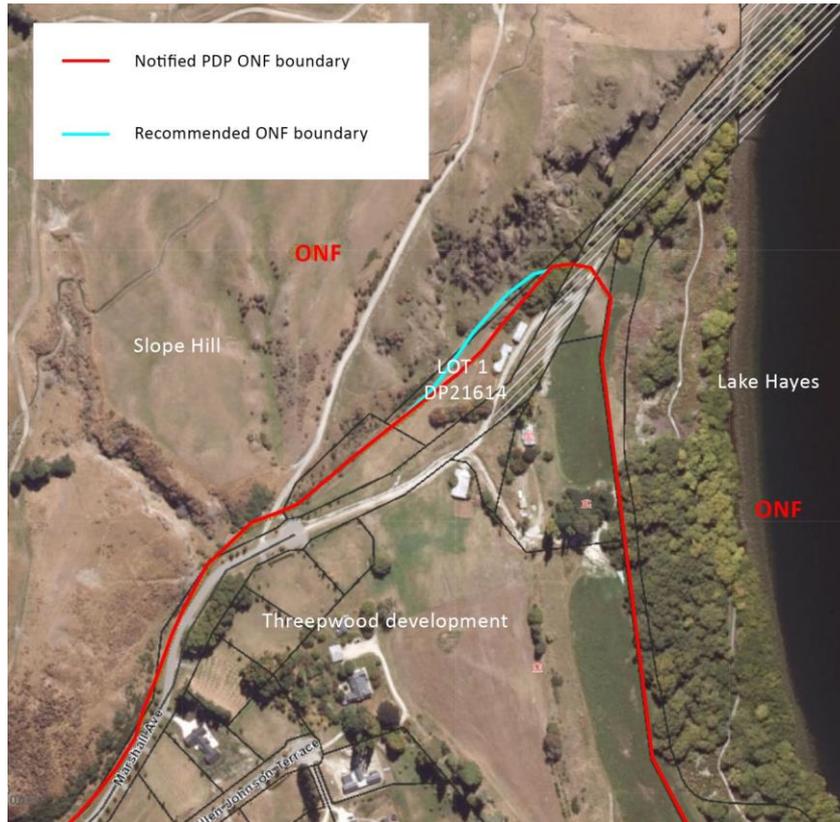


Figure 68: Notified and Recommended ONF boundary

- 65.4** As a result, I recommend this submission be accepted in part.

66. WAYNE EVANS, GW STALKER FAMILY TRUST, MIKE HENRY – #534; K STALKER - #353; G W STALKER, MIKE HENRY, MARK TYLDEN, WAYNE FRENCH, DAVE FINLIN, SAM STRAIN - #535, MILSTEAD TRUST - #813, GW STALKER FAMILY TRUST - #2553 (ALL DISCUSSED TOGETHER AS ALL CONCERN ONF BOUNDARY NEAR SPRINGBANK AND GLENPANEL)

- 66.1** Submitters 353, 534, 535 and 813 have all sought that the notified boundary of the Slope Hill/Lake Hayes ONF be amended in the vicinity of Springbank and Glenpanel.

66.2 Ms Vanstone has undertaken an assessment of these submissions in Section X of her evidence for QLDC. This is because these properties fall partly in the Ladies Mile area and partly within the Stage 2 area of the Wakatipu Basin.

66.3 I agree with Ms Vanstone's assessment and rely on Ms Mellsop's opinion on the matter and I recommend that the ONF boundary be amended to exclude Glenpanel, 339 Frankton Ladies Mile Highway and 14 Lower Shotover Road. I do not support the other amendments sought by submitters.

MORVEN HILL

67. L TOPP - #121

67.1 Mr Lindsay Topp has sought that the boundary line of the ONL of Morven Hill and the Kawarau River be amended on Lots 1 and 2 DP 476278 to reflect the boundary approved in Environment Court Decision C203/2004⁶⁰ and that also indicated on Appendix 8A – Map 1 of the ODP. The position of both the ODP and PDP ONL boundary is indicated in Figure 69 below:



⁶⁰ *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* C203/2004 [2004] NZEnvC 450 (C203/2004).

Figure 69: ODP and PDP ONL line (Source: QLDC GIS)

- 67.2** The QLDC GIS viewer indicates that the ODP and PDP ONL line are generally located in the same position. However, Ms Mellsop has stated that these lines are broad-brush lines that require more accurate delineation on the ground.
- 67.3** Ms Mellsop is of the opinion that the boundary of the ONL is intended to cross Hayes Creek from the crest and then run along the crest to the escarpment and then follow the base of Morven Hill. Ms Mellsop agrees with the ONL boundary line included in the PDP maps, except in relation to Alec Robbins Road. Ms Mellsop has recommended that the line should be altered to cross the road reserve diagonally to reach the eastern side of the road, which is just south of the driveway entry to 11 Alec Robin Road.
- 67.4** I rely on Ms Mellsop's opinion on the matter and I recommend the ONL boundary be amended to the position shown by the blue line in Figure 70 below:

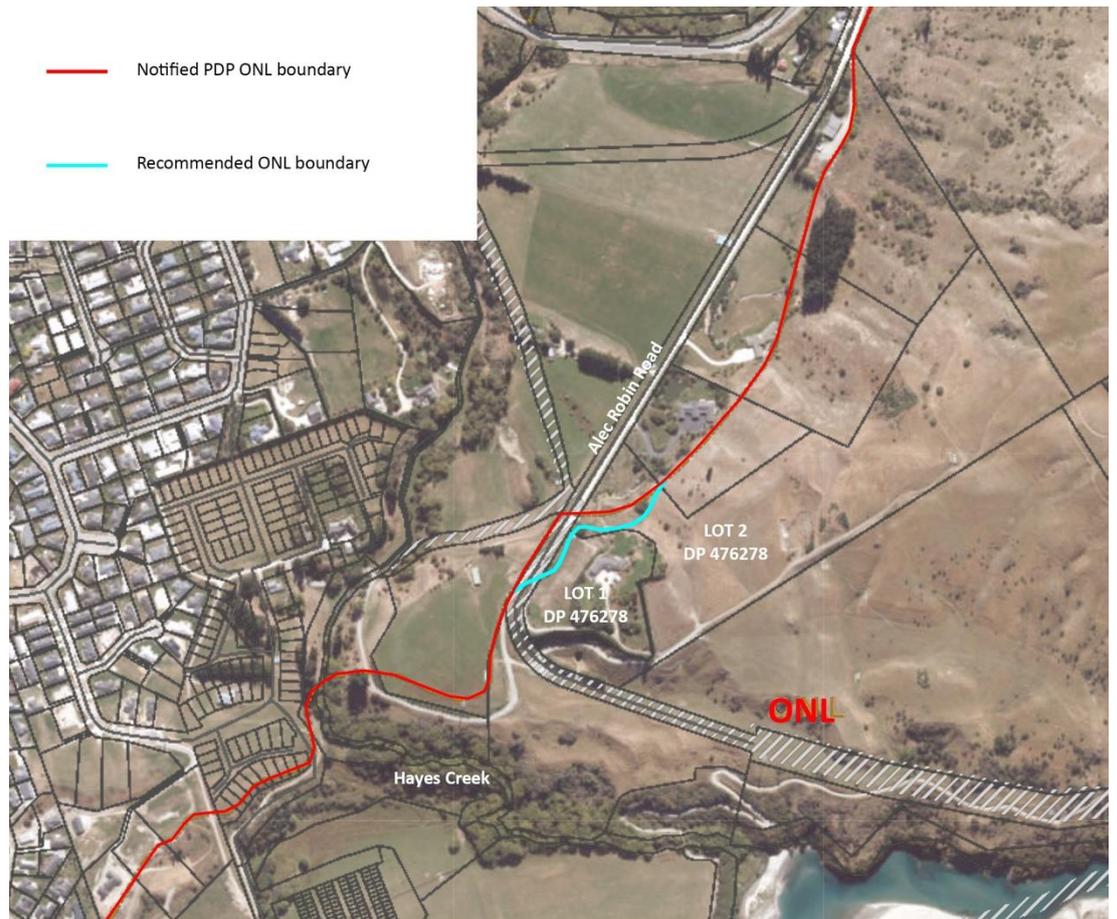


Figure 70 : Notified and Recommended ONL line in relation to 111 Alec Robins Road

68. ALEXANDER KENNETH & ROBERT BARRY ROBINS, ROBINS FARM LIMITED - #594

68.1 This submission relates to the land described as Lot 5 DP 468905. This legal description no longer exists but is identifiable as that land adjoining Jean Robins Drive to the south. The notified ONL in this area follows Jean Robins Drive on the northern boundary of the subject property before following the property boundaries south, largely around the outside of the proposed Amenity Zone. The submitters seek to have the ONL boundary amended so that the subject property is no longer within the ONL. A further submission (FS1221) supports the amendment of the ONL and states that it should also include the lower portion of Lot 8 DP 468905.

68.2 Ms Mellsop is of the opinion that locating the ONL to the south of this property is consistent with the ONL location in the immediate area. Ms

Mellsop states that while she considers the northern slopes to form part of the *rôche moutonnée* feature, the level of development in this area means that she no longer considers it to be sufficiently natural to be included as part of the ONF. The existing and approved development on the subject site and the adjacent property to the east will be at a level similar to that on the areas to the north and east.. Ms Mellsop recommends the ONL be amended to exclude the developed areas of these two properties as shown in Figure 71 below.

68.3 I rely on Ms Mellsop's opinion on the matter and I recommend the ONL boundary be amended to reflect the turquoise line in Figure 71 below.



Figure 71

69. DEBBIE MACCOLL - #285

69.1 This submission seeks, in the first instance, the deletion of the ONL from the PDP until community consultation has taken place. In addition to this, the submission specifically requests the following relief:

- (a) that the ONL boundary above the Rural Residential Zone be placed at a level slightly higher than the saddle on the western side of Morven Hill;
- (b) that the ONL boundary on the eastern side of Morven Hill be deleted; and
- (c) that the ONL boundary around Punt Hill should be deleted and placed “on the front side of the hill above the track at power transmission line height.”

69.2 Further submissions FS1221 and FS1097 either support or support in part the submission. The further submitter Queenstown Park Limited (FS1097) supports that part of the submission requesting the ONL lines be deleted until consultation has been undertaken and that the ONL should not include any flat land, but opposes any significant change to the ONL boundaries around Punt Hill and Morven Ferry.

69.3 The deletion of the ONL from the PDP as requested by the submitter has been addressed in Council evidence in Stage 1, and addressed in the Panel’s Stage 1 recommendation reports. The protection of ONFs and ONLs is a matter of national importance under section 6 of the RMA. The merits of the ONL / ONF have been discussed in Sections 7.3 to 7.6. It is recommended that this aspect of the submission be rejected.

69.4 In her evidence for the Council Ms Mellsop explains the significance of the north-western face of Morven Hill as part of the *rôche moutonnée*. She identifies that while previous development on this face has impacted the natural character of this part of the feature, the relocation of this part of the ONL as requested by the submitter could result in significant adverse effects on the landscape values of this area. I agree with Ms Mellsop that the notified location of the ONL in this area is most appropriate given the existing patterns of development and the need to protect this topographical feature.

69.5 The submitter’s request to delete the ONL boundary on the eastern side of Morven Hill is similar to submitters 401, 2412, 644, 664 666, 2260, 670, 690, 2439, 695, 2261. These are discussed in paragraphs below.

- 69.6** The submitter's final request with regard to the ONL is that the Punt Hill ONL boundary be placed "*on the front side of the hill above the track at power transmission line height.*" This would appear (given that complete accuracy is somewhat limited) to be the existing location of the ONL on Punt Hill as evidenced by the alignment of the ONL boundary with the electricity transmission lines on the north face.
- 69.7** I rely on Ms Mellsop's evidence and recommend the relief sought in this submission be rejected.

70. PRIVATE PROPERTY LIMITED - # 693

- 70.1** This submission seeks that the ONL boundary on the north of Morven Hill be relocated from the boundary with SH6 to exclude the dwelling on the submitter's property. The submitter also seeks the rezoning of this excluded land from Rural to Rural Residential.
- 70.2** From a landscape perspective, Ms Mellsop states that the ONL boundary extends to the state highway in this area because, while there are terraces on the hill slopes such as the one where the dwelling in question is located, these are part of the continuous gradient of the northern slope. Therefore, the area the submitter seeks to have excluded from the ONL forms part of the the *rôche moutonnée* extent.
- 70.3** I rely on Ms Mellsop's evidence and recommend that the proposed relocation of the ONL as requested by this submission be rejected.

71. PHILIP BUNN - #265, DAVID AND MARGARET BUNN - # 442

- 71.1** Submitters 265 and 442 seek amendments to the ONL boundary on the eastern side of Morven Hill and, in the case of submitter 265, the southern side also. Both submitters contend that additional land has been included in the PDP notified version of the ONL boundaries compared to the ODP version. A further submission (FS1097) supports submission 442 as it relates to the ONL boundaries.
- 71.2** The submitters' request to amend the ONL boundary on the eastern side of Morven Hill is similar to submitters 401, 2412, 644, 664 666,

2260, 670, 690, 2439, 695, and 2261. These are discussed in paragraphs below.

71.3 Ms Mellsop demonstrates in her evidence that there is no material difference between the OPD and PDP ONL boundary locations on the eastern side of Morven Hill. Submitter 265 submits that the ONL should be relocated to the top of Morven Hill, leaving the southern side available for recreation. The inclusion of this area as part of the ONL means that any recreation proposal would be assessed on its merits against the relevant provisions of the PDP.

71.4 Ms Mellsop states that the southern faces of Morven Hill form an integral part of the wider ONL. I rely on her evidence regarding this matter and that of the eastern boundaries of the ONL, which are discussed in paragraphs below. As a result, I recommend the submission be accepted in part.

72. MAXWELL CAMPBELL GUTHRIE - #401 #2412, DENNIS M ROGERS - #644, JANICE MARGARET CLEAR - #664 #2266, WILLIAM ALAN HAMILTON - #666 #2260, LYNETTE JOY HAMILTON - #670 #2268, SUSAN MAY TODD - #690 #2439, ANN HAMILTON - #695 #2261, GEOFFREY CLEAR - #2264,

72.1 These submitters (and submitters 285, 265 and 442 above) seek amendments to the eastern boundary of the Morven Hill ONL. The submitters all seek various relief, which I have broken down into the following categories:

- (a) Delete the ONL (285, 265);
- (b) Revert to the ODP location of ONL (401, 442, 2412);
- (c) Relocate the ONL west to the unformed legal road (644, 2261);
- (d) Relocate the ONL to the 430m contour line (664, 666, 670, 690, 695); and
- (e) Relocate the ONL to the toe of Morven Hill (2260, 2264, 2266, 2268, 2439)

72.2 The relief sought by submissions 670 and 690 was supported by Anna-Marie Chin (FS1310). As noted above, the merits of the ONL / ONF have already been debated in Stage 1. For the same reasons as set

out in the Panel's recommendation report for Stage 1, it is recommended that this aspect of the relief sought is rejected.

72.3 Three submissions request that the location of the ONL revert to that in the ODP (401, 442, 2412). As evidenced by Figure ? below, the notified ONL follows (with some refinements) the location of the ODP ONL. Given this, it is not clear from the submissions how the relief sought would allay their concern that the notified ONL incorporates additional areas of their land.

72.4 The last three categories of relief, which seek to relocate the ONL boundary line, make up the majority of relief sought and, while expressed differently, all equate to a roughly similar location.

72.5 In her evidence, Ms Mellsop provides a detailed examination of the landscape character and values of the eastern area of the Morven Hill. She states that it appears that the current location of the ONL is based on an irrigation race that encircles the escarpment that separates an ice-eroded elevated plateau from the lower land. Ms Mellsop identifies the land between the irrigation race and the unformed legal road as having been affected to a degree by farming activity including residential development but still maintaining expressive topographical features. She recommends that the ONL be realigned to correspond to the change of gradient at the eastern toe of Morven Hill (see Figure 72 below).

72.6 I rely on Ms Mellsop's opinion on the matter and I recommend the ONL boundary be amended to reflect the turquoise line in Figure 72 below.



Figure 72

LCU 20 CROWN TERRACE

73. TONY MCQUILKIN - #459, BSTGT LIMITED – FS#1122 #2487

73.1 This submission seeks to amend the location of the Crown Terrace ONL in relation to the submitter’s property on Glencoe Road. The notified PDP ONL boundaries have been extended from those in the ODP, which were the result of Environment Court decision C87/2002.⁶¹ Figure 73 below provides a comparison of the ODP and PDP ONL boundaries.

73.2 The submission seeks that the ONL be amended to be located between the terrace and the escarpment in this vicinity, which would result in a boundary more akin to that of the ODP ONL. This relief is supported by BSTGT Limited (FS1122), an adjoining landowner who seeks that the whole submission be allowed.

73.3 Ms Mellsop’s evidence sets out the background to the development of both the ODP and PDP ONL boundaries in this location. Ms Mellsop notes that, in the absence of specific reasoning in the PDP landscape boundaries reports for the extension of the ONL into the submitters’ properties, the boundary appears to extend to all vegetated parts of stream gullies. Based on a site visit and the C87/2002 decision, Ms

61 *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* [2002] NZEnvC 268 (C87/2002).

Mellsop has recommended a modified ONL boundary, as shown in Figure 73 below. Ms Mellsop's recommended boundary excludes the higher parts of stream gullies where they have been significantly modified.

73.4 I rely on Ms Mellsop's opinion on the matter and I recommend the ONL boundary be amended to reflect the turquoise line in Figure 73 below.

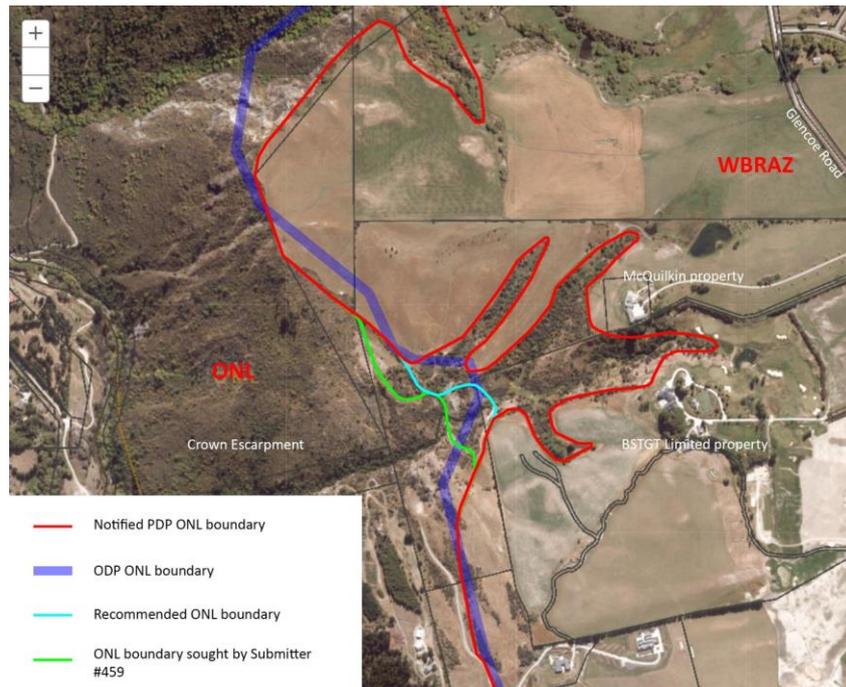


Figure 73: Notified PDP, ODP and recommended ONL boundaries in the northern Crown Terrace. Boundary sought by Submitter # 459 in green.

74. CROWN RANGE ENTERPRISES - #643, CROWN RANGE HOLDINGS LTD - #636

74.1 Submissions 643 and 636 seek to amend the Crown Terrace ONL as it relates to their properties known as Royalburn farm (#643) and Eastburn farm (#636) on Crown Range Road. Crown Range Enterprises seeks that the boundaries on Royalburn remain in accordance with those identified in Appendix 8A of the ODP and appended to the Environment Court decision C87/2002. Crown Range Holdings Limited seeks to amend the ONL boundaries on Eastburn in accordance with the line shown on the plan included with its submission. Figure 74 provides a comparison of the ODP and PDP ONL boundaries and that proposed by Crown Range Holdings Limited.

74.2 Ms Mellso’s evidence states that the notified ONL boundary has been refined from those in the ODP and the C87/2002 decision, to more closely align with the topographic boundaries between tributaries and the surrounding farmland. Within the Royalburn property, Ms Mellso is of the opinion that the PDP boundary extends further up the tributaries than intended by the Environment Court decision and into “waterways within a working farm landscape”. Ms Mellso recommends a new boundary based on the depth, steepness and natural character of the gullies on Royalburn, and generally accepts the ONL line proposed by submission 636.

74.3 I rely on Ms Mellso’s opinion and I recommend the ONL boundary be amended to reflect the turquoise line in Figure 74 below.

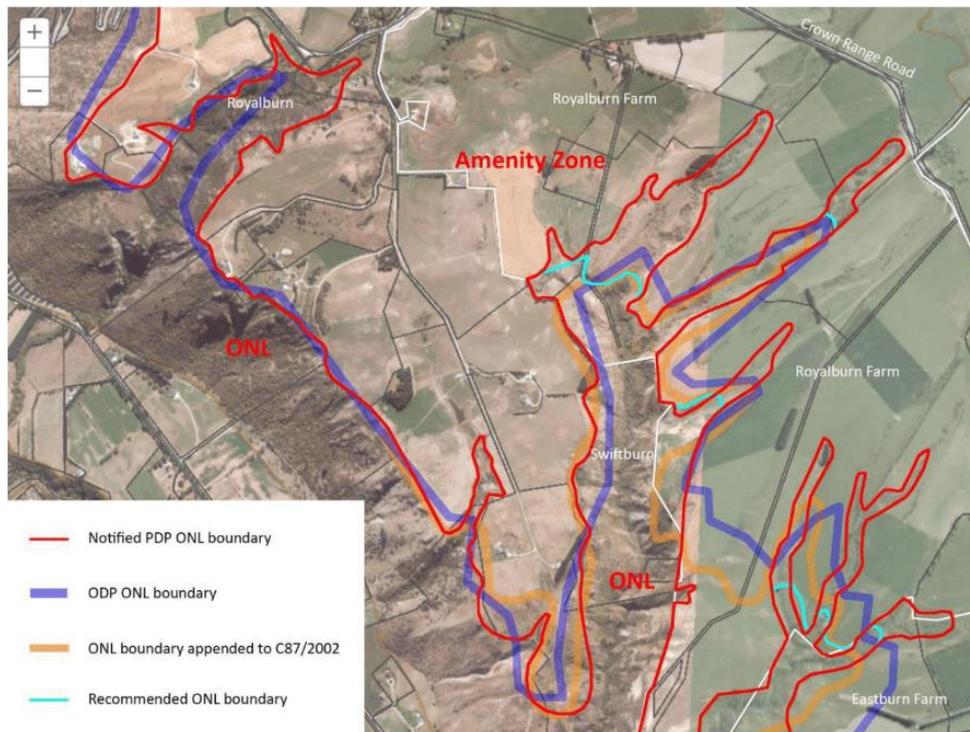


Figure 74

Marcus Langman

28 May 2018

APPENDIX 1

Relevant expertise and experience

1. I hold a Bachelor of Resource Studies from Lincoln University (1998). I have 18 years' experience in planning, of which 17 has been in New Zealand. For the last 3 years I have been a sole practitioner, working for a range of private developers, local government organisations and NGOs on consenting and policy matters in Canterbury, Otago, and the Auckland Region. I was contracted as the Principal Planning Advisor for the Independent Hearings Panel for the Christchurch District Plan, assisting with preparation of procedural matters, drafting and reviewing for the Panel. I have been engaged by a number of district councils on subdivision and rural residential plan change matters as a reporting officer and planning expert. In addition to this work I have also served as an independent planning commissioner on resource consent matters for Kaikōura District Council.
2. Prior to entering private practice, I was a Senior Advisor for the Canterbury Earthquake Recovery Authority, and Principal Planner and Team Leader – Policy at Environment Canterbury. In these roles, I was the lead author and project manager for the Canterbury Regional Policy Statement 2013 (CRPS) from 2008 to 2013, and lead s 42A RMA reporting officer as well as reporting officer for the Landscape and Heritage chapters.
3. I prepared Chapter 6 of the Canterbury Regional Policy Statement, which provides for the recovery and future growth planning for Greater Christchurch following the earthquakes, and was included as part of the Land Use Recovery Plan for Greater Christchurch. This chapter of the RPS set the strategic direction for rural-residential development in the Greater Christchurch area. I was the project manager for, and provided planning input into, the Canterbury Regional Landscape Study Review 2010. I managed the team responsible for making submissions on behalf of the regional council on both district and national planning issues, including implementation of the Canterbury Regional Policy Statement.
4. I have prepared a number of district plan changes for both the Auckland City District Plan – Hauraki Gulf Islands District Plan and the Auckland City District Plan – Isthmus Section, and presented evidence as a planning witness at numerous plan change and resource consent hearings on greenfield, urban and

rural residential expansion in Auckland on behalf of the former Auckland Regional Council.

- 5.** I have appeared in the Environment Court as an expert planning witness, most recently in relation to the Otago Regional Policy Statement on behalf of the Environmental Defence Society and Royal Forest and Bird Protection Society in relation to Port Activities.
- 6.** I have held the Making Good Decisions commissioner qualification since 2013 (passed with Excellence in 2017).

APPENDIX 2
PRPS Policy 3.2.4

Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

Protect, enhance and restore outstanding natural features, landscapes and seascapes, by all of the following:

- a) Avoiding adverse effects on those values which contribute to the significance of the natural feature, landscape or seascape;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Recognising and providing for the positive contributions of existing introduced species to those values;
- d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- e) Encouraging enhancement of those areas and values which contribute to the significance of the natural feature, landscape or seascape.

Method 1: Kāi Tahu Relationships

Method 1.2

Method 3: Regional Plans

Method 3.1

Method 4: City and District Plans

Method 4.1

Method 5: Research, Monitoring and Reporting

Method 5.1.2 c.

APPENDIX 3

**Summary of submissions and recommendations regarding Stage 2 Wakatipu
Basin rezoning**

[filed separately, see webpage]

APPENDIX 4

**Summary of submissions and recommendations regarding Stage 1 submissions
transferred to Wakatipu Basin Chapter 24**

[filed separately, see webpage]