

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2007-CHC

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an appeal pursuant to Clause
14 of the First Schedule of the
Resource Management Act 1991

BETWEEN **BRIAN KREFT**

Appellant

AND **QUEENSTOWN LAKES**
DISTRICT COUNCIL

Respondent

**NOTICE TO ENVIRONMENT COURT OF AN APPEAL ON A DECISION ON
PLAN CHANGE 10 UNDER CLAUSE 14 OF THE FIRST SCHEDULE OF
THE RESOURCE MANAGEMENT ACT 1991**

ANDERSON LLOYD
LAWYERS
QUEENSTOWN

Solicitor: Vanessa Walker

Appellant's Solicitor
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To: The Registrar
Environment Court
Christchurch

1. Brian Kreft ("Appellant") appeals against the decision of the Queenstown Lakes District Council ("Respondent") on Plan Change 10 (the "Decision") of the Queenstown Lakes District Partially Operative District Plan ("District Plan").
2. The Appellant made a Submission on Plan Change 10.
3. The Appellant received notice of the Decision on 17 October 2007.
4. The Decision was made by the Respondent.
5. The Decision is in respect of improvements to the amenity values of the High Density Residential Zone ("HDRZ"), located within the Queenstown and Wanaka urban areas, amending the district plan in relation to objectives and policies, new sub-zones, changes to activity status, introduction of new rules, and changes to bulk, location and appearance of standards. The Appellant is appealing the decision in its entirety
6. The Appellant is the owner of the land located at:
 - a. 24 Warren Street, Wanaka legally described as Lot 3 DP 25998 Certificate of Title OT18A/429; and
 - b. 51 Stratford Terrace, Wanaka legally described as Section 1 Block XLII Town of Pembroke Certificate of Title OT181/34; and
 - c. 53 Stratford Terrace, Wanaka legally described as Part Section 2 Block XLII Town of Pembroke Certificate of Title OT240/91;

collectively the "Land".

7. The Land is subject to split zoning between the High Density Residential Zone ("HDRZ") and the Low Density Residential Zone ("LDRZ"). The Land within the HDRZ is zoned Sub-Zone C.
8. The reasons for the Appellant's appeal are:
 - a. The Respondent erred in its assessment, conclusions and recommendations, in particular failing to adequately consider that the recommended provisions are not the most appropriate way:
 - i. to achieve the purposes of the Resource Management Act 1991 ("Act"); and
 - ii. of implementing the relevant objectives and policies of the District Plan.
 - b. The Respondent failed to properly identify, quantify or adequately analyse the factual situations existing prior to notification of Plan Change 10 and the anticipated outcomes of the recommended Plan Change 10 provisions, in particular consented but not yet built development which when built will change the existing character of the HDRZ.
 - c. The Respondent has failed to adequately consider bulk, location and topographical features in respect of the Area, in particular resulting in onerous constraints on developments from the following rules:
 - i. Multi-unit development activity status;
 - ii. Setbacks from road and internal boundaries;

- iii. Continuous building length;
 - iv. Maximum building size (maximum building footprint);
 - v. Building coverage;
 - vi. Landscape coverage;
 - vii. Height limits;
 - viii. Earthworks;
 - ix. Site Density.
- d. In drawing its conclusions the Respondent has erred in placing too much focus on residential amenity issues and has failed to clarify and distinguish between the purposes and intended outcomes of the HDRZ compared to the Low Density Residential Zone ("LDRZ") in the District Plan to the extent that:
- i. Plan Change 10 adversely impacts on the Appellant's and other landowners' ability within the HDRZ to develop land for activities within the purpose of the HDRZ, and to a higher density compared to the LDRZ; and
 - ii. By reducing the ability to develop to a higher density in the HDRZ, Plan change 10 blurs the distinction between the HDRZ and the LDRZ, with the result that the HDRZ is effectively a de facto LDRZ; and
 - iii. The Respondent has erred in increasing the Site Density provision in Sub-Zone C from 200m² as notified under Plan Change 10 Provisions to 350m² in its decision which is unreasonable and not within the continuum of submissions because no submission was made or has been heard to justify such an increase in Site Density.

- e. The Respondent has erred in concluding that issues relating to Zone boundaries and whether the HDRZ is appropriately located are *"beyond the scope of Plan Change 10 and must rely on subsequent plan changes for interpretation and resolution"* as it could have considered whether the boundaries of the HDRZ should be expanded in order to better reflect development potential, and corrected any anomalies which may have occurred at the time of the original zoning such as re-zoning the portion of the Appellant's Land that lies within the LDRZ as HDRZ.
- f. The Respondent erred in concluding that earthworks remain a restricted discretionary activity and that matters relating to earthworks in respect of ground level that the Plan Change, although encouraging excavation, does not provide scope to the standards, triggers for resource consent, or status of earthworks activities.
- g. The Respondent erred by stating that visitor accommodation is beyond the scope of the Plan Change as in its decision it has embodied visitor accommodation matters into Part 7 Issues, Objectives and Policies of the District Plan.
- h. The Respondent erred in its consideration of the District Wide issues under Part 4 of the District Plan as Plan Change 10 makes significant changes to Part 7 without addressing essential linkages with Part 4. Overall, the Respondent has failed to adequately address the extent to which the changes are or are not consistent with the District Wide Issues, Objectives and Policies of Part 4.
- i. The Respondent has failed to adequately consider that the HDRZ contains the majority of land zoned to provide for visitor accommodation and that the HDRZ is therefore critical to the District's ability to provide for future visitor accommodation

growth and to enable the resultant flow on to economic and social benefits for the District, and justifies the Community money spent on infrastructure such as the upgrading of the Queenstown airport to accommodate tourist / visitors and the significant sum invested in attracting tourists to the District.

- j. The Respondent failed to adequately take into account the inconsistency and impact of the Plan Change 10 rules on the urban growth strategy identified in the District Plan – the essence of which is to consolidate growth in existing zones and encourage compact urban form and higher density living environments in order to:
 - i. Protect the outstanding natural landscape and natural values of the District;
 - ii. Achieve transport and energy efficiency.

- k. The Respondent's decision has failed to encourage comprehensive development, as a development that exceeds three units per site and that fully complies with the relevant rules in Part 7 of the District Plan shall be a restricted discretionary activity. The failure to encourage such development results in:
 - i. Unreasonable development restrictions on the Appellant and others in the HDRZ, in particular Sub-Zone C, that economically inhibit the Appellant's ability and that of others in Sub-Zone C, to provide accommodation in a cost efficient manner, and which in turn creates pressure on the limited supply of land for urban growth; and
 - ii. Adverse economic and social consequences to the Appellant and others in Sub-Zone C; and
 - iii. Contradiction with the principles and purposes of the Act which seek to achieve efficient use and

development of natural and physical resources, and enable people and communities to provide for their economic and social well-being, and

- iv. Negative effects on the vitality of adjoining urban centres from reduced residential density; and
- v. Contradiction with the vision of the community as detailed in the District Plan.

9. The Appellant seeks the following relief:

a. That the Appeal be allowed and that:

- i. Plan Change 10 be cancelled or withdrawn and that the HDRZ rules be re-instated in respect of the HDRZ; and
- ii. That the District Plan be amended by extending the HDRZ boundary to include the area of land bordered by Chalmers Street and Stratford Terrace (presently LDRZ), OR alternatively to include the Appellant's Land located within the HDRZ to resolve the split zoning that currently exists in relation to this land; and
- iii. Such further additional, amended or consequential changes to any relevant part of the District Plan as are considered necessary to address the issues and concerns raised in this Appeal.

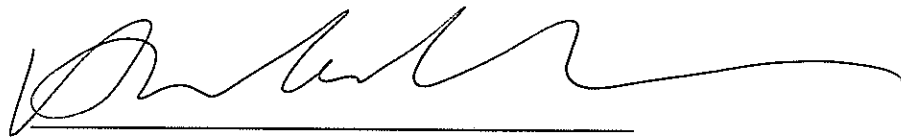
b. In the event that the above relief is not granted, then the Appellant seeks the following relief:

- i. The alteration of the status of a Multi-unit development exceeding 3 units from a restricted discretionary activity to a controlled activity; and

- ii. The amendment or deletion of the provisions that are unreasonable and that go beyond the scope of the notified provisions; and
- iii. That Parts 4 and 7 of the District Plan be amended to take into account and respond to issues arising for determination as a consequence of this Appeal by including provisions which better reflect the locational or topographical aspects of the different areas within the HDRZ and enable high density residential and/or visitor accommodation; and
- iv. Such further additional, amended or consequential changes to any relevant part of the District Plan as are considered necessary to address the issues and concerns raised in this Appeal.

10. The following documents are attached to this Notice:

- a. A copy of the relevant decision.
- b. A copy of the District Plan Rules as per the recommendations of the Respondent.
- c. A copy of the Appellant's original Submission.
- d. A list of all names and addresses of persons to be served with a copy of this Notice.



Vanessa Walker – Counsel for the Appellant

Date: 29/1/07

Advice to recipients of copy of notice of appeal*How to become party to proceedings*

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 30 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the Appellant's Submission or the Decision (and associated documents attached to the Decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington, or Christchurch.

Schedule B – Persons to be served with a copy of this notice

Queenstown Lakes District Council

C/- MacTodd

PO Box 653

Queenstown

Queenstown Lakes District Council

C/- Scott Figenshow

Policy Analyst

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Baker, M. A.	180 Beacon Road			Wanaka
John Barton	16 Westburn Terrace	Burnside		CHRISTCHURCH
R. O. Boyd	1 Baker Grove			WANAKA
Vance and Carol Boyd	Box 53			QUEENSTOWN
Gregory and Jane Brick	19 Cornell Road			WELLESLEY, MA 02482
Jay and Jewell Cassells	5 Brisbane Street			QUEENSTOWN
Mark Chapman	C/- Grovely	RD2		Christchurch 8021
Anne Cooper	38 Helwick Street			Wanaka
J Crawford Anderson	9 Peak View Ridge			Wanaka
Fiona Crutchley	8 Helwick Street			Wanaka
Marie de Groot	100 Kings Drive			Wanaka
Joy Durrant	Body Corp Secretary 'Sesia Vista'	PO Box 10- 982		WELLINGTON
Edwin Elliott	PO Box 1115			QUEENSTOWN
Stewart Fletcher	28 Missy Crescent	RD 3	Pisa Moorings	CROMWELL
Dale Fluit	4 Elderberry Cres			Wanaka
Marilyn Fraser	1 Hunter Cres			Wanaka
Lucy Fullerton	Loess Lane			HAWEA FLAT
Adrienne Gardner	4 Kidson Lane			Wanaka
Goodman Steven Tavendale and Reid	PO Box 442			Christchurch
H & J Smith Holdings Limited	C/- J. Smith	H & J Smith Limited	PO Box 1741	INVERCARGILL
Michael Harris	58 Hunter Road	RD 1		QUEENSTOWN
Tina Haslett	PO Box 204			ARROWTOWN
T E Hunt	23 Bills Way			WANAKA
IHG Queenstown Limited and Carter Queenstown Limited	C/- Philip Carter	PO Box 2726		CHRISTCHURCH
Carolyne Johnson	Stonebridge	188 Domain Road		QUEENSTOWN
Gerald Johnson	188 Domain Road			QUEENSTOWN
Helen Johnston	14a Little Oak Common			Wanaka
Janey Johnston	219 Lakeside Road			Wanaka
Rob Johnston	219 Lakeside Road			Wanaka
Shona Johnstone	99 Youghal Street			Wanaka

Ned Jolly	36 Upton Street			WANAKA
Mary Jowett	PO Box 999			QUEENSTOWN
Lynn Kane	22 Tenby Street			WANAKA
Richard Kane	22 Tenby Street			WANAKA
Martin Kennedy	50 Oregon Drive			QUEENSTOWN
Jack Kilpatrick	33 Faulks Terrace			Wanaka
Ngairie Kilpatrick	33 Faulks Terrace			Wanaka
Bill & Loris King	120 Brownston Street			WANAKA
Lake House Consultants	PO Box 515	193 Frankton Road		QUEENSTOWN
Allan Leahy	227 Riversdale-Waikaia Road			
Melinda Leahy	227 Riversdale-Waikaia Road	RD6		Gore
William Lee	18 Brinkburn Street			OAMARU
Sharron Lind	54 Bills Way			Wanaka
David Neil Little	5 Oakwood Place			Wanaka
Victoria Lund	PO Box 876			QUEENSTOWN
Gill and Rick Maclean	PO Box 295			WANAKA
Richard Mayes	PO Box 138			WANAKA
Sarah Mayes	P.O. Box 138	Wanaka	New Zealand	
Donald McKinlay	PO Box 281	82 Golf Course Rd		Wanaka
Carolyn McPhee	24 Tenby Street			Wanaka
Tom McPhee	24 Tenby Street			WANAKA
Diana Meahen	8 Sycamore Place			Wanaka
Grant Meldrum	56 Panorama Terrace			QUEENSTOWN
Susie Meya	10A Tenby Street			WANAKA
Michael Morel	PO Box 1047			QUEENSTOWN
Murray Cockburn Partnership Ltd	23 McKerrow Place			Queenstown
Andy Nielson	9 Kennedy Crescent			WANAKA
Deborah Odering	Hayes Road	Ladbrooks	RD 4	Christchurch
Rex Patton	Hayes Road	Ladbrooks	RD4	CHRISTCHURCH
Christine Pawson	PO Box 205			Wanaka 9343
Julie Perry	28B Fairlands Avenue	Waterview		AUCKLAND
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Dorothy Pittaway	9 Botting Place			Wanaka
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A J Preen	335 Church Street			TIMARU

R Gould Family Trust	C/- B Gould	Anderson Lloyd	PO Box 201	QUEENSTOWN
Jennifer Reid	3 Waimana Place			Wanaka
Lynley Barkman Rodger	22 Wiley Road			Wanaka
Gwenda Ross	36 Upton Street			WANAKA
Leith Rowley	8/62 Tenby Street			Wanaka
Elizabeth Russell	26 Norman Terrace			Wanaka
William Russell	26 Norman Terrace			Wanaka
Murray Sheppard	21 Hedditch Street			WANAKA
Roma Simpson	10B Tenby Street			Wanaka
Ronald Simpson	10B Tenby Street			WANAKA
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Terry and Susan Stevens	2128 Gibbston Highway	RD1		QUEENSTOWN
Simon Stewart	Box 333			Wanaka
Gordon Robert Stretch	18 Stonebrook Drive			Wanaka
E. Patricia Stuart	32 Warren Street			WANAKA
J K Stuart	32 Warren Street			WANAKA
Beverley Sutherland	Aspiring Lodge Motels	16 Dunganon Street		Wanaka
Ian Sutherland	16 Dunganon Street			Wanaka
Graham Taylor	114 Shortcut Road	RD2		Wanaka
Robert Taylor	PO Box 600			QUEENSTOWN, 9197
Richard Thomson	975 Frankton Road			QUEENSTOWN
Dennis Thorn	PO Box 25-896	St Heliers		AUCKLAND
Whitney Thurlow	10a Tenby Street			WANAKA
Nicky Tompkins	PO Box 969			QUEENSTOWN
Transit New Zealand	PO Box 5241			DUNEDIN
Alexander Turnbull	19 Bills Way			Wanaka
Bert & Jenny Turnbull	80 Youghal Street			WANAKA
Joyce Turnbull	19 Bills Way			WANAKA
Bryan Lloyd Umbers	36 Dunganon Street			Wanaka
Grant Umbers	45 Rata Street			Wanaka
Julie Umbers	45 Rata Street			Wanaka
Anne Urlwin	PO Box 259			WANAKA
Roger Uriwin	1 Blacksmiths Road			Wanaka
Fred Van Brandenburg	PO Box 2016			QUEENSTOWN
Brian Watt	80a Hunter Cres			Wanaka

Jocelyn Wilson	19 Blacksmiths Lane	Hyde Park	Wanaka
W J Wright	19 Berkshire Drive	Avonhead	CHRISTCHURCH
Jamie Mackay	80 Ruria Street		GORE
John Borrell	Phil Marshall	Po Box 158	QUEENSTOWN
Brecon Street Partnership Ltd	C/- Brown & Pemberton Planning Group	PO Box 1467	QUEENSTOWN
Perron Developments Limited	C/- Brown & Pemberton Planning Group	PO Box 1467	QUEENSTOWN
Peninsula Road Limited	C/- Jeff Brown	PO Box 1467	QUEENSTOWN
Clearsky Mountains NZ Limited	C/- Clark Fortune McDonald & Associates	PO Box 553	Queenstown
Alta Apartments	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Belfast Corporation Limited	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Cadex Finance Limited	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
J Leeder	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Stone Crest Apartments	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Clearsky Mountains NZ Limited and Medcentre Queenstown Limited	C/- Chris Ferguson	PO Box 553	QUEENSTOWN
Wensley Developments Limited	C/- Chris Ferguson	PO Box 553	QUEENSTOWN
Domicile Development Limited	C/- Scott Freeman	PO Box 1081	QUEENSTOWN
Chris and Tim Goodwin	C/- Scott Freeman	PO Box 1081	QUEENSTOWN
James Hadley	C/- Scott Freeman	PO Box 1081	QUEENSTOWN
Reefa Enterprises Limited	C/- Scott Freeman	PO Box 1081	QUEENSTOWN
Sebastian Smith	C/- Scott Freeman	PO Box 1081	QUEENSTOWN
Laurent Rabot	C/- Brett Giddens	PO Box 1081	QUEENSTOWN
Graeme Leonard	C/- Brett Giddens	PO Box 1081	QUEENSTOWN
Maximum Mojo Holdings Limited	C/- Brett Giddens	PO Box 1081	QUEENSTOWN
Queenstown Units Pty Ltd	C/- Brett Giddens	PO Box 1081	QUEENSTOWN
Queenstown Ventures Ltd	C/- Brett Giddens	PO Box 1081	QUEENSTOWN
Viking Properties	C/- Brett Giddens	PO Box 1081	QUEENSTOWN
595 Frankton Road Partnership	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201
Bowen Street Enterprises	C/- Vanessa Walker	Anderson	PO Box 201

Limited		Lloyd Lawyers			
CDL Hotels Limited	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN	
Fox on the Hill Ltd	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN	
Highside Limited, Future Recovery Limited, The Phillip Sleigh Family Trust	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN	
Infinity Investment Group Limited	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN	
John Thompson and Mc Farlane Investments Limited	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN	
Brian Krefit	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN	
Stuart and Pam Maclean	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN	
Mondrian Property Limited	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN	
Pasadena Villas Queenstown Ltd	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN	
Youth Hostel Association of New Zealand Incorporated	C/- Vanessa Walker	Anderson Lloyd Lawyers	PO Box 201	QUEENSTOWN	
Emma Jane Ltd	C/- Goodman Steven Tavendale and Reid	PO Box 442		Christchurch	New Zealand
Olwyn Pezaro	C/- A M B Green	PO Box 240		AUCKLAND 1	
5 Shotover Street	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN	
Bumbles Backpackers	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN	
Erin Property Ltd	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN	
Goldfields Investments Ltd	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN	
Heartland Developments Wanaka	C/- John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN	

John Edmonds and Associates Ltd	PO Box 95		QUEENSTOWN
Milburn Trust Ltd	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Mulwood Investments Ltd	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Pinpoint Trustees Ltd	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Pounamu Hotel Nominee Limited	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Queenstown Lodge	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Queenstown Villas Ltd	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Queenwood Investments	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Ray Harper - Lakeside	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
E Richeceour	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Shotover Property Investments Ltd	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Station Properties Ltd	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Wanaka 57 Ltd	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Watertight Investments Limited	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Wimbledon Investments Ltd	C/- John Edmonds and Associates Ltd	PO Box 95	QUEENSTOWN
Woodlot Properties Limited	C/- Carey Vivian	PO Box 1559	QUEENSTOWN
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Sharon Duncan	C/- Bryce Whiting	PO Box 1043	QUEENSTOWN
Heather King	C/- Bryce Whiting	PO Box 1043	QUEENSTOWN
G Kingston-Smith	C/- Bryce Whiting	PO Box 1043	QUEENSTOWN
Ruth and Trevor Luzmoor	C/- Bryce Whiting	PO Box 1043	QUEENSTOWN
Evan Patterson	C/- Bryce Whiting	PO Box 1043	QUEENSTOWN
Kay Shaw	C/- Bryce Whiting	PO Box 1043	QUEENSTOWN
Michael and Chris Stone	C/- Bryce Whiting	PO Box 1043	QUEENSTOWN
A G Swan	C/- Bryce Whiting	PO Box 1043	QUEENSTOWN
Leonie Sykes	C/- Bryce Whiting	PO Box 1043	QUEENSTOWN
Tim Sykes	C/- Bryce Whiting	PO Box 1043	QUEENSTOWN

P.F.B and Jan Williams
C/- Bryce Whiting
Shotover Park
C/- John Young

PO Box 1043
QUEENSTOWN
Brookfields
PO Box 240
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COPY

Submission on a Publicly Notified Plan Change

1. **To:** Queenstown Lakes District Council
2. **Name of Submitter:** **Brian Kreft**
3. **Address for Service:** Anderson Lloyd Caudwell
PO Box 201
Queenstown.
Tel: (03) 450-0700.
Fax: (03) 450-0799.
Email: warwick.goldsmith@alclegal.com
4. **This is a submission on the following proposed Plan Change.**
5. Plan Change 10 ("PC10") to the Queenstown Lakes District Partially Operative District Plan ("District Plan") – Improving Amenity in the High Density Residential Zone ("HDRZ").
6. **The specific provisions of the proposal that my submission relates to are:**
This submission relates to the entire Plan Change.
7. **My submission is:**
 - 7.1 **Summary**
 - 7.1.1 In summary this submission:
 - a. Opposes PC10 in its current form on the basis that it has been inadequately researched, that the new provisions inserted by PC10 are inconsistent with the District Plan as a whole and the purpose of the High Density Residential Zone in particular, and that the outcomes will have significant adverse consequences for the District and the nation and are

contrary to the purpose and principles of the Resource Management Act 1991 ("the Act").

- b. Proposes amendments to the District Plan to better implement the HDRZ to achieve beneficial social, economic and environmental outcomes for the District and the nation.

7.2 Inadequate Section 32 Analysis

- 7.2.1 The information used as the basis for PC10, as set out in the accompanying section 32 documentation, is cursory and anecdotal. It does not satisfactorily identify the exact nature of the perceived problem, whether it is a District-wide problem, or whether the problem is specific to certain locations in the District. At best the information provided about the perceived problem presents a reason for the Council to undertake further research to become more informed about the issues, but does not in itself provide justification for the changes proposed in PC10.
- 7.2.2 PC10 is misconceived and has not been properly assessed or justified under section 32 of the Resource Management Act 1991. In particular, the section 32 process for PC10 is inadequate in that it has not properly identified or evaluated alternatives, costs or benefits. The section 32 documentation:
 - a. does not adequately examine whether PC10 is the most appropriate way to achieve the purpose of the Act;
 - b. has not had sufficient regard to the efficiency and effectiveness of the new rules and whether they are the most appropriate method for achieving and implementing the relevant objectives and policies of the District Plan;
 - c. does not adequately provide a risk assessment in relation to the uncertainty or insufficiency of the information about the subject matter.
- 7.2.3 The section 32 analysis does not properly identify or quantify the factual situation as it existed prior to notification of PC10 nor the anticipated outcomes of PC10. In particular:

- a. There is inadequate analysis of the extent to which consented but unbuilt development will, when built, change the existing character of the HDRZ.
- b. There is inadequate analysis of outcomes in terms of residential density and consequential effects on availability of residential accommodation.
- c. There is inadequate analysis of the effects reduced residential density will have on the vitality of the adjoining urban centres.
- d. There is inadequate analysis of outcomes in terms of the District's ability to provide for visitor accommodation.
- e. There is inadequate analysis of the economic and social consequences of the changes implemented through PC10.
- f. There is inadequate analysis of and justification for the significant additional restrictions imposed upon landowners as a consequence of PC10.
- g. PC10 proposes to introduce a number of new rules, and to modify existing rules, with the aim of "*improving amenity in the High Density Residential Zone*". The level of amenity as it exists, and the level that is perceived as desirable, have not been adequately investigated or defined. It is therefore difficult to determine if or how the proposed new regime under PC10 will achieve the outcomes it seeks to achieve, whether this outcome is appropriate in the Queenstown, Frankton and Wanaka contexts, and whether it is appropriate in some high density areas but not in others.

7.2.4 The Council has not undertaken sufficient consultation with stakeholders and landowners who have land and/or interests in the HDRZ.

7.2.5 PC10's narrow focus on residential amenity issues has resulted in other significant factors, such as the desirability of urban consolidation, the need for high density residential living environments, and the need to provide for future visitor growth, being overlooked or given insufficient weight.

7.3 Inadequate Analysis of Location and Topography

7.3.1 PC10 introduces the concept of subzones. While that concept has merit, the section 32 analysis is inadequate because:

- a. It does not provide adequate justification for the subzones which have been chosen.
- b. It does not provide adequate analysis of the different outcomes which will result from the subzones which have been chosen.
- c. Overall there is inadequate analysis of the topographical and locational characteristics which could provide the basis for a range of subzones anticipating different outcomes.

7.3.2 PC10 applies to HDRZ areas in Queenstown, Frankton and Wanaka without differentiating between Queenstown, Frankton and Wanaka. Different locational, topographical and community issues arise in Queenstown compared to Frankton compared to Wanaka. PC10 has failed to address those differences.

7.4 Failure to Consider District Wide Provisions

7.4.1 The District Plan is structured with Part 4 containing district wide issues, objectives and policies followed by subsequent Parts addressing different zones, including Part 7 which addresses residential zones. PC10 makes significant changes to Part 7 only without addressing essential linkages with Part 4 and without addressing the extent to which the proposed changes are or are not consistent with the district wide issues, objectives and policies in Part 4.

7.4.2 It is necessary that any plan change which makes such significant changes to the HDRZ also address the issue of consistency with Part 4 and make appropriate changes to Part 4 to ensure that the District Plan is internally consistent.

7.5 Constrain Ability to Provide for Growth in Visitor Accommodation

- 7.5.1 The international visitor industry comprises one of the primary bases of New Zealand's economic growth and creates significant economic benefits throughout New Zealand. Those economic benefits in turn create social benefits in terms of New Zealand's ability to provide for its needs in areas such as the provision of health services. The Queenstown District is recognised as one of New Zealand's premier international visitor destinations. As such the ability of the District to provide visitor accommodation is a matter of national importance.
- 7.5.2 The District Plan contains a number of provisions which emphasise the importance of enabling economic growth within the District and the significance of the visitor accommodation industry in providing economic growth within the District.
- 7.5.3 The HDRZ contains the majority of land zoned for provision of visitor accommodation and is therefore critical to the ability for the District to provide for future visitor accommodation and to enable the economic and social benefits which flow from economic activity generated by visitor accommodation.
- 7.5.4 The Queenstown District community is currently investing significantly in the provision of infrastructure to cater for anticipated growth in visitor numbers, such as approximately \$25 million being invested in upgrading Queenstown airport. The Queenstown District community, including both the private and public sectors, also invests significant sums annually in attracting visitors to Queenstown.
- 7.5.5 While PC10 does not change the controlled activity status of visitor accommodation within the zone, it imposes rules which effectively significantly inhibit the ability to provide visitor accommodation in a cost efficient manner. Accordingly PC10 in its current form is:
- a. Contrary to Part II of the Act.

- b. Contrary to the provisions in the District Plan which anticipate that the District will continue to provide for visitor accommodation and for economic growth.

7.6 Inconsistent with Urban Growth Strategy

7.6.1 The District Plan contains a number of provisions in Part 4 relating to urban growth strategy which then flow through into Part 7 (Residential Zones) and Part 10 (Town Centres) and other parts of the District Plan. The essence of that urban growth strategy is of consolidating growth in existing zones, encouraging compact urban form and higher density living environments, and creating new zones specifically to provide for urban growth, in order to protect the outstanding landscape and natural values of the District. The provisions introduced by PC10 adversely impact on that objective to consolidate within existing zones and are inconsistent with the urban growth strategy detailed in Part 4 of the District Plan.

7.6.2 Research carried out by the Council indicates that existing residential capacity in the District is likely to be taken up by 2021. The changes introduced by PC10 will reduce the density of development enabled in the HDRZ which is likely to advance the date by which the District's residential capacity is used up. This is contrary to the urban growth strategy contained within the District Plan which seeks to consolidate and intensify urban growth in order to make efficient use of the land resource available to cater for residential living.

7.7 Contrary to Purpose of HDRZ

7.7.1 The purpose of the HDRZ as stated in Section 7.5.1.2 of the District Plan can be summarised as to make provision for higher density residential activity and visitor accommodation. PC10 makes no change to that purpose. However the provisions implemented through PC10 will adversely affect the ability to achieve that purpose and accordingly are contrary to the purpose of the HDRZ as stated in the District Plan.

7.7.2 PC10 provides an opportunity to strengthen policy support for the HDRZ in order to strengthen and clarify the purpose of the HDRZ and to strengthen the links between the objectives and policies and rules relevant to the HDRZ, all of which will assist to maintain and enhance the vitality of the urban centres.

7.8 Compounds Existing Inconsistencies Within the District Plan

7.8.1 Prior to notification of PC10 there was a degree of inconsistency within the District Plan between various objectives and policies contained in Part 4 and Part 7 relating to residential zones. In particular there was a lack of clarity and distinction between the purpose and intended outcomes of the HDRZ compared to the purpose and intended outcomes of the Low Density Residential Zone ("LDRZ"). PC10 compounds that existing degree of inconsistency by:

- a. Introducing rules which effectively turn the HDRZ into a de facto (and misnamed) LDRZ.
- b. To some extent, particularly in relation to proposed Subzone C, introducing rules into the HDRZ which limit development to a lower density than allowed in the LDRZ.

7.8.2 By significantly reducing the ability to develop within the HDRZ, and by further blurring the distinction between the HDRZ and the LDRZ, PC10 creates a danger of growth pressures spilling into and adversely affecting the LDRZ.

7.8.3 The notification of PC10 creates an opportunity to address issues which existed prior to notification of PC10 to ensure that the District Plan consistently identifies and distinguishes the objectives for and outcomes anticipated from the HDRZ compared to the LDRZ.

7.9 Opportunity to Refine the HDRZ

7.9.1 Prior to notification of PC10, the HDRZ was a broad and undifferentiated zone. The same objectives, policies and rules applied to a variety of different areas with a variety of differing topography in a variety of different locations. The HDRZ failed to properly consider the factors of locality and topography in particular, and failed to achieve a variety of desirable outcomes capable of flowing from the locational and topographical characteristics of different areas.

7.9.2 PC10 attempts to address this issue by creating subzones. That concept is supported. However the rationale behind the subzones created by PC10 is

difficult to determine, in relation to both choice of location and intended outcome. While it is a marginal improvement on the pre-notification situation, a more refined approach is both logical and possible.

- 7.9.3 PC10 provides an opportunity to further refine the HDRZ to create a range of subzones whose objectives and anticipated outcomes properly relate to, and derive from, locational and topographical characteristics.
- 7.9.4 PC10 provides the opportunity to review the location and boundaries of the HDRZ, to consider whether those boundaries should be extended or reduced in order to better reflect the development potential and/or desired character of specific areas, and to correct any anomalies which may have occurred at the time of the original zoning decisions.
- 7.9.5 PC10 provides an opportunity to differentiate Queenstown HDRZ areas from Wanaka HDRZ areas.
- 7.9.6 PC10 provides an opportunity through subzoning to achieve a greater variety of residential densities and outcomes than is currently achieved through the HDRZ.
- 7.9.7 PC10 provides an opportunity to review the activities enabled within the HDRZ and to consider whether the location of some HDRZ areas, particularly immediately adjacent to the urban centres, should be rezoned, or should have specific rules inserted which would enable a greater range of activities within the HDRZ within those specific areas.
- 7.9.8 The provisions of the HDRZ currently do not encourage comprehensive development of large sites because it is possible to have a development which fully complies with the relevant rules in Part 7 at land use consent stage but does not comply with the same rules when a subdivision consent is subsequently issued to create separate titles for buildings which have already been consented or built. This is illogical because effects arising from land use are addressed at land use consent stage. No effects arise when a subdivision consent merely creates titles for buildings already consented or built. PC10 provides the opportunity to remedy this anomaly in order to better facilitate comprehensive development of large sites.

7.10 Inconsistent with Transport Objectives

7.10.1 Queenstown faces particular challenges in the area of transport resulting from growth pressures. State Highway 6A between the urban centres of Frankton and Queenstown has capacity limitations. The community is considering public transport and mass transit options which are feasible, by land and/or by water.

7.10.2 There is a relationship between high density development and public transport/mass transit options in terms of the number of users required make such options economically viable. The efficient development of the HDRZ will assist in achieving public transport/mass transit services which the community has already indicated it wishes to achieve.

7.10.3 The provisions of PC10 significantly restrict the ability to develop the HDRZ. That outcome is counterproductive to achieving public transport/mass transit services.

7.10.4 PC10 is inconsistent with Part 7 policies which promote the use of compact urban form in order to reduce the need for vehicles and with Part 14 objectives and policies which promote urban consolidation in order to achieve transport and energy efficiency.

7.10.5 PC10 provides an opportunity to strengthen District Plan objectives and policies which promote urban consolidation in order to achieve transport and energy efficiency.

7.11 Promote Inefficient Use of Land

7.11.1 The District has a limited supply of land suitable for urban growth, particularly in the Wakatipu Basin in the vicinity of Queenstown and Frankton. Increasing growth pressures on that limited land resource has and will result in increased land prices which adversely affect the ability of residents to provide for their social and economic wellbeing in terms of access to residential accommodation. The provisions of PC10 will result in more inefficient use of that existing limited land resource. This is contrary to the purpose and principles of the Act which seek to:

- a. Achieve the efficient use and development of natural and physical resources.
- b. Enable people and their communities to provide for their economic and social wellbeing.

7.11.2 The community's vision for the District summarised in Part 3.6 of the District Plan commences with the following statement:

"A sustainable District is efficient in the way it uses resources. It is likely to have compact urban centres and strong town centres or retail centres..."

The provisions of PC10 will result in less efficient use of a limited land resource and will adversely affect the ability to achieve and maintain compact urban centres and strong town centres. Accordingly the provisions of PC10 are contrary to the Vision of the community as detailed in the District Plan.

7.12 Unreasonable Restrictions

7.12.1 The Act encourages the efficient use and development of land subject to appropriate environmental constraints. PC10 imposes significant restrictions on the ability to develop land within the HDRZ without appropriate justification for those restrictions in terms of achieving desirable environmental outcomes. The extent to which the provisions of PC10 restrict the landowners' ability to use and develop land is not justified under the Act.

7.12.2 The proposed restrictions on garages within road setbacks does not take appropriate account of the efficient use and development of land, the topography in many areas of the HDRZ, the necessity or desirability of placing garages within road setbacks, and the relative lack of adverse environmental effect resulting from location of garages within road setbacks.

7.12.3 The proposed restrictions on fence heights within road setbacks does not accord appropriate weight to the interests of private landowners in relation to matters such as privacy compared to the interests of the general public.

7.12.4 The inclusion of an assessment matter requiring reference to a wide range of urban design guidelines is a scattergun and unfocussed approach which has little, if any, relevance or relationship to the particular urban design characteristics and factors relevant to the limited areas of HDRZ zoned land in the District.

7.13 Insufficient Consideration of Bulk and Location Provisions

7.13.1 PC10 introduces significant additional bulk and location constraints on development of buildings. While introducing constraints in some areas, PC10 did not also address the potential to offset those constraints by enabling provisions in other areas. eg: constraints in respect of site coverage or building footprint size can be offset by an increase in height limit so that a constraint in ability to develop in one direction is offset by an increase in ability to develop in another direction.

7.13.2 The HDRZ currently provides for an 8 metre height limit on land with slope less than 1 and 6 and a 7 metre height limit on land with slope greater than 1 and 6. While that is a differentiation, it is a blunt differentiation which does not adequately reflect the significant range of topographical characteristics of the land contained within the HDRZ. PC10 creates the opportunity to consider height issues in more detail, and, where appropriate, to increase height limits in specific areas to enable increased development where such height increases can be accommodated without significant adverse environmental effects.

7.13.3 PC10 requires greater provision of landscaped areas. This requirement reduces the ability to develop at ground level and above. The associated PC8 (Carparking) increases onsite carparking requirements. These two changes, separately and in combination, will encourage excavation to provide for buildings and carparking. However the HDRZ contains restrictive rules relating to earthworks, because they are restricted discretionary activities rather than controlled activities, which leads to public notification issues which inappropriately hinder development. PC10 creates the opportunity to change the status of earthworks activities from restricted discretionary to controlled. This would facilitate and enable development without resulting in adverse effects on the environment.

7.13.4 An issue also related to excavation and earthworks is the existing internal setback rules in the HDRZ which result in the illogical situation that parts of a building which are entirely underground, but which result in non compliance with setback distances or building coverage requirements, require consent in relation to breach of setback and building coverage rules despite the fact that there are no aboveground effects resulting from the breaches of those rules. PC10 creates the opportunity to amend the relevant rules to remove that anomaly.

8.0 I seek the following decision from the local Authority:

General Relief Requested

8.1 The Submitter seeks that PC10 be withdrawn or cancelled.

8.2 In the alternative, the Submitter seeks the following:

- a. That Part 4 of the District Plan be amended as detailed in Appendix A, or in such other manner as the consent authority considers appropriate to take account of and respond to issues arising for determination as a consequence of this Submission.
- b. That Part 7 of the District Plan be amended as detailed in Appendix B, or in such other manner as the consent authority considers appropriate to take account of and respond to issues arising for determination as a consequence of this Submission.
- c. That the subzones within the HDRZ be further refined to create a greater number and/or variety of subzones containing provisions which better reflect the locational and topographical aspects of the different areas within the HDRZ.
- d. That the rules introduced by PC10 be amended or deleted as detailed in Appendix C.
- e. That the rules relating to earthworks applicable in the HDRZ be amended as detailed in Appendix D.

- f. That the following exception be inserted into Rules

"This rule shall not apply when:

- a. land use consent for a development containing a number of separate buildings has been granted for a site; and*
- b. subdivision consent is subsequently applied for to create separate titles containing a separate building or buildings being part of that consented development; and*
- c. the development complied with this rule when the land use consent was considered and granted; and*
- d. the granting of subdivision consent would trigger non compliance with this rule."*

- g. That the rules in the HDRZ which deal with road setbacks, internal setbacks and building coverage be amended to the effect that the setback and building coverage provisions only apply to buildings at ground level and above ground level.

- h. That the further amendments be made as detailed in the following Section 9 of this Submission entitled "Specific Relief".

- i. That the consent authority make such further additional, amended or consequential changes to any relevant Part of the District Plan as are considered necessary to address the issues and concerns raised in this Submission.

- 8.3 The Submitter requests that PC10 be considered in conjunction with Plan Change 6 and Plan Change 8 because of the interrelationship between the issues raised by these three plan changes.

Specific Relief

- 9.1 The Submitter owns property located at 51 and 53 Stratford Terrace, Wanaka (the "site"). The site is legally described as Section 1 Blk XLII and Part Section 2 Blk XLII Town of Wanaka.
- 9.2 This property is currently subject to a split zoning between the HDRZ and the LDRZ. The site has expansive views over the Wanaka township and the southern boundary of the property backs on to the Wanaka Golf Course.
- 9.3 The Submitter requests that the District Plan be amended as follows:
- a. The extension of the High Density Residential Zone boundary to include the area of land bordered by Chalmers Street and Stratford Terrace (currently zoned Low Density Residential); OR
 - b. The extension of the High Density Residential Zone boundary to include all of the site to resolve the split zoning that currently exists in relation to the site.
- 9.4 The Submitter requests such alternative or additional and / or consequential changes to be made to any relevant part of the District Plan as is considered appropriate by the Council to address the issues and concerns raised in this Submission in relation to the site.
10. I do wish to be heard in support of my submission.
11. I will consider presenting a joint case with others at a Hearing.

DATED this 9th day of December 2005



Signed on behalf of the Submitter
by its solicitors Anderson Lloyd Caudwell
per W P Goldsmith

APPENDIX A**DISTRICT WIDE ISSUES****4.9 Urban Growth****4.9.1 Introduction**

The international visitor industry nationally is a major component to continued economic growth within New Zealand and the ability for New Zealand to derive income to provide for the future needs of New Zealand residents. The District is a popular and growing destination for visitors. It has a critical role to play in accommodating and providing for growth in international visitors to New Zealand and the quality of the experience that international visitors have when they visit New Zealand.

The manner and rate in which urban growth occurs has a major bearing on resource use, social and economic well being and environmental quality. The District has faced major changes in the past as a result of cyclical urban growth pressures.

The District is a desirable place to live and work in, as witnessed by continued population growth. The people and communities who make up the District are facing new and different challenges. The fundamental consideration is to ensure continued growth is managed in a way which sustains the District's resources, character and amenities.

4.9.2 Issues

The Council can play an important role in the sustainable management of growth as it relates to other important District wide issues, including protection and enhancement of the landscape and avoiding the adverse effects of development on the natural and physical resources of the District while at the same time providing for and accommodating the growth in the number of visitors to the District which is important economically and socially to both the District and New Zealand as a whole. It is not possible to be precise about the level of growth to be planned for, but increased growth is anticipated in:

- tourism and visitor numbers
- hotels and visitor accommodation
- housing demand
- increased range and scale of retail activity
- increased demand for educational and recreational facilities such as schools.

The District Plan anticipates that most of the growth will occur within the existing and proposed residential zoned areas. Urban growth will result in changes to the natural and built environment and has the potential to affect the character of the District in terms of its impact on landscape amenity, provision of infrastructure, and the social and economic well being of the community.

The principal issues identified are:

- the management of urban growth in order to protect water resources and ground water recharge, safeguard the life supporting capacity of soils, wetlands and air, avoid natural hazards including sheer slopes and flood plains and protect and enhance landscape values and visual amenity.
- the provision for and accommodation of growth in visitor numbers to the District efficiently and in a manner which respects and takes advantage of appropriate topographical and locational factors advantageous to visitor accommodation development.

- the encouragement of economic growth for the benefit of residents of the District and to New Zealand nationally.
- the provision of efficient transport services, including public transport and mass transit services where appropriate, for the benefit of residents in the District and visitors to the District.
- the lifestyle preferences of the District's present and future population.
- the effects of urban growth on the identity, cohesion, and economic and social well being of the existing residential, farming and settlement communities.
- how best to accommodate urban growth.
- the effect on energy use.
- the effect on access to facilities and services, i.e. health, education and
- shops.
- the effect on the major infrastructure resources such as the airports, sewerage, treatment works, landfills, recreation facilities.
- the needs of the takata whenua. (Refer to Section 4.3)

4.9.3 Objectives and Policies

Objective 1 - Natural Environment and Landscape Values

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

Policies

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

1.2 To ensure growth does not adversely affect the life supporting capacity of soils unless the need for this protection is clearly outweighed by the protection of other natural or physical resources or important amenity values.

Implementation Methods

Objective 1 and associated policies will be implemented through a number of methods:

i District Plan

(a) Comprehensive policy and rules to ensure protection and enhancement of the District's important natural resources and amenities.

(b) Identification of a pattern of land uses through zoning and policy supporting a strategy of urban consolidation.

(c) Subdivision and development policies which safeguard the life supporting capacity of the District's soils and outstanding landscape areas.

(d) Residential and urban zones which protect the existing urban areas.

(e) (d) To provide strong policy direction to ensure opportunities exist for new urban growth.

Explanation and Principal Reasons for Adoption

The Council recognises the need for opportunities to be provided for urban growth, in a location and form which preserves the significant natural resource and amenity values of the District.

The various communities in the District have indicated they wish the Council to protect the environment. This is seen to include rivers and lakes, the sustainable management of land, and scenic and visual amenities.

The pattern of urban growth is important to sustainable management of the District's natural resources in terms of protecting or enhancing matters such as water and air quality, the life supporting capacity of soils and ecological values.

Objective 2 - Existing Urban Areas and Communities

Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well being.

Policies:

2.1 To provide for and enable redevelopment of existing visitor accommodation and development of new visitor accommodation.

2.2 To protect and enhance the vitality of the urban centres by providing for high density residential development adjacent to the urban centres and adjacent to transport routes connecting to the urban centres.

2.1-2.3 To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing low density residential areas and small townships.

2.2-2.4 To protect the living environments of existing low-density residential areas by limiting higher density development opportunities within these areas.

Implementation Methods

Objective 2 and associated policies will be implemented through a number of methods including:

i District Plan

(a) Identification of a rural-urban interface for larger towns and small settlements in order to enhance the character of urban areas.

(b) Identification of areas suitable for visitor accommodation development and high density residential development.

(c) Identification of lower density residential areas where existing character will generally be maintained and enhanced.

(b) Residential zones which protect the character of urban areas.

(ed) Zoning provision to provide for new urban growth.

Explanation and Principal Reasons for Adoption

The character of urban areas is dependent on the relationship of those areas to the landscape and compact nature of settlement within the landscape. Proposals for new urban growth and development should seek to enhance that relationship. Much of the mountain, hill and lakeshore areas have outstanding landscape value and are the key to the District's identity and its social and economic well being.

The policies focus on the social well being of the communities and in particular residential or "community cohesion". Within a management regime which focuses more on the physical effects of activities it is easy to overlook the importance of community well being and social effects. There are many factors which contribute to community well being including, commonality of aspirations, outlook, purpose and interests. Each of these interacts with the others to give rise to a sense of community at both a general level, or at a residential neighbourhood level.

The community accepts that the District has a nationally important role to play in providing for visitor accommodation and growth in the visitor accommodation industry. The community recognises that that will result in a significant degree of change to some existing residential areas. It is important to ensure that those areas are appropriately identified and located in order to maximise the economic benefits which derive from growth in the visitor accommodation industry while minimising adverse effects on the urban centres as a whole.

The community considers it important to retain the vitality of the urban centres. An important part of that vitality comes from residents living near the urban centres and interacting with visitors to the urban centres. This requires high density areas appropriately located with respect to the urban centres and to transport routes which connect to the urban centres.

Provision for visitor accommodation and high density residential areas can result in effects such as traffic congestion. This requires consideration of, and may require provision for, public transport and/or mass transit services to enable more efficient use of the transport network and minimise adverse effects of growth and transport requirements.

One of the major issues to have impacted on the character and form of future urban growth is the protection of the current low-density residential living environs. Although it would be feasible to accommodate a significant part of future urban growth within the current low density residential zones, this could impact on the residents living there.

The low density residential areas of the District in both large and small towns have developed a sense of well being through the cohesion of residential activity and the character of the living environments, particularly as they relate to the topography, residential density and outlook. The Council has determined that influencing the form and location of urban growth is a part of managing the effects of growth.

Provision for high density areas which are clearly differentiated from low density areas can reduce pressure for development within low density areas.

Objective 3 - Residential Growth

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

Policies

3.1 To enable urban consolidation to occur where appropriate.

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

3.3 To provide for high density residential development in appropriate areas and to enable efficient use and development of the land in those areas.

3.4 To provide for lower density residential development in appropriate areas and to ensure that controls generally maintain and enhance existing residential character in those areas.

Implementation Methods

Objective 3 and associated policies will be implemented through a number of methods:

(i) Through the District Plan:

(a) The identification of a pattern of land uses supporting a strategy of urban consolidation and a compact urban form for the existing settlements with greater opportunities for a variety of living environments (e.g. residential densities) in existing and new settlement areas.

(b) Ensuring opportunities for urban growth consistent with identified environmental and economic outcomes for the District and individual communities.

(c) Providing for a variety of residential densities in different areas.

(ed) Management of the location of new urban growth and residential development.

Explanation and Principal Reasons for Adoption

It is important to the social and economic well being of the District that new growth is undertaken in a manner which sustains and enhances the natural resources, water, soil, air, amenity values, landscape, and aspirations of the community. The Council recognises the need for additional residential activity and has chosen to accommodate urban growth through policies of consolidation, because this is considered to be more cost effective and efficient in terms of infrastructure.

Consolidation can occur by peripheral expansion of the existing residential areas, increased density within the existing residential areas, or opportunities for new settlement. Consolidation is considered by the Council to be the most sustainable urban growth option as it enables the protection of landscape values, soil and water resources, low density living environments, the cohesion and character of existing towns and urban areas, the efficient use of energy and infrastructure and regard for major infrastructure such as airports and state highways.

Objective 4 - Business Activity and Growth

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

Policies:

4.1 To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.

4.2 To promote and enhance a network of compact commercial centres which are easily accessible to, and meet the regular needs of, the surrounding residential environments.

4.3 To promote provision of public transport and/or mass transit services where appropriate to enable efficient use of transport infrastructure and to minimise adverse effects arising from growth in transport activities.

Implementation Methods

Objective 4 and associated policies will be implemented through a number of methods:

(i) District Plan

- (a) Identification of a land use pattern, existing and future, supporting a pattern of urban consolidation.
- (b) The location of town centres convenient to living environments.
- (c) Encouraging and providing opportunities for activities that are able to co-exist.
- (d) Zoning for existing and new consolidated urban areas.
- (e) Zoning for visitor accommodation and high density residential activities adjacent to urban centres and adjacent to transport routes.

(ii) Other Methods

- (a) Provision of works and services in the existing town centre areas, e.g. roading improvements.
- (b) Protection and enhancement of existing urban heritage features and areas to retain the amenity and attractiveness of the existing town centre.
- (c) Promotion of public transport and/or mass transit services.

Explanation and Principal Reasons for Adoption

One of the important factors in managing urban growth is the interrelationship between the work place, living environments and leisure activities. While the Council does not expect all people to use the facilities nearest to their residence, there are valid resource management reasons why the opportunities should be available. These include ease of access between home and facilities (shopping) for those who have limited access to transport, providing for a range of transport options.

The District contains a range of compact commercial centres, which are the focus for much economic activity, and their well being is an essential part of the consolidation strategy. These centres must remain accessible and vibrant.

In addition to the above, the Council recognises the longer term retail needs of the community as well as the need to protect and enhance the amenity values of the Queenstown and Wanaka Town Centres.

Objective 5 - Visitor Accommodation Activities

To enable visitor accommodation activities to occur while ensuring any adverse effects are avoided, remedied or mitigated.

Policy:

5.1 To provide areas for visitor accommodation to accommodate future growth in the visitor accommodation industry in order to generate the local and national economic and social benefits which derive from the visitor accommodation industry.

5.24 To manage visitor accommodation to ~~avoid any~~ minimise adverse effects on the environment and local communities while enabling the economic and social benefits which flow from the visitor accommodation industry.

Implementation Methods

Objective 5 and the associated policy will be implemented through a number of methods:

(i) District Plan

- (a) Provision for visitor accommodation sub-zones and zones.
- (b) Provisions controlling visitor accommodation activity.

Explanation and Principal Reasons for Adoption

The value of the visitor industry to the District and the nationally important role the District plays in helping generate economic growth for New Zealand is recognised and is a major factor in generating urban growth in terms of the demand it places on infrastructure, the need for housing and the extent of retail expenditure. The Act requires the Council needs to balance the potentially competing needs of providing for visitor accommodation and economic growth while ensuring to ensure that the adverse effects of any such increases in visitor accommodation are avoided, remedied or mitigated.

Objective 6 – Frankton

Integrated and attractive development of the Frankton Flats locality providing for airport operations, in association with residential, recreation, retail, visitor accommodation and industrial activity while retaining and enhancing the natural landscape approach to Frankton along State Highway No. 6.

Policies:

6.1 To provide for the efficient operation of the Queenstown airport and related activities in the Airport Mixed Use Zone.

6.2 To provide for expansion of the Industrial Zone at Frankton, away from State Highway No. 6 so protecting and enhancing the open space and rural landscape approach to Frankton and Queenstown

6.3 To provide areas zoned for an appropriate range of activities in appropriate locations.

6.4 To provide areas for residential, retail and visitor accommodation activities which together operate as a secondary urban centre which complements, but does not undermine, the Queenstown Town Centre as the primary focus of residential and visitor accommodation activities in the Wakatipu Basin.

6.5 To provide appropriate termini and foci for public transport and/or mass transit services to connect Frankton as a secondary urban centre with Queenstown as the primary urban centre.

Implementation Methods

Objective 6 and associated policies will be implemented through a number of methods:

(i) District Plan

(a) Provision for the airport designation and related activities.

(b) Specific high density, low density and mixed use zoning in appropriate locations.

(b) Retention of open space and rural zoning along the greater part of the State Highway 6 approach to Frankton and Queenstown.

(ii) Other Methods

(a) Enabling and encouraging public transport and/or mass transit services connecting Frankton with Queenstown by road and/or by lake.

Explanation and Principal Reasons for Adoption

The Frankton Flats is an important area in terms of providing for the growth necessary to ensure the social and economic well being of present and future generations.

Extensive research into alternative options for the airport operation has been completed and these demonstrate unequivocally that the airport should remain on its current site.

Frankton is a preferred location for new school facilities. Reviews by the Ministry of Education conclude that a new primary school is needed in the area. A secondary school is also anticipated for the area.

Expansion of industrial activity at Frankton is possible in a manner which does not detract from the amenities of other uses or the surrounding natural and physical resources.

The community has recognised that the Queenstown Town Centre, while it will always remain the primary focus for residential and visitor accommodation activities, cannot provide the full range of services and cannot accommodate all of the pressure for commercial, residential and visitor accommodation growth. The location, topographical characteristics, and proximity to the airport of Frankton are such that Frankton can play a valuable role as a secondary centre of retail, residential and visitor accommodation activities in a manner which will not undermine the vitality of Queenstown Town Centre.

It is recognised that Frankton is located at a central point in terms of the arterial road network and as such development can take place in a manner which can be efficiently accessed.

The growth pressures which are and will in future occur, and the limited capacity of State Highway 6A between Frankton and Queenstown, are such that it is desirable to provide for and encourage public transport and/or mass transit services between Frankton and Queenstown by road and/or by lake.

4.9.4 Environmental Results Anticipated

Implementation of the policies and methods for management relating to urban growth will result in:

(i) Urban growth and residential growth provided in a form which recognises the social and economic well being of the residential community.

(ii) Visitor accommodation growth creating local and national economic and social benefits in a manner which, while recognising that that will necessitate change, avoids, remedies or mitigates adverse effects on the environment and the community.

(iii) Avoidance of development in locations that will adversely affect the landscape values of the District and encouragement of development in locations where it can appropriately be accommodated.

(iiiv) A primary emphasis on urban consolidation.

(iv) Avoidance of costly extensions to, or the duplication of public services or infrastructure.

(vi) Encouragement for public transport and/or mass transit services to minimise adverse effects which can arise from growth.

(vii) Improved and sustainable use of and provision for urban facilities including shops, recreation and community facilities.

(viii) Safeguarding the life-supporting capacity of the soils.

(ix) Provision for high density residential development in order to sustain the vitality of the urban centres.

(xvii) Protection of the amenity of the low density residential areas.

(xiviii) Commercial and community development which reflects and takes advantage of the outstanding natural setting.

APPENDIX B

RESIDENTIAL AREAS

7. Residential Areas

7.1 Issues, Objectives and Policies

7.1.1 Introduction *8

The District's housing stock represents one of its most important physical resources. People's well being is among other things a reflection of their quality of housing and the environment in which that is set.

Enabling people to provide for their residential needs within the District is one of the Council's functions authorised under the Act. The purpose of the Act is the sustainable management of natural and physical resources, which includes enabling people and communities to provide for their social, economic and cultural well being and for their health and safety. This can only be achieved within a framework which adequately addresses the needs of present and future generations, the life-supporting capacity of air, water, soil and ecosystems, and the adverse environmental effects of activities including the effects on the visual amenity of outstanding landscapes of the District.

Meeting the residential needs of the District's urban population cannot be accommodated within the existing towns, settlements or "rural lifestyle" areas without significantly affecting current residential amenity values ie density levels, protection of views, privacy, or detracting from the significant landscape values and natural features of the District. The Council recognises there is a demand for low-density residential living within rural areas by people wishing to enjoy the quietness and natural environment. However, in deciding how best to meet the residential needs of the District, the Council must have regard to several other matters of relevance under Section 7 of the Act, most importantly:

- the efficient use and development of natural and physical resources;
- the maintenance and enhancement of amenity values. and natural features;
- the maintenance and enhancement of the quality of the environment.

7.1.2 Issues *8

i Growth and Availability of Land

· The provision for and location of new residential activity

In considering the provision for and location of land for residential use, the Council must balance the need for and location of residential activity against the need to promote the sustainable management of the District's resources and amenities. These include services, energy efficiency, the life supporting capacity of soils, natural hazards, landscape, rural amenity, and social well being.

· *Natural Hazards*

Parts of the towns and settlements are subject to flooding and other hazards. In other areas, residential expansion in areas at risk from flooding will, in the long-term, increase the amount and value of property vulnerable to flooding damage. The location of new development should minimise that risk.

Refer also Part 4.8

· *Productive Land*

The future welfare of the District is not fully reliant on primary production of these soils but subdivision and development will result in the loss of their productive capacity. Any expansion over versatile soils needs to be balanced against the sustainable management of other natural and physical resources such as energy, infrastructure, services and the effects on important amenities.

Refer also Part 5

· *Servicing*

Servicing infrastructure is a major physical resource and its efficient utilisation is of concern to the District. The costs of providing infrastructure to the community and future land areas is an important factor where the success of resource management can be measured in terms of efficiency. Efficient use of existing infrastructure must also be measured against other fundamental District objectives such as residential forms and protection of the visual amenities.

ii Landscape

· *The relationship of urban areas to the natural landscape*

The District is dominated by a landscape of outstanding quality which provides a sense of place and belonging for all communities as well as the source of economic activity and recreation. The attraction and quality of the residential environments and any extensions to those environments must be closely related to the need to protect and enhance the visual amenity of the District.

Refer also Part 4.2

iii Character and Scale

~~The essential elements that give towns, suburbs and settlements their character, image and attractiveness are being lost due to large scale development that is unsympathetic to residential character.*8~~

- The character and scale of development within residential areas should reflect the variety of outcomes anticipated within different residential areas.

The existing identity of any particular town or settlement is reflected in its character and scale. These are matters which influence where people choose to live. Components of character and scale include open space, density of development, building height, dominant styles in built form and topographic influences. There is undoubtedly a difference in character and scale between suburban residential and low density rural living environments. There can also be contrast in the character and scale within or between settlements. Change in the character and scale of residential areas can result from closer subdivision and construction of

additional houses at higher densities, redevelopment and replacement of existing houses, and loss of existing open space, garden and tree plantings, loss of views and diminution in the sense of community cohesion and well being.

Some changes may be necessary to provide for the needs of people wanting smaller properties, newer and smaller houses, or houses residential accommodation closer to town urban centres, and visitor accommodation. Such changes needs to be managed to provide appropriate higher density areas for high density residential development and visitor accommodation and to avoid or mitigate adverse effects on affecting the character and scale of low density residential areas most valued by residents. The main low density residential areas have developed a low density character with general protection for views, sunlight admission and privacy. This Low density residential character is even more profound in smaller settlement areas where development densities have remained low. Pressure for growth will inevitably bring pressure for infill development within these areas. Other areas have and will develop a higher density character where the need to enable higher density residential development and visitor accommodation is a priority.

iv Residential Amenity

Amenity values of living environments are being degraded leading to a loss in people's social well-being.*8

Protection and enhancement of people's social wellbeing resulting from the amenity value of their living environments.

People's perception of well being is enhanced by a coherent and pleasant living environment. The main components of this amenity are the location and scale of open space, density of residential development generally and within sites, heights of buildings and dominant building styles. Most of these components lead to a general appreciation of an area, while others relate to the development of individual sites. The way individual sites are developed and their relationship to adjoining sites are important factors in ensuring residential properties have adequate sunlight, daylight and privacy and a feeling of not being closed in or overlooked. In controlling these matters the desirability of allowing reasonable individual flexibility in siting, layout and building design must be acknowledged, including the need to maximise the benefits from good access to solar energy. Control of these matters must also be balanced against the need to provide for higher density residential living environments and visitor accommodation.

The local and national economic and social benefits deriving from visitor accommodation require the provision of significant areas where visitor accommodation can be enabled. Infrastructure and transport requirements mean that the majority of visitor accommodation must be located close to urban centres and transport routes. It is undesirable that a broad range of commercial activities can be allowed to spread through all residential areas. As a consequence it is necessary that some areas zoned for residential development also be zoned for visitor accommodation development to enable visitor accommodation to be provided.

Residential areas have always contained a range of complementary non-residential activities relating to the educational, spiritual, social, recreational, and day-to-day economic needs of the residents. Many of these require a residential location because of the service they provide to residents. Some of these activities can have a significant impact in terms of traffic and on-street parking, noise or glare. It is important to ensure a compatibility between residential and non-residential activities and areas.

Home occupations are an important aspect of non-residential activity which provides residents with a source of employment with many social and economic advantages, but

which can cause problems in residential areas. The range of activities and their character and scale vary considerably and it is often the traffic-generating and noise aspects of these activities which is of concern. Limitations on the extent of retailing, the scale of activities in terms of area or floorspace and the involvement of persons not living on the site are commonly adopted to mitigate these adverse effects. Refer also Part 4.9

7.1.3 District Wide Residential Objectives and Policies

Objective 1 - Availability of Land

Sufficient land to provide for a diverse range of residential and visitor accommodation opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment.

Policies:

1.1 To zone sufficient land to satisfy anticipated residential and visitor accommodation demand.

1.2 To enable new residential and visitor accommodation areas in the District.

1.3 To promote compact residential and visitor accommodation development.

1.4 To enable residential and visitor accommodation growth in areas which have primary regard to the protection and enhancement of the landscape amenity.

1.5 To maintain a distinction between the urban and rural areas in order to assist in protecting the quality and character of the surrounding environment and visual amenity.

Implementation Methods

Objective 1 and associated policies will be implemented through:

(i) District Plan.

(a) To enable a broad range of residential and visitor accommodation areas.

Explanation and Principal Reasons for Adoption

The population of the District is growing and the Council recognises and accepts the need to provide for growth of residential and visitor accommodation activities.

While the residential and visitor accommodation areas of the District comprise only a small percentage of the total land area there are, in the context of the natural and physical resources, constraints on further expansion and severe limitations on the amount of land available and suitable for development. The major concern for the Council in accommodating future residential and visitor accommodation growth is the impact on natural and physical resources and on the landscape amenity.

The Council seeks to achieve urban consolidation. As such the objectives and policies do impact on the form of development to the extent the effects on specific resources and amenities (eg landscape amenities) are anticipated and managed.

Refer also Part 6

Objective 2 - Residential Form

A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.

Policies:

2.1 To contain the outward spread of residential areas and to limit peripheral residential or urban expansion.

2.2 To limit the geographical spread and extent of rural living and township areas. Where expansion occurs, it should be managed having regard to the important District-wide objectives.

2.3 To provide for rural living activity in identified localities.

2.4 In new residential areas encourage and provide for development forms which provide for increased residential density and careful use of the topography.

2.5 To encourage and provide for high density residential development in appropriately located areas close to the urban centres and adjacent to transport routes.

Implementation Methods

Objective 2 and associated policies will be implemented through:

(i) District Plan:

(a) The identification of a pattern of land uses in support of a strategy of urban consolidation.

(b) Zoning provisions for a range of living environments.

(c) Zoning areas for rural living activities.

(d) Associated rules for subdivision (lot size) and transport.

Explanation and Principal Reasons for Adoption

The spatial pattern of a settlement and the way in which it uses its resources determines the character and scale of the urban environment. This is a key factor influencing the magnitude of energy consumption and the efficient use of existing resources, including land and infrastructure. The policies are aimed at a compact urban form, with residential activity related to central commercial areas and readily accessible by all modes of transport.

The Council believes this policy will be most effective in protecting the significant landscape amenities of the District, reducing the use of private motor vehicles and have a beneficial effect in terms of the efficient use of existing resources and infrastructure, while catering for the residential needs of the District's population.

In the new residential areas, Council wishes to promote new and imaginative residential developments which have regard to the surrounding landscape amenity as well as for energy efficiency, convenience and social well being. Refer also Parts 4, 10 and 11

Objective 3 - Residential Amenity.

Pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs. *8

Policies:

3.1 To protect and enhance the cohesion of residential activity and the sense of community and well being obtained from residential neighbours.

3.2 To provide for and generally maintain the dominant low density development within the existing Queenstown, Wanaka and Arrowtown Low Density Residential Zones, small townships and Rural Living areas.

3.3 To provide for and encourage high density residential development within the high density residential zones.

3.43 To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.

3.45 To ensure hours of operation of non-residential activity do not compromise residential amenity values, social well being, residential cohesion and privacy.

~~3.65~~ To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.

3.76 To ensure residential developments are not unduly shaded by structures on surrounding properties.

3.87 To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.

3.98 To encourage on-site parking in association with development, particularly in low density residential areas, in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.

3.109 To provide for and encourage new and imaginative residential development forms within the major new residential areas.

3.110 To require acoustic insulation of buildings located within the airport Outer Control Boundary, that contain critical listening environments.

3.124 To ensure the single dwelling character and accompanying amenity values of the Low Density Residential Zone are not compromised through subdivision that results in an increase in the density of the zone that is not anticipated.

Implementation Methods

Objective 3 and associated policies will be implemented through a number of methods including:

(i) District Plan:

(a) Provision of different zones for high density residential living and low density residential living.

(ba) Rules relating to building height, sunlight and outlook for neighbours, street scene, separation from neighbours and outdoor living space.

(cb) Rules for heritage and amenities, relocated buildings, protected historic buildings, places and objects and protected trees.

(de) Rules for health and safety, eg for noise and glare.

(ed) Rules for subdivision, natural and other hazards, supply of services (water, energy, telecommunications and disposal of wastes), provision of land for open space and recreation and rules for building location.

(fe) Rules for transport, parking, access and manoeuvring.

(ii) Other Methods:

(a) Implementation of the powers prescribed in Part XII of the Resource Management Act relating to enforcement orders, abatement notices and excessive noise.

(b) Provision of works and services, roading, road linkages and traffic management programmes, and maintenance and development of public open space.

Explanation and Principal Reasons for Adoption

The purpose of policies is to achieve the consolidation of residential activity and protection of residential amenity values. Although non-residential activities are an integral part of the residential environment they have the potential to create adverse effects relating to noise, visual detracting, traffic and loss of residential neighbours. A high standard of amenity is sought for residential areas which are sensitive to adverse effects. Although it ~~may not be~~ is not possible or desirable to prohibit all non-residential activities from residential neighbourhoods, it is necessary to ensure the establishment of such activities does not adversely affect people's social well being. The effect on community cohesion, and hence well being, arises from the removal of permanent residents as much as from the visual disruption and loss of amenity caused by establishment of these activities.

The rising cost of land close to the urban centres has the potential to encourage development of larger and fewer residential dwellings which, combined with a growing trend towards sale of property to people who do not reside within the District, leads to a danger of resident depopulation of areas adjacent to the urban centres and consequential loss of vitality in the urban centres. Provision of higher density residential areas close to the urban centres and accessible to transport routes will enable residential environments which may be more conducive to residents than non resident landowners.

The relationship between open spaces and built form is one of the main determinants of the character of an area. The policies reflect the importance of open space in providing opportunity for outdoor living and amenity.

Access to sunlight is an important factor in residential amenity and the policies are directed at ensuring that, with the exception of major topographical features, buildings are not unduly shaded by neighbouring buildings in a manner which diminishes the amenity of a site or a neighbourhood.

The residential areas are sensitive noise environments and this is a major factor which must be taken into account when considering the impact of other activities. Noise in a residential area is likely to result from non-residential activities and as such the plan includes provisions setting noise standards for non-residential activities in the residential zones. Noise from normal residential living, including animals and social events will be controlled through the excessive noise provisions of the Act.

The District contains landscapes of national significance and urban development can have a significant effect on the enhancement and protection of that amenity. The Council proposes to influence building design in the residential areas by the implementation of the policies and rules contained in this Plan. *8 This will enhance the character and coherence of the residential built environment as it relates to the visual amenity of the natural landscape.

Traffic is an integral part of all residential environments, but also has the potential to affect the amenity of residential streets. The Plan seeks to ensure adequate provision for off-street parking in a manner which protects the amenity of local streets.

Within the major new areas of residential zoning the Council strongly encourages a more imaginative approach to subdivision and development. The Council believes the quality of the District's residential environments would be significantly enhanced by design solutions that moved away from traditional subdivision solutions. In this respect the Council will be looking to encourage a range of residential densities, variations in roading patterns, imaginative use of reserves, open space and pedestrian and roading linkages, attention to visual outlook and solar aspect, and extensive use of planting.

Subdivision of residential flats is not desirable because it can facilitate delineation between the unit and flat through separate curtilage. Consideration must also be given to the potential implications of allowing the first subdivision to take place and the fact that additional residential flats could then be developed on the site as a permitted activity, provided the other site and zones standards of the District Plan have been complied with. The result of this process would be the incremental subdivision of the low Density Residential Zone, which could result in a development pattern similar to that anticipated in High Density Residential Zone. Therefore, this policy considers the effects subdivision can have on the single dwelling character of the Low Density Residential Zone. *6

Objective 4 - Non-Residential Activities

Non-Residential Activities which meet community needs and do not undermine residential amenity located within low density residential areas.

Policies:

4.1 To enable non-residential activities in residential areas, subject to compatibility with residential amenity.

4.2 To enable visitor accommodation activities in areas which are suitable for such activities due to topography or location.

4.23 To enable specific activities to be acknowledged in the rules so as to allow their continued operation and economic well being while protecting

the surrounding low density residential environment.

Implementation Methods

Objective 4 and associated policies will be implemented through a number of methods including:

(i) District Plan

(a) The identification of the living environment and associated rules, site density, building height, sunlight, street scene and landscaping.

(b) Identification of specific areas suitable for visitor accommodation activities.

(bc) The opportunity for a range of non-residential activities to be located in low density residential zones as permitted activities, subject to rules to protect residential amenity. These rules include matters relating to scale of activities, residential coherence, hours of operation, site size and traffic generation.

(ii) Other Methods

(a) Provision and operation of community facilities.

Explanation and Principal Reasons for Adoption

Non-Residential Activities are an integral part of the residential environment in that they provide a service to local residents or enable people to work at home. However, non-residential activities do have the potential to detract from residential amenity by way of noise, traffic and scale of operation.

The Plan acknowledges the practical requirement of visitor accommodation and the historical development of that activity within the residential areas, particularly close to the main town centres and fronting main roads. It is also a recognition of the importance of the activity to the economic and social well being of the District. All the major operations are protected. Redevelopment of existing visitor accommodation activities and the development of new existing visitor accommodation activities in appropriate areas are ensured by zoning or scheduling.

A number of non-residential activities have developed in residential areas and currently provides either a service to the area or are not incompatible with residential amenity. These activities have been acknowledged to provide security of the activity and protection for residential amenity.

It is recognised non-residential activities have the potential to create adverse effects in respect of matters such as noise and hours of operation. A high standard of amenity will be sought for non-residential activities in residential areas, particularly low density residential areas.

7.1.4 High Density Residential Zones – District Wide *8

7.1.4.1 Issue

Development Pressure

Developments in the High Density Residential Zone are having a significant

~~negative impact on the character and amenity of our neighbourhoods. Loss of the character and amenity values threatens the sustainable well being of our neighbourhoods and community.~~

It is necessary to provide for visitor accommodation activities and high density residential development in order to provide for the economic and social needs of the District and the nation and to maintain the vitality of the urban centres.

Visitor accommodation activities can have adverse effects on residential amenities and neighbourhoods. There is a need to provide for visitor accommodation growth and a corresponding need to manage potential conflicts. Zoning for visitor accommodation activities, to ensure that they are appropriately located, is one method of managing such conflicts.

High density residential neighbourhoods have a different character and generate different outcomes compared to low density residential neighbourhoods. Zoning different densities enables provision of rules designed to minimise conflicts between high density and low density living environments.

7.1.4.2 Objectives and Policies

Objective 1 – Amenity Values

~~Sustainable residential communities and neighbourhoods that have high quality amenity values~~ of a quality and character anticipated in a high density residential environment.

Policies

1. To ensure development enables high density residential living and achieves the character and amenity values anticipated in a high density residential living zone by:

- ~~-enhances the character and amenity values in the zone, by:~~
- ~~Improving~~ Enhancing the aesthetic appeal of the built environment.
- Ensuring buildings integrate well with the neighbouring locality anticipated character of the zone and provide visual connections with the surrounding built and natural environment.
- Providing attractive pedestrian access ways and linkages and protecting those that currently exist.
- Ensuring the maintenance of road setbacks that are free of structures.
- Ensuring development is of a high architectural quality that ensures the use of articulation within the building form and avoids unattractive, repetitive and continuous building forms or facades.
- ~~-Ensuring that open space is maintained between buildings on sites, and between neighbouring sites.~~
- ~~-Encouraging the provision of underground car parking.~~

2. To avoid visually dominant buildings that overshadow public places, block views and degrade the built environment. ensure that buildings enable appropriate sunlight access to public places.

3. To enhance the attractiveness of the zone, including the streetscape, by providing for onsite landscaping while not unreasonably detracting from the ability to use the land efficiently for residential and visitor accommodation development.

by:

- Ensuring landscaped areas are dominated by greenery and mature trees in scale and proportion to the size of the building.
- To require the retention of existing vegetation, especially established trees and native vegetation.
- Ensuring the effects of developments are internalised to the site and do not detract from the amenities of neighbouring sites and roads.

4. To encourage a mix of housing types and sizes while recognising that the zoning of the area anticipates large scale buildings and multi-unit developments.

Objective 2 – Visitor Accommodation and Multi-Unit Developments

Visitor accommodation and Multi-unit developments that are designed to a high standard, integrate well with their neighbourhood and streetscape, are located where they are supported by physical and social infrastructure, and any adverse effects on amenity values are avoided where possible or mitigated.

Policies

1. To ensure visitor accommodation and multi-unit developments are located where easy access to retail and public recreational facilities is available by foot or by existing or potential future public transport or mass transit services. within easy walking distance and promote safe pedestrian access, to all of the following:

- Existing or proposed shops offering a range of convenience goods and services.
- An existing or programmed public transport service.
- A substantial public reserve (or reserves) that provide a range of recreational opportunities.

2. To ensure that visitor accommodation and multi-unit developments are located in areas served by roads capable of handling increased traffic or by existing or potential future public transport or mass transit services. all of the following:

- Roads capable of handling increased traffic.
- Road frontage or nearby kerb side areas having adequate visitor parking spaces.
- Community facilities.
- Essential public services such as water supply, wastewater and stormwater management, and refuse collection.

3. To ensure visitor accommodation and multi-unit developments are designed to: achieve all of the following:

- Effectively Where practical, incorporate existing significant vegetation and landforms.
- Effectively cater for traffic, parking and servicing.

- Mitigate any reverse sensitivity effects arising from the proximity of

~~non-residential activities in the vicinity.~~

~~– Incorporate suitable crime prevention through environmental design techniques in their layout and methods of access.~~

~~4. To ensure multi-unit developments are located on sites that:~~

~~– Enable units to face or relate well to public streets.~~

~~– Relate to nearby properties and public areas in ways that facilitate the integration of the development into the neighbourhood.~~

Objective 3 : Vitality of Urban Centres

To maintain and enhance the vitality and vibrancy of the urban centres as places where visitors and residents intermingle.

Policies

1. To provide for relatively dense residential living and visitor accommodation in the high density zone, near the urban centres with good linkages to the urban centres.

2. To enable efficient use and development of the land resource by allowing the land in the high density residential zone to be developed in an efficient way.

Explanation and reasons for adoption

By providing the opportunity for residential and visitor accommodation to locate near the urban centres in suitable high density zones, the vibrancy of the urban centres will be enhanced. It is desirable to have residents and visitors within walking distance of the urban centres to offer convenience to residents and visitors and to promote the strength and vitality of the urban centres.

Implementation Methods

(i) District Plan

(a) By the use of Sub-Zones to identify land having similar-particular character, location, topography, amenity and environmental values, within which appropriate development opportunities can be approved.

(b) District Plan Rules

(ii) Other methods

(a) Bylaws

(b) Urban Design Panels

(c) Urban design guidelines *8

7.2 Queenstown Residential Areas

Sunshine Bay-Fernhill, Queenstown Bay,
Frankton Road, Frankton and Kelvin
Peninsula

7.2.1 Resources, Activities and Values

Queenstown comprises Sunshine Bay-Fernhill, Queenstown Bay, Frankton Road, Frankton and Kelvin Peninsula. These areas contain almost half the District's population and the greater portion of its housing. The residential areas of Queenstown are characterised by ~~lower density~~ development which allows outstanding views of Lake Wakatipu and the mountains. Access to these views is a result of the natural topography and the development standards that have been applied. The greater part of the residential area is suburban in scale and of a generally low density and the policies in the Plan reinforce that position. Only part of the residential area is zoned for contains higher density development in appropriate locations to provide for and encourage visitor accommodation activities and high density residential development.

High Density Residential Areas. *8

Until recently these areas were characterised by a ~~high historical~~ density of single unit dwellings, interspersed with ~~two or three large scale dedicated visitor accommodation developments and level~~ multi-unit developments predominantly serving the visitor accommodation market. Lot sizes were historically based on the ~~early tent settlements subdivision for residential purposes~~ and underlying subdivision patterns reflected this with small lot sizes.

Redevelopments in the High Density Residential Zone are having a significant impact on the character, scale and density of the environment. These changes are anticipated because they flow from the desirability of efficiently using the land resource to provide for visitor accommodation and high density residential development. Controls are required to ensure that the changes which are occurring will result in environment outcomes suitable to the purposes of the zone. Increasingly multi-unit developments are starting to dominate with maximum density being achieved by combining lots, major earthworks and the creation of large bulky buildings on more than four levels. This is destroying the charm, feel and look of the Zone. Although the Zone is capable of absorbing some development of this size, it is not appropriate for every lot. It is essential that any large scale development is combined with increased and enhanced amenity provisions for the neighbourhood. *8

Mixing high density residential and visitor accommodation activities with low density residential activities has the potential to cause conflict. The Council recognises that there is a need to provide for high density residential and visitor accommodation to ensure suitable housing for residents and accommodation for visitors close to Queenstown and Frankton and adjacent to transport routes. The high density residential zone is intended to fulfil this function. The purpose of the zone is to enable this type of high density development to occur sustainably and in a manner which does not adversely affect activities in adjacent zones.

7.2.2 Issues

The District wide residential issues impact on, and are relevant to, residential activity and amenity in Queenstown. In addition, a number of local issues exist:

- Protection of the predominantly low density residential environment in the low density residential zone.
- Ensuring that the high density residential zone can be efficiently developed for its purposes.
- Provision for visitor accommodation and high density residential living.

- ~~The loss of amenity values as experienced from public spaces and neighbouring properties as a result of large scale developments. *8~~
 - Protection and enhancement of amenity values appropriate to the different zones.
 - ~~The potential loss of Retaining, and enhancing where practicable, public access to the lakeshore resulting from development adjacent to the lake. *8~~
 - Controlling ~~t~~The potential adverse effects that non-residential activities may have on residential activities through increased traffic and noise ~~and decreased visual amenity.~~
 - Opportunities for increasing the variety of residential activities.
 - ~~Opportunities for improved~~ Retention of appropriate sunlight admission.
 - Minimise the impact of the State Highway and the airport on adjoining and surrounding residential areas, while recognising the critical importance of those transport facilities
 - Access to Frankton Road for new development.
 - The need to acknowledge that settlement is a part of the landscape.
 - Protection of airport operations from noise sensitive activities within the Outer Control Boundary.

7.2.3 Objectives and Policies - Queenstown Residential Areas

Objectives – *8

1. Residential development and associated activities at a scale, density and character that reflects the topographical and locational characteristics of the relevant subzones enhances and the outcomes anticipated by those subzones. ~~the essential elements of the surrounding landscape, lakeshore and the visual outlook from residential buildings.~~
2. Provision for ~~new-consolidated~~ high density residential and visitor accommodation development areas at identified locations.
3. Higher density residential and visitor accommodation development in appropriate locations ~~around the periphery of the town centre of Queenstown and in new areas of residential development outside the main existing residential areas.~~

Policies:

- 1 To protect the character and amenity of the low density residential environments by limiting the peripheral expansion of the residential areas and promoting consolidation of the residential community with the retention of easy access to the rural area and lakeshore. *8
- 2 To resist any peripheral extension of zoned residential areas which would undermine clear distinctions between the residential and rural areas and result in dispersed and uncoordinated residential growth patterns.

- 3 To enhance the general character of established low density residential environments in terms of density, height, access to sunlight, privacy and views. *8
- 4 To provide for higher density residential and visitor accommodation activity around the town centre, adjacent to transport routes, near the airport, and in new areas of residential development.
- 5 To encourage additional consolidated residential and visitor accommodation activity in the District.
- 6 To provide for a residential environment which allows a range of housing types, including care for the elderly and dependent relatives.
- 7 To provide for non-residential activities in residential areas providing they meet residential amenity standards appropriate to the relevant subzone ~~and do not disrupt residential cohesion.~~
- 8 To ensure the scale and extent of any new Visitor Accommodation in the low density residential areas does not compromise residential amenity values.

Implementation Methods

The objectives and associated policies will be implemented through:

(i) District Plan

(a) Zoning ~~To~~ enable a broad range of residential areas.

(b) Zoning to provide for growth in visitor accommodation.

Explanation and Principal Reasons for Adoption

The policies reinforce the District wide objectives for residential activity of consolidation and enhancement of residential amenity values. ~~In addition,~~ The policies seek to maintain the general character of the majority of the existing residential environment which will provide a degree of certainty and security for residents by limiting changes to the scale, density and type of activity in the low density residential areas. This policy recognises the importance of the living environment to the social well being of the District's residents.

The Council has made provision for a increase in residential zoning in the Queenstown-Wakatipu Basin. The areas identified have been chosen because they are well situated to ensure growth takes place in a manner and location which enhances the District's natural and physical resources and amenity values. The policies promote and enable visitor accommodation activities and high density residential living in appropriate locations.

Refer 7.5.4

7.2.4 Environmental Results Anticipated

Implementation of the policies and methods for management relating to the established residential areas will result in:

- (i) Maintenance of the general character and scale of existing low density residential areas with sites being dominated by open space rather than buildings,

providing the opportunity for tree and garden planting around buildings.

(ii) ~~Existing residential~~ Residential activity in the low density residential areas characterised by low building coverage and building height, but with opportunity for variety in building design and style.

(iii) Maintenance of a residential environment in the low density residential areas which is pleasant with a high level of on-site amenity in terms of good access to sunlight, daylight and privacy.

(iv) Maintenance of the opportunities for views consistent with the erection of low density, low height buildings in the low density residential areas.

(v) The exclusion or mitigation of activities which cause adverse environmental effects, such as excessive noise, glare, odour, visual distraction, traffic and on-street parking congestion, traffic safety and other hazards.

(vi) Residential coherence in the low density areas except in circumstances of established non-residential uses or where a local need prevails for non-residential activities ancillary to the surrounding residential environment.

(vii) Maintenance of water quality and availability for residential and other activities.

(viii) Provision for high density residential living adjacent to Queenstown and Frankton and adjacent to transport routes and near the airport.

(ix) Ensuring a standard of residential amenity in the high density residential areas which is appropriate to the purposes of that zone.

~~(xviii)~~ New residential areas providing for higher density living environments with good integration of open space, aspect, circulation and regard for energy efficiency and convenience to facilities.

(ixj) Protection of the major visitor accommodation activities and provision for redevelopment and new visitor accommodation activities consistent with their significant value to the social and economic well being of the community district and New Zealand.

~~(x) Maintain and enhance the amenity of the High Density Residential Zone.~~

~~(xi) Redevelopment in the High Density Residential Zone providing for enhanced neighbourhood amenity. *8~~

7.3 Wanaka Residential Areas

7.3.1 Resources, Activities and Values

Wanaka is the second largest residential area in the District. The town provides an attractive environment for both permanent and holiday residents generally maintaining a low density residential environment. There is some high density development provided for. There is little intrusion of nonresidential activity in the main residential areas and residential development has generally occurred at a low density reflecting the preferred lifestyle of the residents and holiday home owners. The purpose of the policies in the Plan is to enhance that position.

High Density Residential Areas *8

Until recently these areas were characterised by a historical density of single unit dwellings. Lot sizes were historically based on subdivision for residential purposes and underlying subdivision patterns reflected this with small lot sizes.

Redevelopments in the high density residential zone are having a significant impact on the character, scale and density of the environment. These changes are anticipated because they flow from the desirability of efficiently using the land resource to provide for visitor accommodation and high density residential development. Controls are required to ensure that the changes which are occurring will result in environmental outcomes suitable to the purposes of the zone.

Mixing high density residential and visitor accommodation activities with low density residential activities has the potential to cause conflict. The Council recognises that there is a need to provide for high density residential and visitor accommodation to ensure suitable housing for residents and accommodation for visitors close to Wanaka and adjacent to transport routes. The high density residential zone is intended to fulfil this function. The purpose of the zone is to enable this type of high density development to occur sustainably and in a manner which does not adversely affect activities in adjacent zones.

~~These areas are characterised by single unit dwellings with well maintained, established gardens. New multi-unit developments are starting to change and dominate the character of the High Density Residential Zone and for new developments maximum density is being achieved by major earthworks and the creation of large bulky buildings on more than two levels. Although the Zone can absorb some larger buildings, this should only occur if the essential character, scale and residential nature of the area is maintained.~~

7.3.2 Issues

The District wide residential issues impact on and are relevant to residential activity and amenity in Wanaka residential areas. In addition, a number of local issues exist:

- protection of the surrounding rural landscape from inappropriate development.

- the need for rural living opportunities in close proximity of or abutting the town.
- retention of low density residential development in low density residential areas.
- enabling high density residential and visitor accommodation development in specific areas.
- noise control.
- opportunities for peripheral expansion.
- The potential adverse effects that inappropriate development can have on the lakeshore.
- Tree planting can lead to the shading of neighbouring sites. *8

7.3.3 Objectives and Policies - Wanaka Residential Area

Objectives:

1. Residential development and associated activities at a scale, density and character that reflects the topographical and locational characteristics of the relevant subzones and the outcomes anticipated by the relevant subzones, which retains the current level of low density activity and is sympathetic to the surrounding visual amenities of the rural areas and lakeshores.
2. Low density rural living development in identified locations in close proximity to Wanaka.
3. Retention of the general character of the low density residential environments in terms of density, building height, access to sunlight, privacy and views.
4. Consolidated high density residential and visitor accommodation development at identified locations.

Policies:

- 1 To provide for some peripheral expansion of the existing residential areas of the towns in a manner which retains the consolidated form of the towns.
- 2 To provide for rural living opportunities as part of the Wanaka environs.
- 3 To provide limited opportunity for higher density residential development and visitor accommodation close to the Wanaka Town Centre.
- 4 To ensure non-residential activities in low density residential areas meet residential amenity standards and do not disrupt residential cohesion and social well being.
- 5 Avoid the planting and locating of inappropriate tree species so as to reduce the impact of excessive shading and loss of vistas

Implementation Methods

The objectives and associated policies will be implemented through:

(i) District Plan

(a) To enable a broad range of residential areas.

Explanation and Principal Reasons for Adoption

The Wanaka residential area contains a different character to Queenstown both as a result of different development pressures and community aspirations. The objectives and policies are directed at generally promoting and protecting the current general-form and density of development and to enhance the residential areas by way of greater care for the relationship of the residential areas to the surrounding rural and lakeshore environments. In all respects the policies seek to promote consolidation of the residential areas with some provision for peripheral expansion as well as areas of rural residential development. This will provide for a range of lifestyles while avoiding any adverse effects on the important surrounding visual amenity of the topography, lakes and rivers.

The growth opportunities identified at Wanaka are provided for in a form and location that will consolidate the urban area of town and accommodate anticipated residential growth and visitor accommodation.

APPENDIX C

The submitter seeks the following amendments in relation to rules introduced by PC10:

- a. Rule 7.5.3.2.i Garages – delete the following words inserted by PC10 "*... in the Low Density Residential Zone...*".
- b. Rule 7.5.3.3 – Restricted Discretionary Activities – Multi-Unit Developments and Building Size – delete this new rule inserted by PC10.
- c. Rule 7.5.5.1.i Building Coverage – amend to:
 - i. Provide for a range of maximum building coverage percentages for the subzones created as a consequence of this Submission and other submissions.
 - ii. Provide that no HDRZ subzone has a maximum building coverage less than 55%.
- d. Rule 7.5.5.1.iii Setbacks from Roads – amend as follows:
 - i. delete the following words introduced by PC10 "*in the Low Density Residential Zone...*"
 - ii. delete the second bullet point inserted by PC10 relating to the HRDZ.
 - iii. in the third bullet point reinstate the following words which were deleted by PC10 "*...and outdoor storage...*"
- e. Rule 7.5.5.1.iv Setback from Internal Boundaries – amend as follows:
 - i. In subclause (d) remove the following words inserted by PC10 "*In the Low Density Residential Zone...*".

- ii. Delete subclause (e) inserted by PC10 relating to the HDRZ.

- f. Rule 7.5.5.1.vi Continuous Building Length – delete the following words inserted by PC10 "*...in the Low Density Residential Zone*".

- g. Rule 7.5.5.1.vii – delete this new rule relating to continuous building length in the HDRZ inserted by PC10 and renumber the following subclauses appropriately.

- h. Rule 7.5.5.1.xvii Landscape Coverage – delete this new rule inserted by PC10.

- i. Rule 7.5.5.2.xviii Fence Heights – delete this new rule inserted by PC10.
- j. Rule 7.5.5.2.iv Site Density in the High Density Residential Zone – delete this new rule inserted by PC10 and renumber the following rules accordingly.

- k. Rule 7.5.6.1.iii Setback from Internal Boundaries – amend as follows:
 - i. Amend subclause (c) by deleting the following words inserted by PC10 "*In the Low Density Residential Zone...*".

 - ii. Delete subclause (h) relating to the HDRZ inserted by PC10.

- l. Rule 7.5.6.1.iv Continuous Building Length – delete the following words inserted in the heading by PC10 "*...in the Low Density Residential Zone*".

- m. Rule 7.5.6.1.v Continuous Building Length in the HDRZ – delete this new rule inserted by PC10.

- n. Reinstate previous Rule 7.5.6.1.viii which was deleted by PC10 and which reads:

"Landscaping – Visitor Accommodation Activities

Where a site is to be used for visitor accommodation activities, at least 10% of the total area of the site shall be landscaped in order to maintain and enhance the residential amenity of the surrounding area."

- o. Rule 7.5.6.1.ix Landscape Coverage – delete this new rule inserted by PC10.
- p. Rule 7.5.6.1.xii Building Coverage – delete this new rule inserted by PC10.
- q. Rule 7.5.6.1.xiii Fence Heights – delete this new rule inserted by PC10.
- r. Rule 7.5.6.2.xv Site Density in the HDRZ – delete this new rule inserted by PC10.
- s. Rule 7.7.1.(vi) Urban Design – delete this new Assessment Matter inserted by PC10.
- t. Rule 7.7.2 Assessment Matters – make the following amendments and deletions, which are largely consequential upon the amendments and deletions requested above:
 - i. Delete Assessment Matter iv - Multi Unit Developments.
 - ii. Delete Assessment Matter v - Building Size.
 - iii. Delete Assessment Matter xiv - Building Coverage in the HDRZ.
 - iv. Assessment Matter xv - Setback from Roads – delete new provisions inserted by PC10 and reinstate the provisions which applied prior to PC10.
 - v. Assessment Matter xvi - Setback from Neighbours – delete new provisions inserted by PC10 and reinstate the previous provisions which applied prior to PC10.

- vi. Assessment Matter xviii - Continuous Building Length – delete new provisions inserted by PC10 and reinstate the previous provisions which applied prior to PC10.
- vii. Assessment Matter xi - Landscaping – delete new subclauses (b), (c) and (d) inserted by PC10.
- viii. Delete Assessment Matter xxiv – Fence Heights.

APPENDIX D

1. Amend Part 7 Rule 7.5.3.2 by adding the following additional controlled activity:

All earthworks (as defined in this Plan) which do not comply with the following standards, in respect of location of the earthworks and height, depth and volume of cut and fill, except for earthworks approved as part of a subdivision where that subdivision has resource consent:

(NB: The following highlighted amendments identify changes from existing Site Standard 7.5.5.1.xv(proposed to be deleted in part) to the proposed new controlled activity rule).

1. Earthworks
 - (a) The total volume of earthworks ~~does~~ shall not exceed **100m³** per site (within a 12 month period) where the slope is greater than 10 degrees (1 in 6). For clarification of "volume", see interpretative diagrams 5 a,b,c (Appendix 4 of the Plan).
 - (b) The maximum area of bare soil exposed from any earthworks ~~where the average depth is greater than 0.5m shall not exceed 200m² in area within that site shall not exceed 60% of the site area (within a 12 month period).~~
2. Height of cut and fill and slope
 - (a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (See Interpretative Diagram 6 in Appendix 4 of the Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less than or equal to 0.5m-2.0m in height (with no surcharge), and except that this rule does not apply to any cut or fill less than 1.0m in height.
 - (b) The maximum height of any cut shall not exceed 2.4 metres.
 - (c) The maximum height of any fill shall not exceed 2 metres.
3. Protection of Archaeological sites and sites of cultural heritage
 - (a) The activity shall not modify damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.
 - (b) ~~The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgement Areas."~~

_____ exceed 50m² in area or 20m³ in volume in any one consecutive 12 month period.

2. Delete existing Site Standards 7.5.5.1.xv and 7.5.6.1.xi. except for clauses 1(c) and (d) (relating to waterbodies and underground aquifers) and clause 3 (Environmental Protection Measures) which shall be retained, and following those retained Site Standards, insert the following additional new Site Standard:

"The total volume of earthworks shall not exceed 100m³ per site (within a 12 month period), provided that this rule shall not apply to earthworks activities:

a. Where the earthworks are carried out entirely during Working Days (as defined in the Resource Management Act 1991) and between the hours of 8.00am and 5.00pm; and

b. Where the earthworks are carried out in accordance with an Earthworks Management Plan approved by the Council prior to commencement of the earthworks."

3. Amend Part 7 Rule 7.6.3.2 by adding the following additional controlled activity:

All earthworks (as defined in this Plan) which do not comply with the following standards, in respect of location of the earthworks and height, depth and volume of cut and fill, except for earthworks approved as part of a subdivision where that subdivision has resource consent:

(NB: The following highlighted amendments identify changes from existing Site Standard 7.6.5.1.vi (proposed to be deleted in part) to the proposed new controlled activity rule).

1. Earthworks

(a) The total volume of earthworks ~~does-~~ shall not exceed **100m³** per site (within a 12 month period) where the slope is greater than 10 degrees (1 in 6). For clarification of "volume", see interpretative diagrams 5 a,b,c (Appendix 4 of the Plan).

(b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **200m²** in area within that site shall not exceed 60% of the site area (within a 12 month period).

2. Height of cut and fill and slope

(a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (See Interpretative Diagram 6 in Appendix 4 of the Plan), except where the cut or fill is retained, in which case it may be located up to the boundary, if less than or equal to ~~0.5m~~ 2.0m in height (with no surcharge), and except that this rule does not apply to any cut or fill less than 1.0m in height.

(b) The maximum height of any cut shall not exceed 2.4 metres.

- (c) The maximum height of any fill shall not exceed 2 metres.

3. Protection of Archaeological sites and sites of cultural heritage

- (a) The activity shall not modify damage or destroy any Waahi Tapu, Waahi Taoka or archaeological sites identified in Appendix 3 of the Plan, or in the Kai Tahu ki Otago Natural Resource Management Plan.

~~(b) The activity shall not affect Ngai Tahu's cultural, spiritual and traditional association with land adjacent to or within Statutory Acknowledgement Areas."~~

(b) Where any earthworks are undertaken in areas identified as Ngai Tahu Statutory Acknowledgement Areas the earthworks shall not exceed 50m² in area or 20m³ in volume in any one consecutive 12 month period.

4. **Delete** existing Site Standard 7.6.5.1.vi. except for clauses 1(c) and (d) (relating to waterbodies and underground aquifers) and clause 3 (Environmental Protection Measures) which shall be retained, and following those retained Site Standards, insert the following additional new Site Standard:

"The total volume of earthworks shall not exceed 100m³ per site (within a 12 month period), provided that this rule shall not apply to earthworks activities:

a. Where the earthworks are carried out entirely during Working Days (as defined in the Resource Management Act 1991) and between the hours of 8.00am and 5.00pm; and

b. Where the earthworks are carried out in accordance with an Earthworks Management Plan approved by the Council prior to commencement of the earthworks."

5. **Amend** Rule 7.7.2.xxiv (Assessment Matters – Earthworks) as follows;

1. Environmental Protection Measures

- (a) Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
- (d) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.

- (e) Whether appropriate measures to control dust emissions are proposed.
- (f) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects. NB: Any activity affecting groundwater may require a resource consent or permit from the Otago Regional Council.

~~2. Effects on landscape and visual amenity values~~

- ~~(a) Whether the scale and location of any cut and fill will adversely affect:
 - ~~the visual quality and amenity values of the landscape;~~
 - ~~the natural landform of any ridgeline or visually prominent areas;~~
 - ~~the visual amenity values of surrounding sites.~~~~
- ~~(b) Whether the earthworks will take into account the sensitivity of the landscape.~~
- ~~(c) The potential for cumulative effects on the natural form of existing landscapes.~~
- ~~(d) The proposed rehabilitation of the site.~~

3. Effects on adjacent sites

- (a) Whether the earthworks will adversely affect the stability of neighbouring sites.
- (b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
- (c) Whether cut, fill and retaining are done in accordance with engineering standards.

4. General amenity values

- (a) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
- (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
- ~~(e) Whether natural ground levels will be altered.~~
- (c) The proposed rehabilitation of the site through planting and other landscaping .
- (d) Whether the proposed earthworks will have a positive effect on stability and landform of the site.

5. Impacts on sites of cultural heritage value

- (a) ~~Whether the subject land contains~~The extent to which the activity modifies or damages Waahi Tapu or Waahi Taoka, ~~or is adjacent to a Statutory Acknowledgment Area,~~ and whether tangata whenua have been notified.
- (b) Whether earthworks will adversely affect the subject land which contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.